STANDING COMMITTEE ON HUMAN SERVICES

Hansard Verbatim Report

No. 24 – November 30, 2005

Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

STANDING COMMITTEE ON HUMAN SERVICES
2005

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Saskatoon Eastview

Mr. Wayne Elhard, Deputy Chair
Cypress Hills

Mr. Lon Borgerson
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Regina Rosemont

Mr. Glenn Hagel
Moose Jaw North

Mr. Don Toth
Moosomin

Mr. Milton Wakefield
Lloydminster

Published under the authority of The Honourable P. Myron Kowalsky, Speaker

[The committee met at 15:00.]

Bill No. 11 — The Youth Justice Administration Amendment Act, 2005

Clause 1

The Chair: — Good afternoon. The first item of business before the committee is Bill No. 11, The Youth Justice Administration Amendment Act, 2005.

Is clause 1 agreed? Mr. Morgan.

Mr. Morgan: — Yes I actually have just an overall question, not a clause-by-clause question. And the question is dealing with the change in status of these people that are working in the correctional centre and as youth workers. I presume they'll be sworn in as peace officers. Is this going to affect their rights or their pay scale under their collective agreement?

Hon. Mr. Prebble: — We're not expecting that it will affect their pay scale under the collective agreement, Don.

Mr. Morgan: — I'm . . . been made aware that, with some other wildlife officers that said that it wanted to be sworn in as peace officers, one of the reasons that they wanted it was that so they could either carry side arms or receive training in defence and that type of thing. Will that be a factor for these officers as well?

Hon. Mr. Prebble: — These workers, Don, will not be carrying side arms. So there's no expectation that they will be trained in the use of side arms or be carrying side arms.

Mr. Morgan: — Now in new recruitment, will it be a factor whether they've attended police college?

Hon. Mr. Prebble: — At this point that's not one of the qualifications, and it's not expected to be at least in the near future.

Mr. Morgan: — My concern is that these people are fulfilling a significant social work function dealing with these people, and they're almost assuming a pseudo-parental role, and I would — much as I expect they'll be requiring the safety and security — I wouldn't want to see a shift towards having armed guards and something that would take away from the social side that's necessary for . . .

Hon. Mr. Prebble: — That's not the intent here at all. I would share your view on that. I wouldn't want to see that either. And that's certainly not what we're intending to do by making this change.

Mr. Morgan: — How many officers would be affected by this?

Hon. Mr. Prebble: — Don, I'm told 110 people will be affected.

I might just for a moment if I can, Madam Chairman, maybe introduce the officials that are with me just to put that on the record. Is that all right if I do that?

The Chair: — First I am remiss in allowing you that opportunity. In my enthusiasm to begin, I jumped right into the Bill without allowing you to introduce yourself and the officials, and make any statement about the Bill that you would like to do at this time. And I'm sorry.

Hon. Mr. Prebble: — Thank you for the chance to do that now. I'm joined by the deputy minister of Corrections and Public Safety, Terry Lang, who is to my left; and I'm also joined by Bob Kary who is the executive director of our young offenders program to my right.

And the Bill under consideration is The Youth Justice Administration Act. We've completed second reading of this Bill of course and basically what it does is confer the status of peace officer on community youth workers in our young offenders system.

The Chair: — Thank you. Mr. Morgan.

Mr. Morgan: — Thank you, Madam Chair. I don't have a lot else that I wanted to ask, but I'm wondering if this initiative came as a result of requests made from the workers, or is this done with a view to keeping us consistent with what happens in other jurisdictions?

Hon. Mr. Prebble: — I'll let Bob Kary speak to this so that you get more detail on it, Don.

Mr. Kary: — The reason for the change is to stay consistent with the changes within the federal legislation, the Youth Criminal Justice Act, which added two different kinds of sentences to the ones that the youth workers — community youth workers — administer. One is the community portion of a custody sentence, and the other one is a deferred custody sentence which makes it important to the administration of those sentences to have the community youth workers be peace officers.

Mr. Morgan: — Madam Chair, I don't have any further questions of the minister or his officials with regard to this Bill, and we can proceed to vote it off.

I would like to thank the officials for coming out and want to ask them to pass on to these 110 people and to the rest of the staff, we appreciate the difficult and challenging work that they do and the significant role that they play hopefully in the rehabilitation of young people in this province. We're all too painfully aware that once people become involved with the justice system they're a statistic or a symptom of other problems. And we're better off to try and deal with more of the problems at an earlier point in the lives of these people. So I think these workers are doing a commendable job, and the opposition wants to thank them for their hard work.

The Chair: — Thank you. Is clause 1 agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

The Chair: — Carried.

[Clauses 2 and 3 agreed to.]

The Chair: — Then Her Majesty, by and with the consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Youth Justice Administration Amendment Act, 2005.

Could I have someone move that the committee report the Bill without amendment? Mr. Hagel has moved that the committee report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — And that's carried. Thank you very much to the minister and his officials.

Hon. Mr. Prebble: — Thank you very much. And I want to thank my officials and thank members of the committee for their support. Good day.

Bill No. 1 — The Safer Communities and Neighbourhoods Amendment Act, 2005

Clause 1

The Chair: — The next item of business before the committee is the consideration of Bill No. 1, The Safer Communities and Neighbourhoods Amendment Act, 2005. I'd invite the minister to introduce himself and his officials and make any opening statement on the Bill that he cares to do.

Hon. Mr. Quennell: — Thank you, Madam Chair. With me today on this particular piece of legislation, safer communities and neighbourhoods amendment Act, 2005, to my right is Darcy McGovern, Crown counsel, legislative services; and to my left, Dave Horn, director of the safer communities and neighbourhoods investigation unit.

Very briefly, Madam Chair, these amendments to The Safer Communities and Neighbourhoods Act represent the next step in this government's ongoing commitment to create a hostile environment for gangs and organized crime.

It includes changes to create a new provincial offence that would create a restriction against gang colours being worn in licensed premises as a method of deterring potential crime and violence that may arise from gang colours being worn in drinking establishments; to add housing or providing support and comfort to a gang of criminal organization as a specified use for a property that could form the basis for an application under the Act to close that property; to add the commission or promotion of a criminal organizational offence as a specified use for a property that could form the basis for an application on the Act to close that property; to expand the liquor-related specified use to include the use, transfer and exchange of alcohol in addition to the sale of alcohol; and to create a presumption that person is a member of a criminal organization where they've been convicted of a criminal organization offence under the Criminal Code of Canada to ensure the offence does not have to be reproven in the course of an application under this Act.

The Chair: — Questions? Mr. Morgan.

Mr. Morgan: — Yes. Thank you, Madam Chair. This Bill certainly has a laudable purpose, and we certainly support the initiatives that this Bill . . . certainly to try to reduce crime in a broader sense.

I had raised earlier the mechanics of how a bar owner would do that. In estimates the minister had indicated that he felt that it was not the bar owner's responsibility to determine if there was gang colours or what gang colours were. Will that mean that he will provide some form of instruction to bar owners? If they feel there is somebody that may have gang colours, are they to phone the police to enforce this, or I'm just wondering what the process might be for this.

Hon. Mr. Quennell: — The enforcement officers under the legislation of course would be the police. And I might just make the comparison, and it's not a perfect comparison, to the drinking age and how this might work in practice because I think members of the public might want to know how this works in practice, and we don't want to get too confused discussing it in a theoretical kind of way.

As everybody knows the drinking age in Saskatchewan is 19. Bar owners may ask people for identification to determine if they are of the legal age. They may call the police if they believe they need the assistance of the police to enforce the law in respect to their licensed premises. On occasion police officers may walk through licensed premises and determine if anybody in their view might be under the age of 19 and might be drinking there illegally.

So the fact that somebody is drinking under age in the bar could come to the attention of the police in a number of different ways. Or the police might be very familiar with the drinking haunts — in the case of this legislation — the drinking haunts of a particular organized crime group that wears gang colours, and is well aware of what bars they might frequent. And this would be a tool that they may or may not use, given police discretion, to create a less-than-welcome environment for that particular organized crime group.

Now I guess again on the question the member . . . in respect to the role of bar owners, we would invite those people who own licensed premises or are operating licensed premises to work in co-operation with their local police service in enforcing this law and any other law in respect to licensed premises.

Mr. Morgan: — Minister, that is sort of exactly the opposite of the position that I thought you had taken earlier, and I'm trying to understand what the position is. Earlier you'd said it was going to be a police initiative. Now you've likened it to the drinking age, and the drinking age imposes a positive obligation on the bar owner to ensure that they don't sell liquor to an underage person. And I believe that's even an offence of strict liability so the bar owners have to work hard to maintain diligence and have to ask for ID [identification], and they've got a planned, specific program.

So I'm not sure what advice I, as an MLA [Member of the Legislative Assembly] or you as an MLA, would give to a bar owner that says, what do I do to comply with this law? And if you're likening it to the drinking age, then what's a bar owner to do if people walk in, three people walk in with blue bandanas

on their arm? How are they to determine whether that's a gang group or not? How do they deal with the human rights issue or a human rights concern? And if you're saying that it's a positive obligation — and I'm using the drinking age — then they would be obliged to report or contact or refuse to serve that group of people.

And the analogy that I'm going to give you is you may have three young Aboriginal males in their early 20s come in wearing a bandana on one arm, and you may have three middle-aged females coming in wearing a similar bandana around their neck. And I'm wondering how this law is going to apply to either of those two groups without giving rise to this. I'm wondering is there regulations going to come, or how do these people know where they're at with this?

Hon. Mr. Quennell: — And as I said, Madam Chair, it's an imperfect analogy. There is a course, and the member is a lawyer and has had a chance to read the legislation, so he will know that there is no positive duty in the legislation for bar owners to exclude people who are wearing gang colours. So that it is an imperfect analogy with the drinking age. But it is a good analogy with the drinking age in that course of people who operate licensed premises and the police co-operate in enforcing the law that exists in the province of Saskatchewan.

In respect to the member's hypothetical circumstance, there are definitions contained in the Bill:

> '**gang**' means a group of individuals, usually identified by a group name or designation, who associate with each other for criminal or unlawful purposes.

I assume that in his scenario, although he didn't say so, the middle-aged women were not engaged in criminal purposes.

And gang colours is also defined. And in the Act:

> '**gang colours'** means any sign, symbol, logo or other representation identifying, associated with or promoting a gang or a criminal organization.

And of course as I had just advised, a gang has a definition in the legislation as does criminal organization, Madam Chair.

Mr. Morgan: — Are there going to be regulations coming with this? And when does this Bill come into force?

Hon. Mr. Quennell: — The intention is that the legislation would come into force on assent as set out in the Bill that's before the committee. And there are no regulations planned.

Mr. Morgan: — The minister's answers will form part of *Hansard*. And I think that we still have a significant gap. If you're a bar owner, I don't think a bar owner knows whether they're obliged to serve or not to serve somebody that may or may not be wearing a bandana or what's perceived as gang colours.

In any event the minister said there was no obligation on the bar owner to refuse to serve those people. So I'm hoping for that this Bill will serve its intended purpose, Madam Chair, and we can proceed to vote.

Hon. Mr. Quennell: — Madam Chair, in respect to that comment, I trust that people who operate licensed premises consult with lawyers who can interpret legislation for them.

The Chair: — Thank you then. Short title, clause 1, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 6 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Safer Communities and Neighbourhoods Amendment Act, 2005.

Could I have a member move that we report the Bill without amendment?

Mr. Borgerson: — I would so move.

The Chair: — Mr. Borgerson so moves. It has been moved that the committee report the Bill without amendment, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. Thank you. Thank you to the minister.

Mr. Morgan: — Before the officials leave, I would like thank the minister for having his officials come today and appreciate the work that the officials have done on this, so thank you.

Hon. Mr. Quennell: — And I thank the member for that.

Bill No. 3 — The Summary Offences Procedure Amendment Act, 2005

Clause 1

The Chair: — The next item up of business is Bill No. 3, The Summary Offences Procedure Amendment Act, 2005. The minister can introduce his new official and make any statement you want.

Hon. Mr. Quennell: — Thank you, Madam Chair. With me at the table is Madeleine Robertson, Crown counsel, legislative services.

And just a brief introduction to the committee, the summary offences procedure legislation establishes the procedure for administering the charging of offences created by provincial legislation. The most significant changes in the proposed legislation relate to enforcement of municipal bylaws related to parking.

The Saskatchewan city mayors and the chiefs of police have requested changes to the system for enforcement of parking offences. These changes are expected to result in major savings in police resources for the municipalities that use this service

option. The key features of the proposed system are allowing a parking summons to be served by mail; and providing that where a person does not respond in any way to a summons, a default conviction can occur. A person convicted by default can apply for a hearing within 30 days of becoming aware of the conviction.

A city or other municipality will be able to register a lien against a vehicle owned by the person with an outstanding parking fine, at the personal property registry. New provisions set out the procedure to be followed before a person can be incarcerated for an outstanding parking fine.

The legislation also includes several amendments that update the Act. These amendments remove the $400 maximum voluntary payment amount on tickets for driving offences and production order provisions of the Criminal Code to search warrant powers, specify the days in default that will be determined by dividing the fine amount by the minimum wage in the province, include parts of the provisions in the municipal statutes that set out the rules for distribution of fine revenues for contraventions within municipalities, and include regulation-making powers so that the legislation can be kept up-to-date when new arrangements are made between the province and municipalities respecting distribution of fine revenues.

The Chair: — Mr. Morgan.

Mr. Morgan: — Thank you, Madam Chair. Prior to this Bill being introduced, I presume there was some fairly significant communication and consultation with the municipalities, and this is what their wish was. Was this . . .

Hon. Mr. Quennell: — Madam Chair, the member is correct. There was extensive consultation with the municipalities around the issue of fines for parking offences. Everything that is in this legislation was either requested by the municipalities or supported by them or both.

That's not to say that municipalities wouldn't have lobbied for other changes to other legislation, but certainly they don't oppose any of these changes. They are supportive of these changes.

Mr. Morgan: — The changes that are in here are all ones that are requested by the municipalities?

Hon. Mr. Quennell: — Well certainly they're all supported by the municipalities, and I believe they were all requested by the municipalities as well.

Mr. Morgan: — The issue of the purchase money security interests and the priorities that are there, what consultation took place with lending institutions?

Hon. Mr. Quennell: — There was no specific consultation with lending institutions in the province of Saskatchewan. The amendments are similar in respect to certain changes that have been made in the law in Manitoba. We understand that in Manitoba the municipalities and the lending institutions work well together on these matters, and financial institutions aren't adversely affected.

The other point I would make about the effect on lending institutions is that when a credit union or a bank lends money for the purchase of a vehicle and puts a purchase money security interest on that vehicle, registers it against that vehicle, that of course will have priority to the municipality's lien for the parking fines, the unpaid parking fines. So the lending institutions will not be prejudiced by providing this additional power and remedy to municipalities.

Mr. Morgan: — A lending institution would be prejudiced if they had an interest that was not a purchase money interest because . . . Another instance, if I went out to borrow money for whatever other purpose, choose to give my car as collateral for a loan or a debt consolidation, that loan would not have priority.

Hon. Mr. Quennell: — What could happen theoretically in the scenario that the member describes is that the vehicle could be sold to realize on the lien in the municipality, if there was sufficient funds to pay out the lien of the municipality or even if there was not, but not sufficient funds to pay out the financial institution's security interest in the case where it's not a purchase money security interest. Then the financial institution could suffer a loss because of the priority of the municipality.

We are advised that in effect that does not happen in Manitoba, that there is a notice of creditors to the financial institutions when it gets to the point where a municipality feels that they're really in the position, because of the amount owed, that they would have to put a lien on the vehicle and exercise that lien and actually sell that vehicle. The creditor in practice contacts the person affected who owns the vehicle and encourages them to pay their fines so as not to lose their vehicle — not to lose the use and ownership of their vehicle.

So theoretically yes, but in practice it appears, in Manitoba at least, no.

Mr. Morgan: — The reality is there's a group of lenders that you chose not to consult with, that you've done a statutory lien that will take priority over their interest, and that you're now going to look to them to bully these people in to paying it so that they can preserve their status. That's an accurate summary, isn't it?

Hon. Mr. Quennell: — Well there's a lot I don't adopt . . .

Mr. Morgan: — Just say yes.

Hon. Mr. Quennell: — Well I could, but I'm not going to. There's a lot I don't adopt about that summary.

Mr. Morgan — I don't know whether the minister wants to respond to that. In any event, Madam Chair, I don't have any further questions if you want to . . .

The Chair: — Seeing no further questions then, is clause 1 short title agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 29 inclusive agreed to.]

The Chair: — Thank you. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Summary Offences Procedure Amendment Act, 2005.

Could I have a member move that committee report the Bill without amendment. Ms. Crofford. Ms. Crofford has moved that the committee report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. That's carried.

Mr. Morgan: — Madam Chair, I would be remiss if I didn't thank the official that attended with the minister on this and . . . [inaudible] . . . would like to make that gesture of appreciation because I'm sure that this will resolve a lot of issues for the municipalities that had a huge tempest recently.

Bill No. 16 — The Legal Profession Amendment Act, 2005

Clause 1

The Chair: — The next item up for business is consideration of Bill No. 16, The Legal Profession Amendment Act, 2005. Questions? Oh the minister, sorry, a new official and any statement you'd like to make.

Hon. Mr. Quennell: — Yes Madam Chair. I've been joined at the table by Susan Amrud, Queen's Counsel, executive director, public law.

The Law Society is established pursuant to The Legal Profession Act, 1990 to govern the practice of law by lawyers in Saskatchewan.

They have recently requested that some changes be made to this Act to assist them in fulfilling their duties and responsibilities. The changes as outlined in the second reading speech include the following: enabling the Saskatchewan Law Society to participate in the establishment of a national special fund for reimbursing clients whose funds have been misappropriated by lawyers; transferring from the Act into the rules of the Law Society further details respecting the procedures for the election of benchers; providing for a complaint respecting a lawyer to be referred to the ethics committee if the conduct complained of does not amount to misconduct or incompetence but an ethical issue is raised — this will allow for the ethics committee to provide guidance to the member on the ethical practice of law; providing that as part of the sentencing when a lawyer is disbarred, the discipline committee may fix a period not exceeding five years that the former member must wait before he or she may apply for reinstatement; allowing the court to order that the costs of the trustee be paid by the member or the member's estate when the court appoints a trustee to manage a lawyer's practice; allowing the courts to extend the time for a review of a lawyer's bill if it is in the interests of justice to do so.

These amendments have been developed with the ongoing input of the Law Society. And I want to take this opportunity to thank them for the co-operation and development of this Bill and their ongoing work for the people of Saskatchewan.

The Chair: — Thank you. Questions. Mr. Morgan.

Mr. Morgan: — Madam Chair, I have had the opportunity of meeting with the Law Society and some officials from the Law Society and with the opportunity to review the Bill. And I think when a professional organization has been self-regulating as long as the Law Society has, I think it's commendable when they come forward with their own housekeeping changes and their own updating. And I'm pleased to see that they've worked well with the Justice department officials to prepare this Bill. And I want to thank the official for coming out. And I don't have any questions of the minister other than to say we're prepared to support this.

The Chair: — Thank you then. This Bill has several clauses. If I could have the committee's permission to vote them off 1 to 43 in one vote.

Some Hon. Members: — Agreed.

The Chair: — Okay. Clause 1 to 43, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 43 inclusive agreed to.]

The Chair: — And clause 44 is coming into force. Is that agreed?

Some Hon. Members: — Agreed.

[Clause 44 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Legal Profession Amendment Act, 2005. Could I have a member move that the committee report the Bill without amendment?

Mr. Morgan would like to do that, I bet you. Would you like to move the Bill? Oh he's not a member. Is he chitted in? You're not chitted in. Sorry. Mr. Elhard, do you want to do it? Do you want to move it?

Mr. Elhard: — Sure.

The Chair: — Mr. Elhard has moved that the committee report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you.

Bill No. 17 — The Real Estate Amendment Act, 2005 (No. 2)

Clause 1

The Chair: — The next item up for business is consideration of Bill No. 17, The Real Estate Amendment Act. The minister has

new officials. He could introduce them and make any statement to the Bill that he desires.

Hon. Mr. Quennell: — Thank you, Madam Chair. I have been joined, and sitting to my right, by Karen Pflanzner, Crown counsel, legislative services; and to my left, Jim Hall, superintendent of insurance, Saskatchewan Financial Services Commission.

The purpose of this Bill is to update Saskatchewan's real estate legislation and to assist the Saskatchewan Real Estate Commission in fulfilling its responsibilities under the legislation. The amendments have been requested by the commission.

The Saskatchewan Real Estate Commission is responsible for regulating the real estate industry. This includes registering all real estate brokers and salespersons in the province. The commission is mandated to protect consumers and to provide services that enhance and improve the industry and the business of industry members.

The amendments included in this Bill will allow the commission to acquire, hold, lease, sell, or dispose of property for the purposes of carrying out its responsibilities under the Act; to borrow money and grant a mortgage, charge, or other security interest in any property owned by the commission; and to invest its funds in investments in which trustees are authorized to invest pursuant to The Trustee Act. The amendments will also clarify that all fees, fines, costs, and penalties receivable or recoverable pursuant to the Act are the property of the commission.

The amendments are consistent with the approach taken in other professions legislation and are consistent with the real estate legislation in other jurisdictions.

The Chair: — Questions? Mr. Morgan.

Mr. Morgan: — The initiative behind this Bill is to enable the Real Estate Commission to acquire some real estate that they want to use for their own purposes, and I'm certainly supportive of those ends and will of course support the Bill.

The thing that I was surprised at when the Bill was introduced was I don't know what the policy is or what the practice of the government is with regard to boards or commissions owning real estate in a general sense. Obviously this came up because this entity wasn't registered with ISC [Information Services Corporation of Saskatchewan] as somebody that is capable of having a client number.

So my question is, is there a practice or policy or some legislation that would deal with, say, the Legal Aid Commission or Human Rights Commission or any other board or commission wanting to acquire real estate?

Hon. Mr. Quennell: — Madam Chair, I don't want to bring too humorous a tone to these very serious deliberations but to a certain extent this is an ironic oversight that, almost alone amongst commissions and other self-governing organizations in the province, that the Real Estate Commission, of all commissions, could not own its own office. This may date back to the timing of the original legislation in 1988, I understand, when the commission was in its infancy and probably did not foresee in the near future expanding its role to the extent that it has. But now this oversight has been certainly seen and is being corrected.

Mr. Morgan: — I'm reading into that, Minister, that other boards or commissions would be able to hold real estate in their own right, specifically Human Rights Commission or Legal Aid Commission.

Hon. Mr. Quennell: — The Real Estate Commission is not an agency set up by government.

But certainly, say, the Law Society, the Registered Nurses' Association, they can and have been able to hold real estate. And as I said, it's somewhat an ironic oversight that the Real Estate Commission of all bodies wasn't able to do so.

Mr. Morgan: — What about the Law Reform Commission, the Legal Aid Commission, or the Human Rights Commission?

Hon. Mr. Quennell: — Well those are government commissions that can occupy government space.

I think the more exact comparison with the Real Estate Commission is, say, the Law Society of Saskatchewan which can of course own its office.

Mr. Morgan: — . . . my question was just, can those entities hold real estate?

Hon. Mr. Quennell: — I don't know if they can and I'm not sure that there's any need for them to do so. They're government agencies. They occupy Saskatchewan Property Management space.

Mr. Morgan: — I wasn't advocating one way or the other. My question just was, can they do it or can they not, or can you provide us with a list of who can and who can't?

I mean sometime we may have reasons why we would want to or what we don't want to. Rather than debate the reasons, I'd just like to know who can and who can't right now.

Hon. Mr. Quennell: — Well maybe it's a question that can be directed to us in estimates.

Mr. Morgan: — We could do it in estimates. We could do it in estimates. We could do it in written questions and we could have it converted and have it sit over for months and months. If your officials can undertake to provide that back to this committee, I suspect it won't take very long.

Hon. Mr. Quennell: — And again the Legal Aid Commission, the Human Rights Commission, they are not commissions that or bodies that represent a professional group or an occupational group. They are to a certain extent — I think it can be fairly said — although they're not part of line departments, they are government organizations. There is, as far as I know, no reason why they would be entitled to hold property, hold real property.

I don't believe the legislation, human rights legislation, has any

comments about the Human Rights Commission's ability to hold property. I doubt if there's any provision in there. The member is a member of the legal profession and is quite capable of reading the Human Rights Commission legislation as anybody else is. I expect he won't find that provision in there.

What we are doing in this legislation is providing the same ability to hold real estate, hold real property as is provided to similar organizations, non-governmental organizations such as, say, the registered nurses or the Law Society of Saskatchewan.

Mr. Morgan: — Is the minister willing to provide us with a list of NGOs [non-governmental organization], boards, and commissions that are entitled to hold real estate?

Hon. Mr. Quennell: — Madam Chair, in respect to the Legal Aid Commission, the Human Rights Commission, and other entities that the member has mentioned, yes I will, and it's the *Statutes of Saskatchewan* and he can review them.

Mr. Morgan: — I'm not sure whether the minister said yes he would and then said that I can review the statutes, or whether he is willing to provide us with a list of those entities. A yes or a no.

Hon. Mr. Quennell: — The statutes governing the boards and commissions that the member has mentioned — the Legal Aid Commission, the Human Rights Commission — they're on a shelf behind the member.

Mr. Morgan: — I've asked a question of the minister if he's willing to provide us with a list of the entities that are entitled to or legally able to hold property and which ones would be expected to acquire their accommodation through the Saskatchewan Property Management and would like him to provide us with that list.

Hon. Mr. Quennell: — Madam Chair, I am not going to conduct a legislative review for the member. I understand that the caucus of which he is a member has staff that can conduct that review if the member doesn't want to conduct that review himself.

Mr. Morgan: — I take it, Madam Chair, that the minister is refusing to answer this question, that he's not prepared to provide that information. Is that my understanding, Minister?

Hon. Mr. Quennell: — I have answered the question a number of times. I have directed the member of the committee to the documents that contains the answers to his questions, and I can't do any more than that.

Mr. Morgan: — It's not the responsibility of this committee to do research. I have asked you as the minister responsible for these agencies whether they are entitled to hold real estate or not. It's not a difficult question. I'm asking you whether you are willing to provide us with a list of government agencies or NGOs that are and are not entitled to hold property.

Hon. Mr. Quennell: — Madam Chair, NGOs is a pretty long list which the member has not specified. If he wants to provide to me a list of those agencies and non-government organizations about which he is concerned, I will endeavour to answer his question.

Mr. Morgan: — Thank you, Madam Chair. I have no further questions.

The Chair: — Seeing no further questions then, is clause 1 agreed?

Some Hon. Members: — Agreed.

[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: The Real Estate Amendment Act, 2005. I need a member to move that the committee report the Bill without amendment. Mr. Borgerson.

Mr. Borgerson has moved that the committee report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. Thank you very much to the minister.

Mr. Morgan: — Madam Chair, I would like to take this opportunity once again to thank the minister's officials for having come today.

The Chair: — Thank you very much. The committee will take a small recess, a short recess while we assemble ourselves for the next presentation of the next Bill.

[The committee recessed for a period of time.]

Bill No. 27 — The Youth Drug Detoxification and Stabilization Act

Clause 1

The Chair: — The next item up for business in front of the committee is consideration of Bill No. 27, The Youth Drug Detoxification and Stabilization Act. I'll invite the minister to introduce himself and his officials and make any opening statement that he has.

Hon. Mr. Addley: — Thank you very much, Madam Chair. Today I'm joined by Lian Schwann, Crown counsel with Justice; John Wright, deputy minister; Duncan Fisher, assistant deputy minister; John-Paul Cullen, program director; and Tom Irvine, Crown counsel.

The item before the committee is the youth drug detox and stabilization Act. This is an Act that will provide an avenue for parents to, in a last-resort situation, get the help that children need.

We've consulted widely since the spring, talked to many different interested individuals and groups. And this Bill is intended to balance the rights of the individuals, at the same

time honour the very real desire that parents have to do all that they can to protect kids from a dangerous situation.

This has been something that has been added on to Project Hope. When we introduced Project Hope in the summer, it was felt that we did not want to delay the implementation of that initiative because more work needed to be done on that small segment of hard-to-reach youth. And so that consultation did take place. This is intended to be something for individuals that are very hard to reach, that are involuntarily needing the stabilization and detoxification, to get them into a safe place so that they can get the chemicals out of their body, have the addiction workers work with these individuals, lay out the options for treatment with the hope that they will choose to get the treatment that they need and get back on the road to wellness.

I think I'll stop there. I'm sure there's plenty of questions for committee members, and I am very pleased to answer the questions.

The Chair: — Questions then. Ms. Draude.

Ms. Draude: — Thank you, Madam Chair, and thank you to the minister. And I guess a double thank you to the minister. Even though I had frustrations eight months ago when I brought this similar Bill forward and it seemed like there wasn't recognition for the need for it, I am appreciative, and more importantly, I believe the families of people who have addicted children are appreciating it.

I agree with the minister when he said there probably won't be a lot of children need it. But the ones that do need it, need it. And we have a responsibility to ensure that if somebody needs something and we can provide it for them, then eight months is not too late. And I do understand that there's been extensive consultation and that there has been . . . and that there was a need to balance. But in my opinion, as you're well aware, the balance is protecting the child.

So I do have a number of questions, and I think some of my colleagues have some as well.

But my first question is, why did you and your department decide it wasn't necessary to put a preamble or a purpose clause in the Bill? I know that there is a purpose clause in The Child and Family Services Act. There was a preamble in the tobacco legislation. And it helps courts interpret it within certain parameters, and I believe that one would have been beneficial in this Bill. Can you tell me why it wasn't done?

Hon. Mr. Addley: — Well I can answer it in a general way, and then perhaps Ms. Schwann can get into a bit more detail. With the consultation that the interdepartmental working group did, they felt that this was the best approach working with Justice to get the help that these parents needed. We want to make sure that the Bill is as simple as possible, as clear as possible, and still achieving those ends that we're needing.

Now as to the legal opinion, I could turn it over to Ms. Schwann.

Ms. Schwann: — Thank you. As a general rule, we don't approach the drafting of legislation by including preambles. In Saskatchewan that's not the style, if you will, and the reason for that is because the Act, the substantive portions of the Act, speak for themselves. And we believe that if a matter should go to court, the court should have regard to those substantive sections, not to language that precedes it which may result in an unintended consequence or unintended interpretation. So for that reason in Saskatchewan we don't generally put in preambles.

With regard to purpose clauses, you're completely right. Occasionally you see them in legislation, and I'm aware of some. Why is one not here? We were not instructed to put one in nor is one necessary quite frankly. I think that because you're dealing with substantive rights of parents, conferring rights on police officers, physicians, and dealing with substantive right of youth, that it's the sections that speak for themselves. And that's what the courts will have regard to.

Ms. Draude: — Thank you. My concern is when we reference the child's best interests from The Child and Family Services Act, I know it's helpful, but I think it can muddy the waters a little bit because the two Acts really are targeting two different aspects of the child's development. And there really hasn't been a lot of success, I don't believe, using The Child and Family Services Act for treating children with drug additions. So I'm wondering why we would reference or use it as the child's best interest.

Ms. Schwann: — Well I don't think the intention here is to defer over in terms of what tools that Act has to offer. It's simply to incorporate in section 4 of The Child and Family Services Act . . . I have a copy here if you'd like to see it. And what section 4 says is this, is that you have to have regard to the child's best interests. Section 4 then tries to articulate about eight things that one should take . . . the court should take into account in that Act that point towards what a child's best interests might be and what factors should be considered.

So we're simply saying in this Act that when you look at the child and you're considering what the best interests of the child are, have regard to those enumerated in The Child and Family Services Act. For example, the child's emotional, cultural, physical, psychological, and spiritual needs, the quality of the relationships that the child has with any person who may have a close connection with the child.

I mean there are a number of them. And they're simply factors to be considered by the courts and those making decisions with respect to the child as to what might constitute the best interests of the child. That's a tough concept for any judge or anybody making a decision to get their head around, so these are just simply factors. And we're just saying these are good factors, have regard to them. You're not bound by them but have regard to them.

Ms. Draude: — Thank you. I guess I just believe that it would've been good for the court to be able to look at this and say . . . I'm not a lawyer and I'm not pretending to be, probably am glad I'm not. But I think that it would be important for the court to say, we're looking at this Act because a child has an addiction. And there is so much important information within this Act I think that they could go directly to it without having

to reference a lot of other Acts. And I know the minister's aware that I'm going to put forward some amendments, and that's just why I'm doing it. So I appreciate an opportunity to talk to you about it.

Another one of the issues is the detoxification orders. The Act says that it will be . . . the first time it's five days, and then you can go back for an additional . . . additional twice, up to 15 days. And then under the community orders it can be up to 30 days. Now I understand that because of the Supreme Court ruling that was talking about the Act that Alberta brought down, in the first place the Supreme Court had said that five days is the amount of time that should be allowed for involuntary admission the first time.

But I'm just trying to make this as clear as possible so that families can go to . . . first of all to get their warrant or go to court and then to their physicians, and make sure that it's as clear as possible that they have up to 30 days where there's no risk that their child will be let out. There's no risk that the child would be able to use again in a short time while we're trying to go through getting doctors to look at it. Just to secure them.

Can the Act be written in a way that they feel comfortable that their child is going to be held in a place where they are secure and detoxify and start some treatment for a short period of time so they can start healing?

Hon. Mr. Addley: — Well I just want to say I share the member's concerns, and I agree with the member that this is something that parents are asking for. At the same time we want to ensure that the treatment or the help that we're giving to these children is individualized. And the comments that the member makes will be considered and taken into account when we're developing the regulations and the policy.

It's my intent and our intent that this process be as transparent and as seamless and as user-friendly as possible for the parents while at the same time respecting as much as possible the children's rights.

So for example operationally, once the court order from the judge has been issued and the child is in the centre with the physicians, the physicians can determine whether this should be two days or three days or five days. And it's very much like a plan of treatment, although this is detox and stabilization, and it's not intended that the parents have to do anything extra. They don't have to go back to the judge to extend this. This is what the physicians would be doing in the centre. They would be determining, okay the five days is not enough; we need another two or another three or another five. And at that time review it again, up to 15 days on an in-patient basis.

Now we expect and we hope, is that within the first two or three days and hopefully within the first five days as these children be detoxified and stabilized and as the options for treatment are laid out for these individuals, they voluntarily decide, you know what? We do need treatment, and I'm now in a safe place. I've seen the options that are there, and I want to move to that. That's what our hope is.

The back-up plan is after five days, the child is still needing an additional five days or an additional two or up to fifteen, that that is determined by the physicians. It's not determined by the judge. It's not determined by politicians. It's in the hands of those that know what's best for the children.

And so I take the member's comments sincerely, and we'll make sure that that process is as seamless and transparent as possible.

Ms. Draude: — Mr. Minister, I know that you've spoken to children who have used crystal meth, and I know that other drugs are different. But this, because of the way it's written, it is looking at, mostly at kids that have an addiction to the synthetic drug. The children that I've talked to, the adults that I've talked to that have used the drug, if they are apprehended when they are on a binge and they haven't slept for 10, 12, 15 days, if they are taken away, if they are put in a secure place, they will sleep for anywhere from two to five days.

So the first five days could be lost when it comes to treatment. They will barely be detoxified. In fact I know some of the stories I've heard, and I'm sure the stories you've heard, will prove it true. So to say that after five days it will be looked at again, what happens if . . . Are we tying the hands of the physicians by saying that, okay, I have to look at him again in five days or three days.

Why is it written in the Act that you have that five days in there? Why can't it just be, say, up to 30 days? I respect the professionalism and the abilities of our professionals, of our doctors, of our physicians, knowing that they are going to do the best that they can for the children. Why are we complicating it?

Hon. Mr. Addley: — Well the intent is certainly not to complicate it. It's to ensure that the program is individualized so that the needs of the child are kept number one. And the physicians operationally can decide, you know, if — as the member described — that individual comes in is sleeping for the first five days, I can't see any reason why the physician wouldn't know up front that five days is not going to be enough, and we'll make sure that that's renewed at the end of five days.

But again our hope is that this child will move into a regular treatment facility. I should mention the aspect is not just the 15 days in-patient. There's also a 30-day in-community order. And that's where the physician can say, you know what? This child can be at home and be stabilizing and detoxifying at home — if the situation warrants it.

And I mean I think the member's case that was described wouldn't be one of those cases. But if the child says, okay I will respect the orders and will attend the courses based on that — you know it's against their will or it's involuntarily — but that is an option for the physicians as well.

So it's actually a 45-day . . . and it can be starting out as a community order or starting out as five days and then attempt the 30-day community order, and if that's not working, move back to the five days. And then after that 45 days is used up, if there's a requirement and they still fall within the Act that they still are a danger to themselves or other and are involuntarily . . . are not taking the treatment or willing to help themselves,

the parents can go back to the court, to the judge, and renew or get another order for that, and the whole process would start over again.

So I take the member's comments. We will study them closely and ensure that we address the concerns as much as possible.

Ms. Draude: — I'm going to make this point, and the minister doesn't have to respond again if you don't want to because I don't think we're on the same wavelength about this. But I want to tell you this.

The other day I did a presentation to a school, and there was four young people there who had been using meth. There was a couple of things they agreed on. When they have an addiction to crystal meth, they get to be the world's best liars. And they can make you believe anything. And if they want you to believe that they're not on it, that they absolutely never will touch it again as long as they breathe so that they can get out and use, they'll be able to do it. And there are some very intelligent young people who . . . they are driven by an addiction.

If that person gets out within the first five or ten days and uses it again, you start at ground zero and start back again. It's not that they start . . . If at the beginning they've used one or two points and are up to a gram, they'll start back at the high number. They're not going to start back at one or two points a day.

We are opening the door for them to go out again and use again. It takes an amount of time to have them not just detoxify but start stabilizing. So I hope that the minister and everyone involved realizes five days . . . I don't know what the number of days is because as the minister said, it's individuals.

But we let them out, and we can start the whole process again — parents laying awake at night wondering if their kids are coming home and if they're going to be alive tomorrow. And they're going to think, I got them there for treatment, and they're in there for the five days or the ten days. It's not long enough, and it's going end up costing the system money. But more importantly, it might cost lives. And I'm just hoping that we look at it.

There was a statement that was made by a parent that said, you know, we have a child under the age of 18. We won't allow them to buy cigarettes. We won't allow them to buy booze, but we can allow them to decide what's right for them when it comes to their health.

I know this Bill is trying to act with it. But if there's any chance that it isn't going to work, I think we've got to close the gaps. The minister and the department has done a great job of working on it, but if we're going to go close the door three-quarters of the way, might as well shut the door. That's my comment on that. So unless you want to comment . . .

Hon. Mr. Addley: — I do want to comment on that. I guess in my tour of the province meeting with addiction workers and counsellors, these individuals, you can't pull the wool over their eyes. I mean, the behaviour that the member describes is fully expected, and it's just part of the recovery process. That's the first point.

Second point. I mean as parents and as legislators we want at the end of the day to be able to say that our time here as parents and as legislators, that we've done all that we can to protect kids as much as possible. And that's what this Bill has attempted to do.

And I guess the last point I would make is that we fully expect that there are areas that we can improve and that we can learn. And that's why, when I introduced the Bill, in my comments both in the legislature and to the public and the media, is that built into this Bill will be an evaluation process. And we fully expect that as we learn more, we can make refinements to the Bill and make improvements because we want to have the best possible Bill that we can.

This is our best attempt at this time. We expect through the winter that we'll hear comments both from those that think we've gone too far and those that think we haven't gone far enough. We need to take those comments into consideration and make our best decision that we're balancing both of those concerns.

And also once it's operational, and I've made the commitment that it will be in the first quarter of next year — by April 1 if everything goes as well, according to plan; in most cases I've met all of my commitments — that as it becomes operational, we will learn some things. We will learn things that we can improve the Bill — things that maybe we need to change, maybe we need to strengthen, add some components. And I fully expect that this Bill could be amended in the spring session if need be, or the following session as well.

So I take the comments of the members very seriously.

Ms. Draude: — I'm just going to make one comment and then I will stop my questioning for a few minutes and let some of the other members go ahead.

I know that the minister and probably staff have spoken to addiction workers or chemical addiction workers right across the province. I think it's just as important to talk to the kids or the young people who have been using it. They know a lot. In fact I should tell you the latest story I've heard about it, but I'll . . . But they're good; they're crafty. And this addiction drives them to a state where it's not conceivable that anybody would go to.

So I'm hoping that when you look at this Bill over the winter, that you spend a lot of time talking to people who have used it as well.

The Chair: — Mr. Hagel.

Mr. Hagel: — Thanks, Madam Chair. Mr. Minister, a career ago I started out my career as a counsellor for emotionally disturbed teenagers, some of whom would have had of course the experience of drugs. And to the core of my being, I believe that what we're doing with this legislation is important and will make some significant differences, maybe not in terms of large numbers of people who require it to be used, but for whom it is, the potential is there for it to be profound. And as I understand it, this legislation is breaking new ground in the nation.

Hon. Mr. Addley: — Our understanding is that there are two provinces — Ontario and one in the Maritimes — that has this legislation or basically attempts to achieve the same ends as this legislation, and that it is not heavily used. But to take your point, it's new for Saskatchewan.

Mr. Hagel: — Then we're in some ways exploring both procedurally and legislatively the foundation upon which the procedures are established. Can you tell me who you consulted with prior to drafting the legislation that we have before us here today?

Hon. Mr. Addley: — Yes there was an interdepartmental working group made up of DCRE [Department of Community Resources and Employment], Health, Justice, Corrections and Public Safety, and Learning. They consulted very widely — human rights, Children's Advocate, young people, educators, physicians. It's anyone that they could possibly think of to consult. They consulted on a high-level basis. Aboriginal people, First Nations and Métis.

And not to put a fine point on it, but the consensus was that we have to be very careful when we go down this road that we need to make sure that the rights of individuals and children are safeguarded. They wished that we wouldn't have to do this, but at the end of the day reluctantly we should do this with all the safeguards built in.

We do have a list of individuals. If you're wanting me to go through it, it's three pages long. But it's, you know, police; prosecutors; legal aid; teachers; principals; foster families; Children's Advocate; RHAs [regional health authority]; the Saskatchewan Medical Association; you know, the regional health authority; child and youth managers and chief psychologists; a traditional elders ministerial advisory committee and a national Native drug and alcohol program; Métis Addictions Council. It's a wide range of individuals that we've consulted, and that was the views generally.

Mr. Hagel: — I think I overheard you already say you're committed to an evaluation process as it's implemented. And I would assume from what you said that that would be informed not only from Saskatchewan's own experience but in consultation with the other two provinces that are similarly proceeding.

Hon. Mr. Addley: — That's right. And also I should say that Alberta has passed a legislation similar to this. It's capped at five days, and they're giving indications that they will be proclaiming it July 2006. So we'll take good ideas wherever they're to be found.

I view this as an instance of the legislation working, the legislator working, building on the member's Bill and other Bills in Canada. And I think we can all agree that we can work together to make as best a Bill as possible.

Mr. Hagel: — If I can just ask some questions then related to the challenge ability of the legislation. I think there's anything that you can be certain of, you can be certain that it will be challenged.

Hon. Mr. Addley: — Yes.

Mr. Hagel: — But that'll be probably one of the smallest surprises of the experience with the Bill. On what basis do you conclude that the Bill will stand up to Charter of Rights challenge?

Hon. Mr. Addley: — Well myself and Justice would never introduce a Bill that we think would not withstand a Charter challenge. That's just a . . . We just wouldn't do that.

The basis upon that opinion is several. And the first is that the Bill within Alberta that didn't have the same number of safeguards as the Saskatchewan Bill, has withstood a challenge. The Mental Health Services Act in other provinces upon which this is based have been challenged and have been upheld. So we fully expect that this will withstand a Charter challenge.

Mr. Hagel: — Do you think it meets the test of providing appropriate legal representation for the young person?

Hon. Mr. Addley: — Yes we do. For example, once a parent goes to court, there's nothing precluding a child from attending, having legal representation at that process. We did not build it into that process because this is intended for a child that is in danger to themselves and others and likely intoxicated and not able to function for themselves. And so, to put that pressure on that individual in that situation didn't seem to make a lot of sense.

However once the child has been apprehended, right away there's a lawyer provided by the province, an official representative, and will be paid for by government and will apprise the child of his or her rights.

And there will be an appeal process for that child to a committee which is made up of a lawyer, a physician, and a lay person — very similar to the mental health services process. And that appeal process must be heard within 48 hours.

So there's steps along the way, safeguarding due process, respecting the child's rights; at the same time, not putting in so many steps and encumbrances that the legislation becomes unworkable.

Mr. Hagel: — Do you see it as a problem, or have you looked at the question of youth access to appeal before a judge?

Hon. Mr. Addley: — Well the situation in that . . . In that situation, the appeal process, they always could do that. But that process would take so long that it really wouldn't be beneficial to the child. As we all know, when you use the court systems, it's fairly lengthy.

By building it into an appeal to the committee, which is an independent committee made up of a lawyer and a physician and a lay person, and building in the directive that that appeal must be . . . the decision on the appeal must be rendered within 48 hours, that's a much quicker process than if they were to utilize the court system.

Mr. Hagel: — Finally one last question, and I'll defer to other members who want to ask questions as well. The Act empowers police officers to make the decision of apprehension. And again being concerned that the Act will sufficiently stand up to

challenge, what gives you the confidence, Minister, that it is: (a) legally appropriate for an officer to do that and (b) that officers will be sufficiently trained in order to exercise the proper decision for the Act to stand up and to ensure that the young person will get the detox and then ultimately the treatment that they need?

Hon. Mr. Addley: — I'll answer the training component first. That is part of the process that we need to have the time and why it can't be proclaimed tomorrow, that that kind of information . . . so that police are utilizing the Bill in an appropriate way.

Police have a lot of powers currently. This actually is a way to decriminalize the process if it were. Currently they could arrest a child and use the blunt instrument of the court system. And I'm sure members of this committee have met parents that are utilizing the court system to do what this Bill does. And it's a very difficult process for parents and it's also . . . I mean I referred to it as a blunt instrument. So by giving the police this option they are able to . . . It's intended for those individuals that if a police finds a very severely intoxicated young person or finds a group of individuals using solvents and they're passed out, currently they have to use the justice system and take them to jail to protect them.

What this does is they're able to take the individual to the centre. We've built in the process that they have to be assessed within 12 hours as opposed to 24 hours. So that time frame has been shortened. And police are very aware of the responsibilities that they have and so we're confident that this will stand up to a challenge.

Mr. Hagel: — Minister, thank you. I wish our province well in the implementation of this and we'll look forward to the evaluation as the implementation takes place. Thank you.

The Chair: — Ms. Draude.

Ms. Draude: — Thank you, Madam Chairperson. I just have a couple more questions. Under the immunity section it says a person with whom the child has a personal relationship is really not covered in this immunity section. I see that the government people are but parents aren't listed. Maybe they have other immunity protection. But is it possible that the parents might be sued? I'm just wondering if they're left out, do they have a statutory immunity of some sort?

Hon. Mr. Addley: — I'll ask Ms. Schwann to answer that question.

Ms. Schwann: — Well it's a good question. With immunity clauses you have to be very careful because you don't want to unfairly take away rights of third parties who may have a legitimate claim and so we don't put these in lightly. But it's our feeling that it would only be applicable to — and should only be limited to — those that discharge a governance function, if you will, or responsibilities under the Act.

Now having said that, if as the minister has indicated, if there are indications that the parents would be exposed to lawsuit, if this is a real thing that will happen — although I have some trouble seeing how it can be framed in a legal context — that's something that will have to be examined and reconsidered.

Ms. Draude: — In section 2 I think — maybe it's under section 1 — anyway it says if a person is required to consider the best interests of a child for the purpose of the Act, that person shall take into account section 4 of the Act. How does that work with the four requirements of apprehending the youth for examination because it's . . . Is there any conflict between that?

Ms. Schwann: — Well that's a big question you're asking. Is there a linkage between section 2(2) and the work of the judge and the consideration of the judge? The way I would interpret this is in this fashion. It starts off by saying . . . The wording at the beginning is very important. If a person, meaning a judge or one of the two physicians, is required to consider the best interests of the youth. So you have to then flip through the Act. And I appreciate that this is not drafted for the layperson and perhaps not reader-friendly, but if they're asked by the Act to consider bests interests of the child, then that person can have regard to the factors in section 4.

That said, and I'm not a judge by any means but if I was, the judge pursuant to section 7 is required — and they are very well trained to do this, to interpret legislation, to apply it, to read it and apply it to the facts — to filter the application through the test in section 7(1). And 7(1) has four thresholds. The parent, the youth worker, or whoever brings the application in the prescribed form has to have sufficient information in order to meet those four thresholds. And the judge is well trained to determine truthfulness, accuracy, and correctness and completeness of an application before granting this rather extreme order, if you will, warrant for apprehension, not based on any criminal proceedings but based on crisis and health emergency.

So in my view, if you'll note that there is no best interest of a child in one of these sections, the court will probably focus in and should probably focus in on (a) through (d).

Does that answer your questions?

Ms. Draude: — Yes it does. I'm not a lawyer or a judge but I did . . . and I'm still glad about that. But I'm just wondering, I just want to make sure that everybody is covered but at the same time the child is going to be helped.

A couple other . . . I think I just have two other ones. Under section 6 it says . . . 6(b) it says is entitled, the assessed youth is entitled on his or her request to receive a copy. Do they have to request it or would it just automatically go to them?

Hon. Mr. Addley: — The reason it was structured this way is that we're envisioning a child that is intoxicated on substances. We will have the legal representative explaining the procedures to the individual, and if they'd wanted the paperwork, we'd give them their paperwork.

I think in practice, given some concerns that have been expressed, we have no concerns about, as a matter of practice or as policy, to provide that to the individual.

Ms. Draude: — Okay. I think I just have one other question. I'm not sure if any of my colleagues have any.

And I know this probably isn't the right time or place, but I know we are talking about children under the age of 17 or younger. Somebody that has an addiction can be 19 years old, and then we have to go through The Child and Family Services Act. And it's not as clear because we're not talking specifically about drugs, and then we're getting into that discussion we had the other evening about mental disability and addiction . . . mental disability and addiction.

Is there any thought that you have as the Minister of Healthy Living to clarify how someone over the age of 17 can be treated when they have an addiction issue?

Hon. Mr. Addley: — In our consultations, what we heard from individuals was this —that society has a responsibility to look after our children and to do all that we can to make sure that they're safe. And so there's a responsibility to do something like this.

Once a person becomes an adult, they're entitled to make bad decisions. And it becomes very difficult to move that line higher than 18. And in most of the consultations and if not all of them — but I'll be safe in just saying most of them — they said that this should be limited to those under the age of 18. So we've reflected that within our consultations. The other jurisdictions also have limited it to under the age of 18 as well. There are other Acts that do cover this.

And I'm sure the member has heard, as I have heard, that the standard to get someone committed to get that care is very, very high — and for good reason. So at this time we are not contemplating moving beyond what's before the committee today.

Ms. Draude: — They say that pre-warned is pre-armed or some statement like that. Just so you know, that will be the next place that I would like to go to because as a parent, once a parent, always a parent. And when a child has an addiction they're not . . . and they have . . . they aren't capable of making decisions.

There has to be a point where somebody who's child just had their 18th birthday and they finally found their child on a street in Vancouver and talked him into coming home that . . . so I know what you're saying. I understand that it's the law. But maybe we got to break ground in Saskatchewan on another law. So at this time I don't have any further questions until we get into the clauses.

The Chair: — Mr. Morgan.

Mr. Morgan: — I think it's always something that legislators should take seriously. It's a very significant thing when they deprive a citizen of their liberty and it's something that ought not to be taken lightly. It's something that we've done in this case for individuals that are not guilty or accused of a criminal offence so it's something that we would want to think carefully about.

But we know from the experience that most of us as MLAs have heard in the last year or two. I'm new at this. I've only been an MLA for two years, but I have parents that phone me that are absolutely frustrated that they are unable to get care for their children. We know that detoxification takes a significant period of time. We know that the needs of the children should be paramount and as legislators we have to go through a balancing process where we consider the needs of an addicted child versus the child's rights to freedom.

And I try and look at this as something that we've made what is seen now as a tough decision. But if you were an addicted child, how would you feel 20 years after the fact if through a legislative process we were able to give you treatment, detoxification, and help you overcome your addiction. I can't imagine a child that was successful in recovery ever blaming the legislature or blaming their parents for having made that difficult choice.

People say this is a courageous choice. To me it's a choice that we absolutely have to make and we would be incredibly foolhardy not to be making this choice. I think as we go forward we'll want to have significant consultation on an ongoing basis with parents, with addictions counsellors, and in particular with what's taking place in other jurisdictions by way of legal challenges, questions that arise, and how we ensure that we are doing our best to try and protect the rights of the children while at the same time delivering to them the addiction treatment that they need.

My question deals with the United Nations Convention on the Rights of the Child. And I'm wondering, maybe Ms. Schwann could comment on what consideration was given to that and give us some comfort that we've at least assessed the legal challenges that may arise there with.

Hon. Mr. Addley: — I can comment on it before Ms. Schwann does. But before I do, I just wanted to attach my agreement to the member's lengthy but important preamble. And I agree with the member, and I'm sure all members would agree as well.

The United Nations Convention on the Rights of the Child is a fairly lengthy document and does cover a number of areas. The two areas that we looked at were, ensuring that the children's rights are protected and that due process is provided and an appeal process. And that has all been built into the Act.

But there's also the aspect that indicates under article 33 that requires that individuals or parties take, quote:

> . . . all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances . . .

And to continue, quote:

> . . . prevent the use of children in the illicit production and trafficking of such substances.

So we've been guided by many different inputs, including that aspect. And I take what the member says seriously. And if Ms. Schwann has something that she wanted to add as well.

Ms. Schwann: — Sure. Thank you for the question. It's a good one. The advice we received from the constitutional law branch on this particular point was this, that the UN [United Nations] declaration or Convention on the Rights of the Child is not

binding in Saskatchewan or any other province as a matter of law in a legal sense.

However as my understanding is, that we are encouraged to — when we draft laws, domestic laws — to incorporate not so much the wording of those conventions or articles of those conventions but the spirit of them into the legislation.

One of the articles that was cited by someone in consultation was article 37(d), and we believe that this article has been met in the substantive portions of the Act. That article requires or states that:

> Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance . . .

We would say that this is what we have done. We have engaged that process through the use of the official representative who will be a lawyer, who will be properly advised, and has a duty, not just there, but has a duty to visit the child and to work with them through the legal system that accompanies this Bill.

The second part is the right to challenge the legality of the deprivation of their liberty, and again we believe that's been accomplished in this legislation through the review panel process, subsequent reviews and appeals to the Court of Queen's Bench and the Court of Appeal as well.

Mr. Morgan: — Thank you.

The Chair: — Mr. Borgerson.

Mr. Borgerson: — Yes. As Mr. Hagel was indicating earlier, we are . . . this is uncharted territory to a great extent. And for that reason as legislators we want to do everything we can to get it right, knowing that in the end nothing is ever perfect, and as you indicated there will be a need for assessment and evaluation as we go along. And so as I look through this Bill, there are a couple of areas that have not been addressed that I'd like to ask about.

The whole question of non-compliance in the case of a detoxification order is not addressed in the Bill, and I'm wondering if you can respond to that. Obviously criminal sanctions would not apply in that particular case.

Hon. Mr. Addley: — Well I'll ask Ms. Schwann to get into the details of the question, but our whole motivation behind this is to be treating this as a health issue not as a legal or a criminal issue. So we believe that we have covered that, and Ms. Schwann can elaborate further.

Ms. Schwann: — Thank you. That's a good question. Most legislation, as you're familiar with, has an offence section. We purposely did not put one in here because of the reason that the minister just alluded to, that this is not a criminal justice piece. This is a piece about health, health protection, wellness of the child in an emergency situation. And there will be slip-ups I'm sure. There will be, I'm sure; as Ms. Draude points out, they're very creative. Children are very . . . I have three children of my own, teenagers, and they are very creative and they do sometimes lie. I can attest to that . . . [inaudible interjection] . . . Not my kids, yes.

The result of non-compliance, if you will, with a detox, I don't see that so much as a case of non-compliance happening. There may be a running-away situation. The bigger concern is non-compliance with the community order because they're out in the community, and there are a number of conditions that may be attached to the order.

Now how do we maintain and assess that and monitor that? And I believe that the department, through their work, will find a way to work with caseworkers and youth workers and so forth to keep an eye on the situation.

There is also the possibility in the Bill built in — I can't put my finger on it just immediately — a section to upgrade, if you will, the community order to a detox order based on the certificate of two physicians, if considered necessary in that particular instance with that particular child. So that is the clearest point at which we can address a non-compliance if you will.

Hon. Mr. Addley: — There is, there is . . . I guess the progression is the community order for 30 days, the involuntary detox and stabilization, and then the final one is that could include locked doors. That would be the last resort of last resorts. So I just wanted to attach that point.

Mr. Borgerson: — Thank you. And another question is around the young person who ends up, because of the involvement of the parents, in apprehension, ends up under a community order, ends up in the home in a potentially violent or disruptive situation.

Hon. Mr. Addley: — Sure. That situation is covered already in other Acts. We expect that the addiction worker will be I guess what we'd call the case manager for the child as they work through the process. And there's a responsibility, if that individual or any adult within that process sees something that is untoward or that indicates that the child is not in a safe place with their home and that they are at risk, they have a duty and a responsibility to report that to the authorities, do the investigation, and ensure that the child is safe.

So we expect that, whether we introduce this Act or pass this Act or not, those provisions are still there. So it was not felt that we needed to add that to this Bill. I don't know if Ms. Schwann needs to add further or if that answers your question.

Ms. Schwann: — No I think that's an excellent response. The only thing I would add is that a community order is based on the conclusions of two physicians. And although it's not enumerated, it's certainly something they would have to consider is if, if they were to grant community order issue one, whether or not the child will be placed in a situation that they could not, you know, meet the terms of that order. And that may well be one of those considerations, that is the family life is so disruptive and violent the child can't possibly succeed under the community order.

So I have great faith in physicians that they will consider all relevant material and information in determining what the best course is.

Mr. Borgerson: — And finally, because I believe I may be the last person to ask questions, a very general, more of a philosophical question to the minister. You've been working on this issue for a good time. We are dealing with a Bill here that, as I said, charts new territory.

Mr. Morgan made reference to the young person who, years from now, will look back. So I will ask you as someone who has been involved in the formation of this Bill; two, four, five years from now, what do you hope to see when you look back?

Hon. Mr. Addley: — Well one of the things I learned very early on in this field is there are no guarantees. We wish there were. We wish that if we did this action, it would automatically result in everybody being on the road to recovery and getting back to being as healthy as anybody else. But what we can do is to do all that we can to maximize the chances that the individual will be addiction free and be as healthy as anyone else in society.

What I hope to see is that this legislation is never used in five years, that we've changed the environment such that the community as such is supportive, that we've removed the stigmas of addition. We've removed the permissiveness that it's okay for young people to use alcohol or drugs and that the avenue for getting help, the prevention and education that we've done decreases it to the level that we've changed the environment, whether it's housing or support for families, and that treatment is not seen to be something that we should be ashamed of or embarrassed about.

So that, my goal and my hope is that, in five years, nobody's using this legislation because nobody needs to use this legislation.

And maybe that's being too philosophical or too pie in the sky. But I honestly think, since this is an issue in North America that is traditionally underfunded and that with the $15 million and the 60 per cent increase and everyone working together — all legislators working together — that we can achieve an environment here, in Saskatchewan, that other provinces and other jurisdictions will look to us as models.

The Canadian Centre on Substance Abuse awarded the Premier an award, and he accepted that award not as an individual and not as a government, but on behalf of all citizens of Saskatchewan because this is public money that's going into that.

We've built the support for the public, and I think the opposition deserves a lot of credit, and I've given credit, as has the Premier, for highlighting the issue and giving government's permission to spend money in this area and provide support in this area. That's not the case in other jurisdictions. In other jurisdictions if you spend money on this area, you're spending money on individuals that have brought it on themselves, those kind of comments.

So I know that's a long-winded answer, but I believe very passionately in this. And I believe that this was one of the public problems that can be solved. And I think with everyone working together, we can have a much better circumstance 1, 5, 10, 20 years out.

Mr. Borgerson: — Thank you, Minister.

The Chair: — I believe Mr. Elhard wants the last word.

Mr. Elhard: — Well I would never, never assume the last word for myself. But, Mr. Minister, I think some of this material's been gone over, some of the ground has been worked already. But I've got a few comments and questions that I want to have you address again.

One of the criticisms of this particular piece of legislation is that it doesn't treat a lot of the process in the normal way that legality niceties work. It doesn't have the, sort of, the normal legal safeguards in terms of representation, legal representation, or access to counsel, and allegations being made before a judge and so forth.

And if I recall from your earlier explanation, I think you indicated that you were using this legislation more as a mechanism in the area of health and public health. And you tried to address those legal niceties in a different way.

But you did refer, I think, at one point to legal representation being available to individuals who are incarcerated through this process. And if I recall correct, you referred to the official representative as being a lawyer, but I notice in the legislation that is not clearly defined as such. Would you comment on that? And how do you propose to insist that the official representative be a lawyer?

Hon. Mr. Addley: — Well I just want to, at the outset, indicate to the member that this has been . . . this is mirrored on The Mental Health Services Act. And so the same process that is used in that Act has just been mirrored and brought over. So in that Act there's an official representative, and there's a committee made up of a lawyer, a physician, and a lay person.

And those procedures have been tested, and the courts have upheld those procedures in that they do comply with the fairness requirements that has been questioned. It is not spelled out that the individual is a lawyer. I can commit today that we will ensure that it is a lawyer. Whether that needs to be done in regulations or in policy, but the practice will be that this will be lawyer.

Based on the evaluation process, if we determine either through the winter or into out years that that's one of the things that can be clarified, I would have no problems clarifying that. I don't believe it's necessary to clarify it in this regard because the practice in other Acts has been that it is a lawyer, and I'm committing today that it will be lawyer.

Mr. Elhard: — Thank you, Mr. Minister. I think you can take from the comments made by all the committee members here today that we appreciate the importance of this particular piece of legislation and recognize the very difficult balancing act that this legislation is trying to achieve.

And I've in the past prided myself in being somewhat of a civil libertarian, and I find myself wondering about this type of legislation and whether it's appropriate or not. And then I look at the realities of destroyed lives and the impossibility of addressing some of those problems under the, you know, laws

and rules of conduct today. So I'm quite a bit more sympathetic to this legislation than I might otherwise be.

But I am somewhat troubled by section 8 that grants powers to police officers in mobilizing this legislation, in pursuing this legislation because, if I understood the motivation for this legislation initially, it was primarily to give parents tools to deal with underage children that they were unable to use in any other capacity, or find in any other capacity. And giving parents this kind of privilege and opportunity and legal standing, I suppose, in legislation to achieve those good objectives, well-intentioned objectives on behalf of their children is one thing. But giving this kind of authority to police forces, police officers is another thing entirely.

And I'm wondering, Mr. Minister, under the, sort of the compelling reasons that were put forward to have this kind of legislation, why you and your officials felt it necessary to grant these powers to police agencies.

Hon. Mr. Addley: — And I thank the member for the question, and I should have clarified it better earlier on, but it gives me another chance to do that.

The police officers have similar powers currently under The Mental Health Services Act. So we've brought that process over. And this is intended that this is an emergency situation. And I had a situation explained to me that if a child is in an extreme dangerous situation, for that police officer to say I need to get a court order to move forward, it felt that it was just too cumbersome and too challenging.

We did build in the safeguard that this is unusual, that this is something that we don't want it to be abused, and so that the child has to be assessed within 12 hours as opposed to 24 hours. And these are individuals that are very familiar with the children that they're working with. In all of the police officers that I've met in the consultation process, these are individuals with high integrity. They would not want to put their careers at risk by abusing this power.

And I guess it falls back to this, and this is my motivation behind it, is that we want to decriminalize this process and treat it as a health issue, as it is, as opposed to a criminal issue. And right now we have parents that are using the justice system and the police in a very cumbersome way — in a way that it wasn't set up to do or to address. And so by doing this, this actually decreases the amount of involvement with the criminal system or police system that these children would have.

But I guess the bottom line is, this is powers that these police officers already have under The Mental Health Services Act.

Mr. Elhard: — If I might just conclude my comments by saying that, you know, my civil libertarian sensibilities were just offended enough by the inclusion of this particular section that it kind of undermined my belief in the value of this exercise. And having it in other legislation I suppose explains it; it just doesn't quite justify it to me.

Hon. Mr. Addley: — If we find that this is a situation that is being abused or is being used in a manner that we're not intending it or I'm not intending it, it is one of those things that we will evaluate and we will keep an eye on.

I have confidence that the police that I've met will use this in the manner that it's intended. But I'm not averse to making adjustments in years out, that if we do find that the concerns that you are talking about . . . Because initially I shared those concerns that, you know, does this make a lot of sense?

But again it comes down to the balancing act that in a lot of cases the parents of these kids that the police would be working at aren't on the scene and aren't going to use this legislation to rescue them. That doesn't diminish the responsibility we have as legislators of society to rescue those kids too. And so we felt that the police was the best option to do that. If we find better options to do that, we can make adjustments into the future.

The Chair: — Thank you. Seeing no more questions then we'll move to the clause by clause. Clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

Clause 2

The Chair: — Clause 2, interpretation, is that agreed?

Some Hon. Members: — Agreed.

An Hon. Member: — No.

The Chair: — Oh, sorry. Ms. Draude.

Ms. Draude: — I have an amendment for clause 2.

The Chair: — State your amendment.

Ms. Draude: — Okay.

Clause 2 of the printed Bill

Add the following before Part II of the Printed Bill:

"**Purpose**

2.1 The purpose of this Act is to promote the well-being of youth by offering counselling, detoxification and stabilization services and other support that are designed to assist youth and, where appropriate, to assist, maintain and support an assessed youth and that youth's family in the least disruptive manner possible."

I think it's important to add a purpose clause so that when it goes before the court there is no doubt that we are trying to deal with a certain aspect of the child's well-being.

I understand that the mental health Act is there as well and the minister has said that it relates to it. But I would just hope that even if it's looking at lay people like me that don't read Bills and want to know, what's this about and how are we going to show this to families whose children are . . . have an addiction, that we have as a legislature passed a Bill — hopefully — that is designed to deal with a young person. I can't see how it can

possibly hurt anything. And if it helps clarify for the court system or for the parents what we're trying to do, I would hope we would look at it.

The Chair: — Would you just pass your amendment, signed, forward?

The amendment before us, I don't think I have to read it again. Is there any further discussion on it? Seeing none then, the question. All in favour of the amendment? Opposed? The amendment is defeated.

Ms. Draude: — On division.

The Chair: — On division. Clause 2, interpretation, is that agreed?

Some Hon. Members: — Agreed.

[Clause 2 agreed to.]

[Clauses 3 to 11 inclusive agreed to.]

Clause 12

The Chair: — Clause 12, detoxification order, is that agreed?

Ms. Draude: — No.

The Chair: — Ms. Draude.

Ms. Draude: — I'm going to read an amendment and then I'm going to ask my colleague to speak to it.

Clause 12 of the printed Bill

Strike out Clause 12(7) of the printed Bill and substitute the following:

"(7) Unless otherwise terminated pursuant to subsection (5) or (6) or section 15 or 16, a detoxification order terminates five days after the date it is issued, but the order may be renewed for a maximum period of 25 days, if, in the opinion of the physicians, the circumstances in subsection 2 continue to apply."

The Chair: — Then the amendment before us . . . for discussion. Mr. Morgan.

Mr. Morgan: — Madam Chair, the problem that we're aware of from the minister's hearings during the summer and over the last year, from the matters that were raised in the House by the Saskatchewan Party colleagues, made it abundantly clear that the purpose of what we were seeking in this legislation was to give a young person a long enough period in some form of facility where they would be able to detoxify, get straight, or at least come to the point where they realize that they needed help. We know that addictions are serious enough that people are not likely going to admit it on their own or going to voluntarily stay there.

The minister indicated and one of his officials indicated that young people are very good at being deceptive. And I think they're not only deceptive with their parents and people in authority, they're also deceptive with themselves. They don't like to admit that they are anything less than invulnerable. They don't like to admit that they have a problem, and I think that's the nature of youth.

And I think what the purpose of the member's proposed amendment is that we try and give this Bill enough teeth that it will achieve their needs. I would hate a year from now, six months from now, or five years from now, having had a number of young people go through this process only to go back to the addiction or the troubled way of life that they came from.

I think this will give the officials . . . And we've heard from the minister and his people that they have a lot of faith in the physicians and in the people that are working in the system. I think we should trust them that they are going to make good decisions. And I realize that this further limits the rights of these young people. But if that's what is necessary to ensure that they detoxify, or that they get stabilized at least long enough that they can make a sound or correct decision, we should seriously consider supporting this amendment.

I know that unfortunately what will likely end up happening is that we will end up voting on this along party lines. I would like to invite my colleagues opposite to set aside party lines and to support this type of amendment because it will give this Bill the type of teeth that it needs to be effective and to fulfill what we want to do.

We don't take it lightly that we are impinging on, or infringing on the fundamental rights that these people have. We are doing it for their long-term goals. We have to consider the nature of the addictions that they have. In particular we have to consider the highly addictive nature of crystal meth and the fact that it will take a significant period of time for an individual that's addicted to dry out or to become detoxified and to accept the reality of the situation that individual is facing.

I appreciate the parallels that the minister and his officials have raised with the mental health Act, where we're doing a similar thing there where a person has become a risk to themselves, or a risk to society, and has to have treatment enforced or treatment imposed on them that they might not do voluntarily.

And this is exactly the same situation, but in this case we have a far greater chance of being successful. The mental health Act patients that have gone through, and I've worked in the OR [outreach] program, are usually people that have got chronic problems and come back through on a repetitive basis. With this Bill we have a chance and it's a golden opportunity to salvage the life or the future of a troubled youth. And this amendment that's proposed by the member will add sufficient period of time to hopefully get that young person on the road to recovery, and it can't be done on a short period of time.

And I appreciate the balancing act that the minister has struggled with, with having a solution in the community. But unless you have a closed period of time to allow the young person to fully detoxify and to deal with the physical aspect of the addiction, we're not going to be successful in this Bill. So it's troubling that we would go . . . we would walk up to it, but we wouldn't step over or we wouldn't cross over and give the

people working in this program the appropriate tool that they're going to need.

So what I'm asking all of the members to do is to consider supporting this amendment on entirely non-political and non-partisan . . . [inaudible] . . . this is what we need. This is something that we can all collectively take some pride that we've given something that will provide a positive benefit to these young people.

The Chair: — Mr. Borgerson.

Mr. Borgerson: — In response to Mr. Morgan, I think that this particular issue has blurred the party lines and I think all of us have been focused on the issue at hand. And I think Mr. Morgan expressed it well. And I certainly feel it strongly that what we're talking about is salvaging — as an educator of 30 years — salvaging the life of a troubled young person.

And certainly — as I as a member of this committee have reviewed this particular clause — I raised that question as well and Ms. Draude has asked that question to the minister. I'm not going to repeat his response except to say that I accept his argument that we have to include some flexibility, some ability on the people on the ground to make decisions that are individualized, that focus on that particular youth.

I don't know if this clause gets it right. I think as the minister has indicated this is a good try and this will be assessed as we go on so, given the response that we've had from the minister and the officials, I feel comfortable with the clause as it's been presented. I believe other members may want to speak though.

The Chair: — Ms. Crofford.

Hon. Ms. Crofford: — I was going to say I feel the same. I think there's been a sense of consensus around giving this Bill some time and then looking at whether further amendments are needed down the road so I would be inclined not to make that amendment at this time.

The Chair: — Seeing no further discussion then, all those in favour of the amendment? Opposed? The amendment is defeated on division again.

[Clause 12 agreed to.]

[Clauses 13 to 22 inclusive agreed to.]

Clause 23

The Chair: — Ms. Draude.

Ms. Draude: — Okay, an amendment.

Clause 23 of the printed Bill

Amend Clause 23 of the Printed Bill by striking out "proclamation" and substituting "April 1, 2006".

And my colleague will speak.

The Chair: — Mr. Morgan.

Mr. Morgan: — Madam Chair, thank you for this. This amendment will no doubt be defeated as well but I would like to give the members opposite a free ride on something.

If they have their calendars with them, mark April 1, 2006 in their calendars because we will be in session on April 1, 2006. And you can count on the fact that in question period on that day we will be on your case as to why you have not enacted this Bill and why you, as the government, have not put funding into the beds and have not provided the facility and have not started saving lives, because this will be on your head.

You can support this Bill and get it in place or you can let it pass, but mark your calendars for April 1, 2006, each and every one of you.

The Chair: — Thank you, Mr. Morgan. Is there any further discussion? Seeing none, then it's been moved by Ms. Draude:

That clause 23 of the printed Bill be amended by striking out "proclamation" and substituting "April 1, 2006."

All those in favour of the amendment? Those opposed. The amendment is defeated on division.

Then clause 23, coming into force, is that agreed?

Some Hon. Members: — Agreed.

[Clause 23 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Youth Drug Detoxification and Stabilization Act.

I'll have a member of the committee move that we report the Bill without amendment. Mr. Borgerson.

Mr. Borgerson: — I so move.

The Chair: — Mr. Borgerson has moved that the committee report the Bill without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. Thank you to the minister and his officials. The minister has something to say.

Hon. Mr. Addley: — Thank you very much, members of the committee. I know this was not an easy process for members of committee and I appreciate the good work they've done.

And in particular, I'd like to thank the officials that are here today and all of the officials in Health and Corrections, Public Safety, DCRE, Learning, and other departments that have worked very hard on this Bill.

And if I wanted to single out one member, I'd single out the Minister of DCRE who led this process from the spring to very recent time. So I just wanted to thank all of those individuals and, in particular, Minister Crofford. Thank you very much.

The Chair: — Mr. Elhard.

Mr. Elhard: — To the minister and his officials, thank you for your time here today and for the comprehensive and deliberate responses you gave to the questions.

I don't think that any of us ever thought we would find ourselves dealing with this kind of an issue. And like I said earlier, there's a serious balancing act that has to be attempted here. I think we've come pretty close to succeeding. We have some exceptions to that. But nevertheless, there's good work that's gone into this and I want to thank everybody who played a part in that.

The Chair: — Thank you then. I'll entertain a motion that the committee adjourn. Mr. Borgerson.

Mr. Borgerson: — I so move.

The Chair: — Thank you very much. The committee is adjourned.

[The committee adjourned at 17:17.]