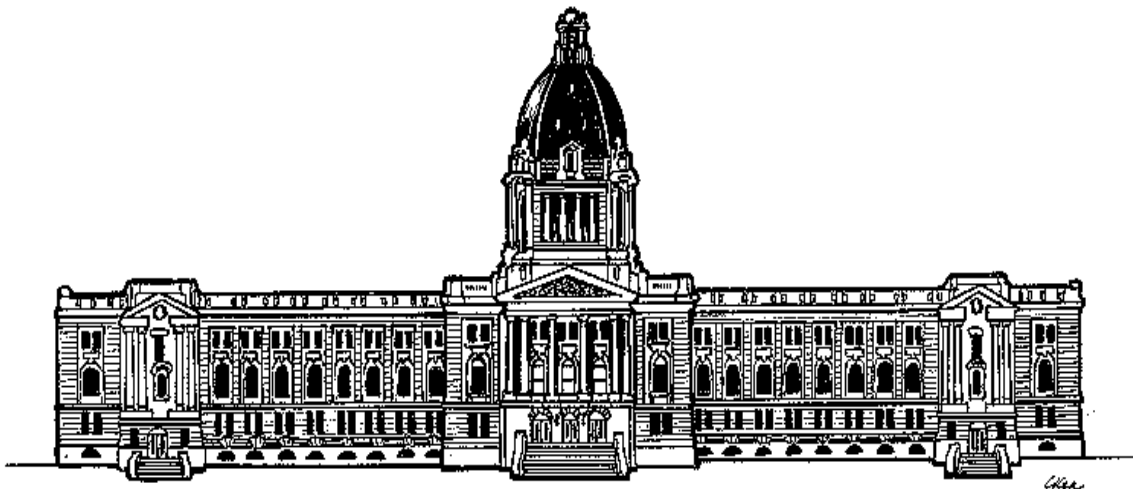




STANDING COMMITTEE ON HUMAN SERVICES

Hansard Verbatim Report

No. 33 – May 3, 2006



Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON HUMAN SERVICES
2006**

Ms. Judy Junor, Chair
Saskatoon Eastview

Mr. Wayne Elhard, Deputy Chair
Cypress Hills

Mr. Lon Borgerson
Saskatchewan Rivers

Ms. Joanne Crofford
Regina Rosemont

Mr. Don Morgan
Saskatoon Southeast

Mr. Peter Prebble
Saskatoon Greystone

Mr. Milton Wakefield
Lloydminster

[The committee met at 15:00.]

**General Revenue Fund
Culture, Youth and Recreation
Vote 27**

Subvote (CY01)

The Chair: — I call the meeting to order. I'll call the meeting to order, and welcome the minister and his officials for further consideration of estimates and supplementary estimates for the Department of Culture, Youth and Recreation found on page 49 of your budget Estimates book. I'd invite the minister to say hello and introduce your official. I don't think we need any more opening statements.

Hon. Mr. Hagel: — Greetings to you, Madam Chair. There's just one official, Madam Chair, who hasn't been previously introduced, and I'll just ask him to wave, David Baron who is director of the Royal Saskatchewan Museum. And other officials have been previously introduced.

The Chair: — Thank you very much. And now I'll have questions by members. We'll go into central management and services (CY01). Questions? Ms. Draude.

Ms. Draude: — Thank you very much. Thank you to the minister and to your officials, and I apologize but I didn't hear you say who your new official was.

Hon. Mr. Hagel: — Oh it's David Baron, and Mr. Baron is the director of the Royal Saskatchewan Museum.

Ms. Draude: — Oh I see. Okay.

Hon. Mr. Hagel: — It's celebrating its centennial this year.

Ms. Draude: — Thank you, and I know the minister never misses an opportunity to say that. Good advertising. You got an opportunity; in your next life, you can be in promotion and sales.

A Member: — At the pearly gates.

Ms. Draude: — Oh my goodness.

Hon. Mr. Hagel: — We hope it doesn't take 100 years to start the next life.

Ms. Draude: — I think we should go on. We're deteriorating here. Mr. Minister, I'm going to ask some of these questions I know you've been waiting to hear me talk about and that's the centennial questions. The supplementary estimates indicate that there was an additional \$686,000 provided to the Centennial Office. But also there was an order in council in January indicating that there was an additional expenditure of \$1.212 million to provide for merchandise. Is this, is this 686,000 in addition to the previous 1.212 million?

Hon. Mr. Hagel: — Your question's about the 686 isn't it?

Ms. Draude: — Yes, I want to know if the 686,000 is in

addition to the order in council that was for 1.212 million.

The Chair: — And to the minister, before your officials speak the first time, will they identify themselves at the mike? Thanks.

Hon. Mr. Hagel: — The answer is yes, it was an additional amount over the November dedication.

Ms. Draude: — In November, Mr. Minister, you'd indicated that the total spending would be 21 million. So then what was the total spending?

Hon. Mr. Hagel: — We've had a chance now with . . . In fact we've just been able to give the final total just within the last few days. Okay. And so after the year-end and the books have been tallied, the total centennial expenditure — and this is an unaudited figure, I have to give that qualification — is 19.185 million so it came in, the centennial finished I think it's \$845,000 under budget then.

Ms. Draude: — So then why did you need an order in council if you were under budget?

Hon. Mr. Hagel: — Madam Chair, to the hon. member, when the special warrant came in February, then at that time the books had not been close to finalized. And it had always been part of the fiscal plan for the centennial that monies received for merchandise would . . . because they would go to the General Revenue Fund.

The Centennial Office did not have the ability to receive funds, and so it was always part of the official fiscal plan is that those funds go to the General Revenue Fund when they are received and then would be transferred to the Centennial Office. So there was a special warrant in February in anticipation of the office requiring our full budget in order to meet our obligations.

As it turned out then, that the final tallies were completed, we got to the end of the year, we found ourselves pleasantly . . . I found myself pleased that we were able to come in \$845,000 under the budget. But simply we weren't in a position yet in February to have known that.

Ms. Draude: — Okay thank you. I know that the additional million two was for merchandise. Was all of that spent on merchandise, and how much of that merchandise remains unsold?

Hon. Mr. Hagel: — The amount of merchandise that was unsold would have been in the amount of \$29,654.75. And then — it would have most of that or all it? — virtually all of that went to the Salvation Army. It would have been almost entirely, not entirely but almost entirely, clothing. And a lot of it was children's clothing and that sort of thing.

And so what the Centennial Office did prior to Christmas was transferred that to Salvation Army to use for Christmas family . . . to distribution for Salvation Army families at Christmas time.

Ms. Draude: — Thank you. I think most of us were very

caught up in the centennial last year, but the one area that I think was a faux pas, and maybe we won't agree on this but the calls that I have received the most negative comments from was the senior pins. And I still get people talk about it. And if I do, I'm sure you do as well.

Can you tell us how much . . . what was the final figure on the cost of these centennial pins to seniors?

Hon. Mr. Hagel: — The answer is yes, but it will take me a second to get the figure.

Ms. Draude: — Yes, it was a faux pas or what?

Hon. Mr. Hagel: — No. Yes, we can get you the answer. Okay, here we are. This is the final . . . that's what the total cost, which includes production and mailing and distribution, so the entire project would have been \$212,105.86.

Ms. Draude: — Mr. Minister, we know that the cost of mailing each one alone was over a dollar or around the dollar for each one of the pins. That's what it said on the packages when they came out. And the cost of the pins themselves were just over a dollar, I believe, or what was the cost?

Hon. Mr. Hagel: — Yes, the . . .

Ms. Draude: — Maybe you could provide me with a total breakdown of that cost.

Hon. Mr. Hagel: — The cost of the pins . . . I can give you the total pin production. And there were 150,000 pins. So I can't do the math in this one in my head. For 150,000 pins the total cost was \$65,055.99. So that would be in the neighbourhood of about 45 cents a pin approximately, would be my quick math would tell me that.

Ms. Draude: — And I know that the packaging . . . They all went in bubble packs, and they were . . . the cost of that?

Hon. Mr. Hagel: — The envelopes?

Ms. Draude: — Yes.

Hon. Mr. Hagel: — Envelopes was \$22,341.60.

Ms. Draude: — So then what was the additional?

Hon. Mr. Hagel: — There were the card, and that was \$3,859.49. And then there was an honorarium paid to the SaskTel Pioneers who did all of the stuffing of the items in the envelope prior to mailing, and that was a \$5,000 honorarium that went to the SaskTel Pioneers. And that should total . . . Oh and the mailing is the only final item is \$115,000. So that will give you the 212,000 total.

Ms. Draude: — Thank you. It's also my understanding that the government is providing centennial plaques to communities to commemorate the centennial events. I'm wondering if that spending is included. I mean the minister has gone out to various communities, and they've received recognition and plaques for commemorative.

Hon. Mr. Hagel: — For communities that organized . . .

Ms. Draude: — That had centennial events.

Hon. Mr. Hagel: — Yes. They wouldn't have been plaques. Certificates.

Ms. Draude: — Well some kind of recognition of some sort. Maybe it was a certificate.

Hon. Mr. Hagel: — Yes. They would have been not just to communities. There were over 4,000 events in the centennial, officially registered events. And so for every event that was officially registered and therefore on the website, there was a certificate of participation in the centennial that was, that was submitted to that organization. Now in many cases that would have been communities, but many of those, most of those of course would not have been communities.

I'm not sure if just by the look in your face if that's what you're asking about but . . .

Ms. Draude: — I know that there was . . . I'm not sure if it was the minister himself or some of the officials actually took some of these recognitions out to different communities in appreciation of holding the event.

Hon. Mr. Hagel: — I would have attended . . . Some communities would have asked me, when I was attending events, to present it to them while I was there. That wasn't . . . By far the large, large majority would have been sent in the mail. In fact often in those cases even they had received them with their communication from the office and would've asked me to present it to them when I was there.

Ms. Draude: — Was this cost included in the centennial cost?

Hon. Mr. Hagel: — Of the distribution of the certificates?

Ms. Draude: — Correct.

Hon. Mr. Hagel: — Yes, yes.

Ms. Draude: — Okay. I think I'm going to leave that for now. I'm going to ask about the Tommy Douglas film. One of my colleagues wants to ask some questions. But in general, I know that when it came out there was some controversy over whether the factualness, if that's a word, of the movie itself, and one family, the Gardiner family, I guess, was interviewed. But now we learn that this film is going to be sent to schools. Is that correct?

Hon. Mr. Hagel: — To the best of my knowledge the answer is no, not that I'm aware.

Ms. Draude: — It's not going to be sent to . . . it's not going to be part of the . . . sent to schools. It's not going to be part of the school curriculum?

Hon. Mr. Hagel: — To the best of my . . . I have no knowledge of it being planned to use as part of a curriculum.

Ms. Draude: — Do you . . . Is it being sent to schools period?

Are you aware?

Hon. Mr. Hagel: — Not that I'm aware of, no.

Ms. Draude: — Okay.

The Chair: — Mr. Hart.

Mr. Hart: — Thank you Madam Chair. Minister I represent the community of Lemberg, the home of Jimmy Gardiner. And I have talked to a number of citizens of Lemberg who are very upset with the depiction of Jimmy Gardiner in the film. And you know, no one's more upset than the immediate family. And I'm looking at an item in the April 27 edition of the *Leader-Post* where Marg Gardiner, a grandchild of Jimmy Gardiner, wrote a lengthy letter to the editor expressing the family's displeasure with the way their grandfather was treated. And I have to say frankly that I agree with them.

She points out that the doctor in the film was a fictitious person, that a fictitious name was used, you know, and to portray the individual who opposed the introduction of medicare. And she asked the question, you know, if for theatrical purposes you need to have the good guy and the bad guy, that rather than using Jimmy Gardiner and Jimmy Gardiner's name, you know, with the historical inaccuracies, why couldn't a fictitious name be attributed to the villain as such.

Because what the outcome of the depiction of Jimmy Gardiner . . . and I mean we don't have to review recent history, you know; the facts weren't accurate. Jimmy Gardiner was depicted in the manner which certainly was not his character.

The residents of Lemberg to this day still talk about the great debate that was held in the late 1920s between Jimmy Gardiner and the leader of Ku Klux Klan where basically Jimmy Gardiner stared that individual down, and they basically left the area if not the province. And so, you know, I can understand why they are upset with the way they were depicted.

And I guess what I would like to do, Mr. Minister, is just simply read into the record the final paragraph in Marg Gardiner's letter to the editor. And I'm quoting now:

A reasonable solution would be to remove Jimmy Gardiner's name from the film, in its entirety, before the film is further distributed or broadcast; no re-shooting would be necessary. The Gardiner family is asking for respect, [and] not censorship. It is not censorship to insist that a man's history and legacy be respected. The issue of Gardiner's portrayal is not simply a matter of disliking a depiction. It is a matter of ethics . . . [in] history.

And it's signed by Marg Gardiner, a grandchild, a granddaughter of Jimmy Gardiner.

So Minister, seeing that your government contributed in a significant way financially to the making of this mini-series, I would suggest perhaps . . . to you and that I think a letter of apology is owing to the Gardiner family.

I realize that you, your government did not make the film, but you provided some significant financial support. And I would

think that you have a certain amount of obligation to ensure that those people in our history who have significantly contributed to Saskatchewan's well-being be portrayed at least in a factual and accurate way. And if that didn't happen because for whatever reasons, I think at the very least the Gardiner family should receive an apology from you and your government, Minister. And I'm asking today, are you prepared to do that?

Hon. Mr. Hagel: — Madam Chair, in response to the hon. member's question, the hon. member will be aware that this is a matter about which I have spoken publicly previously, will also be aware I suspect that there was an event held just down the hall here a week ago related to the celebration of historical people and events that will take place in Mossbank in July. And if I remembered the date I could give the commercial for it. I . . . [inaudible interjection] . . . sorry, June 17. And one of those will be Jimmy Gardiner, and in fact it is his grandson who represents him in that persona and engaged in that historical debate to which you refer.

I've said previously publicly and say here again, it is always my preference that when there are productions that portray Saskatchewan historical characters, be they political or otherwise, that I would . . . as a proud Saskatchewanian it would always be my personal preference that they would be accurately portrayed. And I understand the sentiments of family and others who hold Mr. Gardiner in esteem.

I think the relevant point and I certainly have said this publicly before as well is that — and this is an important principle for me as Minister for Culture, Youth and Recreation — where we are in a province in which the film industry is welcomed to our province and in which we have incentives for it to be an active part of our economy, that it is important that the government not be involved in censorship of dramas that are produced within the province. And for that reason, I certainly empathize, with those about whom you comment.

But I think it would be inappropriate to apologize. To apologize suggests that, would suggest . . . And the reason I say that is because to me that suggests that you assume responsibility for the content, and I do not assume responsibility for the dramatic content. And it would be inappropriate I think for the Minister for Culture, Youth and Recreation to assume responsibility for the content of a dramatic production in the province.

Mr. Hart: — Well, Minister, if you are providing, you know, significant financial support to a project, I would think that you would have some responsibility as to the type of project that is being . . . the dollars are being used for.

I mean let's use a hypothetical situation. I'm sure you would take some action if you funded a project on a . . . initially on the pretense that the project was of some value to society and you find that — let's just use as I said a hypothetical example — that it turns out to be some movie that certainly is not fit for general consumption you know. I won't go any further, but I think you know what I mean. That I think you would perhaps take some action I'm guessing. At least I hope you would perhaps.

Now I'm not suggesting in any way that this miniseries is anything like that, but what is out there and what is fact is that it

did portray one of our . . . This isn't just an ordinary citizen, although I mean I'm not suggesting that an ordinary citizen's reputation should be defamed either. But I mean this is one of . . . Tommy Douglas is one of our icons, so is Jimmy Gardiner you know. And it just seems to me that there was really no need to tear down one individual to build up another individual. I'm sure Mr. Douglas and his legacy can certainly stand alone, and the movie producers didn't need to tear down Mr. Douglas.

I mean if they did it with their own money and there was no public dollars involved, I mean fine. The Gardiner family wouldn't like it. The people from Lemberg wouldn't like it but so be it, you know. But this is a production that is funded with public dollars.

There was I believe a plan. At least there was a plan in place to take it into the schools as a historical piece of work. Because of the inaccuracies . . . and you've just indicated that that's not going to happen, and that's good. It's actually unfortunate that that isn't happening because you know I think it may have had some significance, historical significance if it was somewhat factually accurate.

So I'm thinking that this is a situation where . . . I'm not asking you to censor, you know, what our movie industry is doing. But when public dollars are involved and a public individual in our province is inaccurately portrayed and his character is defamed, I think you have some responsibility to correct the wrong.

Hon. Mr. Hagel: — Thank you, Madam Chair, the hon. member . . . I certainly accept the view that the hon. member makes, and I understand that. It will be the obligation, when a contract is signed, to honour a contract of course. And I'm stating the obvious.

It will also be clear from my point of view as minister responsible for the arts that one has a public obligation to be very, very careful about the political arm of government entering into censorship of artistic productions. And I think that, and I know that the hon. member acknowledges that and recognizes that in his comments. And it may simply be that we just have a difference of view as to where that line is in terms of interventionist activity I guess. I think that's the point that the hon. member is making.

There will be some restrictions of course in the film tax credit Act that exists in this province that will prohibit certain kinds of productions. And that's placed in law, and it would certainly be solid grounds to withhold, to withhold a financial contribution.

And so I think, Madam Chair, I accept the point of view that the hon. member presents, and it just may be that we have a different view as to where the fine line about obligations to avoid political censorship start and end. And I respect that.

The Chair: — Ms. Draude.

Ms. Draude: — Thank you. Mr. Minister, I just have one final question on the film. I received information that the film that is going to be sent to the school is actually work that's been done by the CBC [Canadian Broadcasting Corporation] — Is that correct? — to send some type of resource material out to the school.

Hon. Mr. Hagel: — To the hon. member, excuse me, to the best of my knowledge that's not the case. But if you like, we can check and provide a response to that. But to the best of our knowledge here, the officials and myself, there isn't such a plan that exists.

Ms. Draude: — Thank you, Mr. Minister, and I would appreciate it if you do do some checking into it because I guess we're all concerned that if it's going out to the school system and it's part of a resource material, that the information should be factual. So if you could look into it, I'd appreciate it.

Hon. Mr. Hagel: — Sure. Well I'll provide the response to the committee.

Ms. Draude: — Thank you very much. Now I'm going to ask some questions on heritage because . . .

Hon. Mr. Hagel: — Are we done with the centennial?

Ms. Draude: — For now.

Hon. Mr. Hagel: — Rats. Okay.

Ms. Draude: — Sooner or later it all comes . . . it's all over. It's just like the kids going home afterwards. It's all over.

Hon. Mr. Hagel: — Nobody throws a party like Saskatchewan.

Ms. Draude: — Well now . . . but pretty soon it's going to be part of our heritage, so that's what I want to talk about now is heritage.

Hon. Mr. Hagel: — That's right. That's right because the centennial year's an exciting part of our heritage now.

Ms. Draude: — It's part of history, yes it is.

Hon. Mr. Hagel: — That's right.

Ms. Draude: — Mr. Minister, when we . . . this area of government is really important when you think that Saskatchewan is only 100 years old, and we're trying to protect heritage. And yet too many times something's 60 years old, we just bulldoze it over because it's pretty old in this province.

Hon. Mr. Hagel: — I hope that's not a personal comment there because . . .

Ms. Draude: — No, no because I'm right there. So I'm . . . when I look at the amount of money that was put into heritage, I do see and understand where the cutbacks went to. Can you tell me approximately how many applications come in every year for heritage building grants?

Hon. Mr. Hagel: — Okay. Madam Chair, to the hon. member, I'm going to . . . I'll have to provide that specific information to the committee. The reason is this. The heritage grant applications are not dealt with by the department. They're dealt with by the Saskatchewan Heritage Foundation.

And remember when we were talking last time about the lottery funds then flow in support of sports, culture, and recreation.

And the heritage foundation is one of those bodies to which the lottery funds will flow. So it's not in the GRF [General Revenue Fund], and we don't have it here.

The information I can tell you is that the grants tend to be in, typically in the 2 to \$3,000 range, but I can't give you any more information than that. And I'll find out the number of . . . You're wanting to know the number of applications received by the Saskatchewan Heritage Foundation.

Ms. Draude: — Yes, Mr. Minister. Probably the number of applications and the number of approvals as well.

Hon. Mr. Hagel: — Okay. We'll provide that to the committee.

Ms. Draude: — In a previous year's estimates, I knew that there was a member of the heritage foundation came to estimates at one time because I spoke directly with the gentleman. So maybe there has been some changes in the way that this department operates.

Hon. Mr. Hagel: — Yes, I'm advised that until 2004-05 it was handled within the department, and that would have probably been the experience that you had. There would have been a department personnel that handled it, but that's no longer the case.

Ms. Draude: — Can you tell me then why there was a reduction in funding for the heritage operations this year?

Hon. Mr. Hagel: — Now the question that the hon. member is raising now, Madam Chair, is not the heritage foundation now. It's related to the historic places initiative, and that is found within the department. The historic places initiative, it's a federal-provincial program. And the reduction of \$130,000 is related to the fact that there was a larger amount of start-up funds provided by the federal government to the province related to the historic places initiative. That has now . . . that start-up work has been completed and is no longer required, so this would have been known in advance and in effect means that the historic places initiative is now at its — what would be the word? — yes, at its maintenance level.

Ms. Draude: — So, Mr. Minister, how much money of that initial heritage places was federal money?

Hon. Mr. Hagel: — This is more detailed than I know off the top of my head so why don't I ask Ms. Martin to respond to that.

Ms. Martin: — Dawn Martin, executive director of culture and heritage. The historic places initiative is fully funded by the federal government. Monies flow through a federal-provincial agreement into our department, so any expenses we incur are directly offset by federal funds.

So in the first number of years, the first three years of the program the amount that was received by the department was in the range of \$600,000. Last year it was \$639,000. This year we're anticipating that the allocations for the initiative, now that it's moved from the launch phase to the maintenance phase, will be about \$509,000. And that's fully funded by the federal government.

Ms. Draude: — So how much money is the province putting in then? Is it, it's all . . .

Ms. Martin: — It's all funded by the federal government.

Ms. Draude: — So is any of the administrative costs that the province has for doing the work, is that covered by the federal government as well?

Ms. Martin: — I mean there will be some, like a portion of the director of heritage's time goes to the management of the program, but we claim a portion of his salary back to the federal government. There's accommodation costs; those are claimed back to the federal government. There may well be some administration cost absorbed here and there, but they would be really minor I think.

Ms. Draude: — So the federal government . . . okay I'm just trying . . . How much of the manager's wage is paid by the federal government, what percentage?

Ms. Martin: — 25 per cent.

Ms. Draude: — And is there any other federal money that goes into the heritage programs, whether it's this program or another heritage program within this government?

Ms. Martin: — I'm not sure I understand the question.

Ms. Draude: — Is there any other federal money that comes into your source?

Ms. Martin: — No, no.

Ms. Draude: — So it's only this one, this one area?

Ms. Martin: — Right, yes. Yes, in through our department. And the expense side of the money actually shows up in our estimate. So when you see heritage operations support, that includes the amount from the federal government.

Hon. Mr. Hagel: — Maybe I'll just respond. I'm not sure we got the question straight. The \$509,000 will come from the federal government for the historic places initiative. And there won't be any other federal funding for the purposes of heritage. However there is additional heritage expenditure which is provincial funds, and then that's . . . So what you will see on the line is that the amount in this fiscal year will be 1.222 million, of which 509,000 is from the federal government.

Ms. Draude: — So the number last year of 1.319 million there was, I think you said 630,000 or a number in that area, came from the federal government.

Hon. Mr. Hagel: — So the reduction is the amount of reduction of federal funding, and it's totally related to the fact that the program has now completed its start-up phase and is now in maintenance phase. And the operating, that reflects the reduction in the operating cost.

Ms. Draude: — So is there any programs within the department now that's cut back further than this area where there's a reduction in federal money? Like within the heritage

operations — the different program supports that there is — were any of them cut back at all? Or was it just the amount of money that was decreased from the federal government?

Hon. Mr. Hagel: — It's status quo. And I do want to add . . . Sorry. And I want to correct my previous comment about federal funds from heritage. There is, I'm advised by one of the officials, there is in addition to the historic places initiative, there \$28,000, that goes to the Royal Saskatchewan Museum for the purpose of repatriation.

Ms. Draude: — Is that a yearly amount, or is it just because of the centennial?

Hon. Mr. Hagel: — It's a one-time payment from the federal government. It will be . . . Just to expand on that. Let me just . . . I want to make sure I get the facts straight. Thank you, Madam Chair, I appreciate the patience. I want to make sure that we get the facts straight here.

The funding from the province is \$61,000 over two years, and it's intended to be matched by the province so therefore making a total of \$122,000. And the purpose of that is to develop policy on repatriation of First Nations' artifacts. And so it will involve things including the consultation then with First Nations. And none of it is related to the centennial celebration or status of the RSM [Royal Saskatchewan Museum]. It's entirely related to assist in the development of the repatriation policy.

Ms. Draude: — Are there new personnel hired, or is there a contract given out to determine this work, or is it all done within existing staff?

Hon. Mr. Hagel: — I'll ask Mr. Baron to just respond to that directly.

Mr. Baron: — David Baron, director of the Royal Saskatchewan Museum. There are three individuals presently involved directly in the project. One of these is a permanent senior employee with the Royal Saskatchewan Museum. Two are First Nations people. One is a permanent part-time individual who is . . . position is being funded by youth and policy branch. And one individual, another First Nations lady, is being funded almost entirely by the Aboriginal . . . it's through Public Service Commission. I just can't remember the project. Yes, it's Aboriginal employment development program to develop the skills of people in the work place.

Ms. Draude: — So the funding that's coming for these three individuals, two of it is coming separate from this money that's coming from the feds and the province. And they were full-time . . . How do you call . . . Again, full-time, part-time people is what you'd call them?

Mr. Baron: — Well some of them are permanent classified staff, and one individual is part-time but he is permanent.

Ms. Draude: — So for this program, this work is being done for the First Nations people, or for the work within the museum there's an additional \$122,000, but there's also funding being given from one government department and one government program. Is that correct?

Mr. Baron: — Yes. If I may, without contradicting the minister, the money that is flowing into this program . . . I'm sorry. The money that is flowing into this program from the federal government was approximately \$62,000 over two years.

Ms. Draude: — So what is that money being used for if it's not personnel?

Mr. Baron: — A small part of it is being used for our share. The Public Service Commission funds 70 per cent of one of these management development positions. We need to find 30 per cent. And that is part of the money that is flowing into the museum. Most of the money, virtually all of the money is going to pay for the expenses of First Nations people to participate in the consultation process.

Ms. Draude: — So if a First Nations individual comes from the North or wherever and uses his expertise, he is being paid — he or she?

Mr. Baron: — Yes, these are elders from bands and councils, Treaty Four association, Prince Albert Grand Council, who are . . . their expenses of travel, all of their accommodation, plus an honorarium is paid to them.

Ms. Draude: — Mr. Minister, now this amount of money, I don't see anywhere in this line that shows that the federal government has any money in here, and I also don't see anything that shows the Public Service Commission put any money into there. Does that go directly into the annual return of the museum or how is it shown? Or does it all just look like it's coming from the provincial government?

Hon. Mr. Hagel: — As will be typical in terms of relationships between levels of government, federal funds will flow to the province of Saskatchewan through the General Revenue Fund and then will be represented then in the expenditures before us in terms of the total expenditure. That's why it's important that we have estimates and that you ask questions.

Ms. Draude: — So that the province can't take credit for federal money.

Hon. Mr. Hagel: — No, we very happily acknowledge the federal support. And I say that quite sincerely because it is . . . I think it is important that when we're dealing with many of these kinds of issues that we acknowledge that there are two levels of support — the same taxpayer, but through federal priorities as well as provincial priorities. And it's kind of nice when they're collaborated instead of worked on independently.

So I think the net effect for the taxpayer — ultimately I would certainly I hope this would be the objective — is that by pooling the resources federally and provincially that you're achieving the objective for the same citizenry who are both Saskatchewanians and Canadians at the same time.

Ms. Draude: — Yesterday's federal budget that came down must have been waited with anticipation by lots of levels of different government departments then as well. Has this department had an opportunity to see what the federal budget yesterday did in terms of monies that would be allocated to the province, to this department?

Hon. Mr. Hagel: — Madam Chair, to the best of our knowledge at this point, there wasn't identifiable funds from the federal government that will flow to the province of Saskatchewan related to this department. However we haven't given up on that yet.

And we do note that there was an incremental \$5 million increase in funding — 5 million for the nation — dedicated to culture. We're not quite sure what that means at this stage. It's not a huge amount particularly in the context of the entire country, but if some of that has the chance to flow to assist with our objectives, we would certainly welcome that.

On the physical activity front which is also part of the department's concern of course . . . it's different from heritage or culture so there is . . . I will have some optimism. I choose to be an optimist that, on the physical activity front, that there is a possibility that there will be funds that will flow from the federal government to the provinces to assist with our objectives there. I think it is one that has had some mention from the federal government. But there's nothing at this stage that we've been able to identify.

Ms. Draude: — Thank you.

Hon. Mr. Hagel: — And I would say, I will be heading to a national meeting of ministers of sport in June. And so we will certainly be clearly outlining Saskatchewan's priorities and looking for ways to collaborate with the federal government for common objectives.

Ms. Draude: — Thank you, Mr. Minister, and any time the federal government wants to put money into heritage, I would be the first one to clap for this. I think it would be great.

Hon. Mr. Hagel: — Well you may have to get in line because you might be second. I think you'd be right behind me there, madam.

Ms. Draude: — But I do think that, in case something changes in our lives here, that . . . And I'm not the one fortunate enough to ask again on this area, how would one know to ask if there was federal money involved in follow-up? Just something you'd keep in mind you better ask, or you don't find out?

Hon. Mr. Hagel: — Madam Chair, to the hon. member, it will be in a different part of the budget book that you will find the flow of revenues from the federal government. It will be, I guess, in the Estimates book on page 12. You'll find transfers from the Government of Canada. Now that will . . . The ones that the amount that will flow to our department would be captured in the other figure, in the \$214 million. So it's not . . . What you'll find in the estimates for the department will be the expenditures. And that'll be typical for all departments. And you'll find revenues in another portion of the book.

And the way to get clarity is by doing what you're doing. But it is . . . You will never find from me a desire to keep secret the support of our objectives when funds are flowing from the federal government because I have long believed that it is . . . Taxpayers like to know when they've got different levels of government that are collaborating to a common objective. And I just simply think that's good communication, quite frankly.

Ms. Draude: — Thank you, Mr. Minister. And I believe . . . I know that it takes a lot of time to get the questions answered that we need to have answered, and I think we don't have a lot of time left. So I just asked our chairperson if I can give you a couple of questions that I'm going to ask you next time, just so that we can be ready.

One of them is . . . Better yet, so you can be ready. You talked about artifacts that are going to be repatriated, and I'm wondering, do you have any idea of how many you're working on at this time, what your plan is to have them done? Are the First Nations going to be paid for this work themselves, or who's going to be doing it, and when they're actually going to be ready for the public?

And the other question that I wanted is, you indicated that I believe it was two or three years ago that heritage was removed as a line out of the department and is now part of the lottery funds. And I want to know why it's no longer . . . why it was changed and why they have to sort of bid for money the way some of the other departments do. How was this determined that this should change?

So thank you, Mr. Minister. Thank you to your officials. I always enjoy this.

Hon. Mr. Hagel: — Thank you very much. We'll look forward to our next little chat in committee.

Ms. Draude: — Me too.

Hon. Mr. Hagel: — Thanks.

The Chair: — Thank you to the minister and his officials.

Our next item up for business is consideration of Bill 49, The Police and Peace Officers' Memorial Day Act. We'll just pause for a moment while we change minister and officials.

Bill No. 49 — The Police and Peace Officers' Memorial Day Act

Clause 1

The Chair: — Welcome to the minister and to his officials. We thank you for the document. We'll pass it out and consider it tabled. The consideration right now is The Police and Peace Officers' Memorial Day Act. And the minister may want to introduce his officials and if you have an opening statement on the Act, please give it now.

Hon. Mr. Yates: — Thank you very much, Madam Chair. I have with me today the assistant deputy minister for the Department of Corrections and Public Safety, Maureen Lloyd. And I have also with me the executive assistant to the deputy minister, Karen Lautsch.

I'm very pleased to be here today to discuss this Bill in committee. As a former peace officer, formal knowledge of the last Sunday in September as the Police and Peace Officers' Memorial Day is very important. It demonstrates our commitment and support as a province to the work of our past, current, and future police and peace officers.

When I was appointed cabinet minister, one of my goals was to bring forward this legislation. The strong understanding of the role of police and peace officers in their departments, my colleagues from Justice, Environment, and Highways and Transportation were very supportive.

I understand that this year's national memorial is being planned for September 22-24 in Ottawa. Our provincial police and peace officers will be represented at that ceremony. As well plans are underway for a Saskatchewan ceremony that same weekend. It is being planned by police and peace officers. My department will provide funding to support this event.

At this time I would like to honour fallen police, Saskatchewan police and peace officers by reading their names into the record.

Madam Chair, June 19, 1877 was the first individual who lost their life in this province. It was Sub. Cst. George Mahoney.

Cst. Thomas James Gibson
 Cst. George Knox Garrett
 Cst. George Pearce Arnold
 Cst. David Latimer Cowan
 Cpl. Ralph Bateman Sleigh
 Cst. Patrick Burke
 Cpl. William Hay Talbot Lowry
 Cst. Frank Orlando Elliott
 Cst. James Herron
 Sgt. Albert Ernest Garland Montgomery
 Sgt. Colin Campbell Colebrook
 Cst. Oscar Alexander Kern
 Cst. John Randolph Kerr
 Cpl. Charles Horne Sterling Hockin
 Cst. Thomas Robert Jackson
 Penitentiary Guard Stanley Herbert Blythe
 Cpl. Leonard Victor Ralls
 Insp. Lorne James Sampson
 Cst. George A. Lenhard
 Det. Charles Miller
 John S. Sangster
 Cst. Willis Edward Rhodeniser
 Cst. Norman Alfred Gleadow
 Sgt. Arthur Julian Barker
 Cst. Harry G. Rapeer
 Surgeon Maurice Powers
 Cst. Charles William Reay
 Insp. David James McCombe
 Cst. Matthew Kwasnica
 Officer Harold B. Thompson
 Cst. Wayne Sinclair
 Cst. David Brian Robinson
 Conservation Officer Alfred B. Newland
 Cst. Philip John Francis Tidman
 Cst. Roger R. Beausoleil
 Sgt. Robert James Schrader
 Cst. Douglas Bernard Anson
 Cst. Leslie E. Gardner
 Cst. Brian King,
 Cst. Roy John William Karwaski
 Cpl. Ole R. Larsen
 Cst. Douglas A.M. Butler
 Cst. Richard Allan Bourgoin
 Cst. Daniel Lincoln Keough

Special Cst. W.P. Boskill
 Special Cst. J.F. Wilson
 Corrections Officer Alvin Frank
 Cst. D.S. Beyak
 Conservation Officer Murray L. Doell
 Conservation Officer Lee Murray
 Conservation Officer Arthur T. Haugen
 Lynn Sharber
 Conservation Officer Breton Thomas
 Conservation Officer Kevin Misfeldt
 Cst. Daniel Bourdon

Thank you very much, Madam Chair. These individuals gave their lives for the people of our province. I believe that this legislation is a lasting tribute to the selfless contributions of fallen police and peace officers and those police and peace officers that continue to serve our province. At this time I am pleased to answer any questions about the legislation. Thank you.

The Chair: — Questions then? Mr. Morgan.

Mr. Morgan: — Mr. Chair, thank you for the opportunity. This is one of the unusual times where the opposition has a common purpose with the government. When this Bill was introduced in the House, we took the unusual step of not debating the Bill and speaking in favour of the Bill and ensuring that it went to committee immediately. It was our goal, and continues to be our goal, to ensure that this Bill receives Royal Assent so that celebrations or memorial services can take place later this year. We want to ensure that the Memorial Day will take place and be recognized in the year 2006.

It is the position of the opposition, and I'm sure all members of the House, that recognizing fallen officers in this fashion is the least we can do. These are individuals that have given their life in ensuring that our safety and liberty is protected and upheld. It is something that we should regard as the least we can do.

The only question that I have for the minister is with regard to the funding. And I'm wondering how much funding has been allowed for this? Is this going to be on an ongoing basis? Is it sufficient for what was requested by the police officers?

Hon. Mr. Yates: — Thank you very much for the question. Since 2004 when this ceremony has gone on annually in the province, we have provided \$5,000 annually and would intend to do so in the future.

Mr. Morgan: — Is there a consultation that takes place with the Federation of Police Officers or is there another, is there a professional organization that we . . .

Hon. Mr. Yates: — The service itself in Saskatchewan is planned by a committee that's made up of police and peace officers from the various agencies in the province.

Mr. Morgan: — I asked the question, not that we're criticizing the expenditure and it's a small expenditure considered province-wide, but we just want to ensure that it's appropriate and it's efficient to meet the needs that are required for this. And if the minister's officials indicate that it is, we're prepared to vote on this.

Hon. Mr. Yates: — I would just like to add to that information as well for the benefit of the members, that each year a number of members are also . . . from both the police forces and employees of the government have attended the service on Parliament Hill, and each year employees are given the benefit of attending the national service on Parliament Hill as well.

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

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: An Act Respecting a Memorial Day to Honour Police and Peace Officers.

Could I have a member move that we present this to the House without amendment?

Mr. Prebble: — I so move, Madam Chair.

The Chair: — Mr. Prebble. Thank you. All in favour?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Thank you very much. Thanks to the minister and his officials.

Third item up before the committee is consideration of Bill No. 60, The Evidence Act. We'll have a couple of moments while we change ministers and officials.

Bill No. 60 — The Evidence Act/Loi sur la preuve

Clause 1

The Chair: — Welcome to the minister and his officials. If you can just introduce the officials, and if you have any opening statement to the Bill, you can give it to us now.

Hon. Mr. Quennell: — Thank you, Madam Chair. To my left is Andrea Seale who's the Crown counsel for legislative services branch, and to my right is Tom Irvine who's Crown counsel constitutional law branch.

Madam Chair, The Evidence Act repeals and replaces The Saskatchewan Evidence Act and The Recording of Evidence By Sound Recording Machine Act. The Evidence Act governs issues of evidence in matters over which the province has jurisdiction. The Canada Evidence Act governs matters within federal jurisdiction.

The Saskatchewan Act deals primarily with the evidence of witnesses and the proof of documents and records. The Saskatchewan Act applies to all proceedings within provincial jurisdiction including actions and matters in a civil realm and quasi-criminal proceedings such as prosecutions under provincial statutes. As well as traditional courts, other bodies

authorized to hear witnesses, take evidence, make orders, or exercise judicial or quasi-judicial functions are covered. This includes entities such as boards and commissions, public inquiry commissioners, and arbitrators.

The Evidence Act updates the current Saskatchewan Evidence Act, much of which has not been changed in the last 100 years. The present Act is a mixture of provisions based on 19th century English statutes and more recent provisions meant to deal with contemporary Saskatchewan problems. Because the Act has never been reviewed for consistency between the various provisions, some issues of interpretation arise. As well the Act bears issues of unclear terminology, obsolete references, and antiquated language.

The new Act also includes the provisions now contained in The Recording of Evidence by Sound Recording Machine Act. This Act provides that court proceedings may be recorded and sets up procedures for transcription, destruction, and preservation of records. As with The Saskatchewan Evidence Act, this Act has not been reviewed in some time and is out of date.

The goal of the revision is to re-enact the legislation in a more user-friendly version so that the Act may be more easily understood. To this end, significant consultations with the Saskatchewan judges and lawyers have occurred in the development of the new evidence Act. In re-enacting the legislation, some updating has been necessary. As well a fair bit of reorganization of provisions has occurred.

Madam Chair, The Evidence Act is being re-enacted in French and English. This, along with the clear language and new provisions, will help make the Act more accessible to members of the public as well as to judges and lawyers who use the Act on a regular basis.

The Chair: — Questions? Mr. Morgan.

Mr. Morgan: — Madam Chair, the minister had indicated that there had been some consultation. Was there consultation with the police forces through the province?

Ms. Seale: — My name is Andrea Seale from legislative services branch at the Department of Justice.

No, there wasn't. We consulted with primarily lawyers and judges because the Act deals with civil matters rather than criminal matters. The Canada Evidence Act and the Criminal Code have similar provisions for the criminal realm.

Mr. Morgan: — The consultation with the lawyers, was that done through the Law Society, the Canadian Bar Association?

Ms. Seale: — May I read you the list of consultees?

Mr. Morgan: — Sure.

Ms. Seale: — Not their names, but the organizations we consulted with: the Provincial Court; the Court of Queen's Bench; the Court of Appeal; a number of retired judges who knew that we were looking at this Act and wanted to be involved in the process; the Canadian Bar Association, Saskatchewan branch; the Law Society of Saskatchewan; the

Saskatchewan Law Reform Commission, which did a paper in 2004 with respect to evidence Act revisions; the Saskatchewan Trial Lawyers Association.

And again as with the judges, there were individual lawyers who indicated an interest in the Act, and we consulted with them; the civil law and prosecutions branches at the Department of Justice; the court services branch at Justice; Royal Reporting, which is a transcript services agency; the Department of Health; lawyers advising the regional health authorities; and the College of Physicians and Surgeons of Saskatchewan.

Mr. Morgan: — You had indicated you had not had consultation with the police or with the Crowns and I presume that's because this Bill deals primarily with civil which is where I'm sort of going with this. The Canada Evidence Act deals with matters under the Criminal Code or criminal charges, but ordinarily the provincial evidence Act and the Canada Evidence Act usually go lockstep because there's often proceedings that are taken in one and there's companion proceedings taken in the other.

So I'm wondering whether there was consultation with Crowns or anything to ensure compatibility between the two pieces of legislation.

Ms. Seale: — We did consult with the provincial court judges who deal with the Canada Evidence Act and the Criminal Code on a regular basis, as well as the prosecutions branch at the Department of Justice, and had some comments from them in that regard.

Mr. Morgan: — So the Crowns were consulted.

Ms. Seale: — Yes.

Mr. Morgan: — In any of the groups that you consulted with was there reluctance or issues or concerns?

Ms. Seale: — No, everybody was very keen to see the Act updated because it was so out of date. The provincial court asked us to look at amendments that are coming forward to the Canada Evidence Act and the Criminal Code. And we will do that, but it was not part of this consultation because there were significant issues to consider in that regard.

Mr. Morgan: — So you are anticipating amendments to the Canada Evidence Act?

Ms. Seale: — Yes, yes.

Mr. Morgan: — Okay. And have you seen a draft Bill?

Ms. Seale: — I have seen a description of them but not the draft Bill.

Mr. Morgan: — Okay. So a lot of what we've done here may have to be changed if there's . . .

Ms. Seale: — It's not really a lot of the Act. It's the provisions that deal with vulnerable witnesses. So it would only be a few provisions that would be changed. And we would look at having that on our list in the next year or so, so that if the

Canada Evidence Act provisions go forward, we will look at making ours compatible if in fact we think that's the policy direction that we should go in.

Mr. Morgan: — Is this Bill modelled after any other jurisdictions?

Ms. Seale: — Not really. The evidence Acts across the country, many of them are almost as out of date as ours was. There are some that are more up to date, and we've looked at some of their provisions. We've also looked at Canada Evidence Act provisions. But I can't say that there's a piece of legislation that ours closely models. If anything, maybe the Canada Evidence Act more than some of the provincial Acts.

Mr. Morgan: — Okay. With the adjacent provinces or with the Western provinces, how different is their legislation to this one?

Mr. Irvine: — Good afternoon. My name's Tom Irvine. We've found that one of the strands in the evidence Act is that there's a lot that has been taken straight from old English statutes. Some of the sections in the current Act, I can point you to the provision in England from 1840 that it was first enacted in and except with some commas hasn't had any changes.

And those provisions tend to be found across the country because that's part of our inheritance from England. But a lot of other provisions tend to have been put in in response to an issue that arose in that particular province. And so we were a bit surprised that we didn't find a lot of consistency across the board.

So the core of the inheritance from England — things dealing with adverse witness, credibility of witnesses, those sorts of things — you will find consistency, but more recent things in the past I'd say 60 years, you see a lot of variation from province to province. So there's not a clear, uniform model.

Mr. Morgan: — My concern is we used to have legislation in the Canada Evidence Act and the provincial evidence Act that were very similar and consistent with the English statutes, so we're able to find a lot of good jurisprudence that apply, that was common throughout the country and even in England. So it made it easy for people to do research, for people to find fairly definitive case law in it, and my concern is now we've sort of gone out on our own without looking at trying to tie ourselves to a uniform model.

We know that we're now having new changes pending from the federal legislation, and I'm wondering whether we wouldn't — we've been 100 years with this one now — whether we wouldn't be better off to wait and see whether there is a uniform model put forth or something else so that we're not, we're not sort of alone.

Mr. Irvine: — There was a uniform model that was put forward in the early '80s. It was a production of the Law Reform Commission of Canada I believe in collaboration with various academic law professors. And interestingly that uniform model has not been adopted by any jurisdiction. It's a bit unusual that you see that happen.

And what we have tried to do though is when we have been

looking at some of the provisions, especially the ones that relate to the English inheritance, we've tried to follow very closely the current wording of the Canada Evidence Act in both the English version and the French version of it because we appreciate that on things like declaration of whether a witness is adverse is not, that is so well entrenched and so well understood within the court system by both Crown and defence that we want to maintain that and so that we have the benefit of being able to move easily back and forth between the Canada Evidence Act and The Saskatchewan Evidence Act.

But at the same time, I don't think the federal government is planning on bringing in a completely new evidence Act. They may be implementing some amendments in the areas of vulnerable adults, but it's not a case of them bringing in a completely new Act that we should wait for; it has been our approach at any rate.

Mr. Morgan: — Is this Bill intended to address or reverse any case law that now exists in the province?

Mr. Irvine: — We have tried simply to update the language and incorporate to make it more consistent. And the comments that we got back from the consultees, we didn't get any strong, why are you doing any of this, in particular. It was more, have you considered perhaps this nuance or that nuance. But by and large we relied on the consultees for their expertise in the courts on an ongoing basis. And we got generally good feedback. So I think we're on fairly solid ground.

Mr. Morgan: — No, I wasn't trying to attack the credibility. I just wanted to know whether there is any existing case law that you're trying to reverse or change with this.

Mr. Irvine: — Oh I'm sorry. I misunderstood the question. No, it's an updating and consolidation I think is the best way to put it.

Mr. Morgan: — Is there any pending cases that will be affected by the passage of this?

Hon. Mr. Quennell: — Not that we're aware of.

Mr. Morgan: — No. Okay. When do you anticipate this Bill coming into force?

Ms. Seale: — September 1, 2006 is the date in the Act. And we chose that date because our understanding was that most trials would be finished before that date and new ones would be starting on that date so that we wouldn't be changing the Act in the middle of trials.

Mr. Morgan: — Is there any preparatory work that you have to do once the Bill is . . .

Ms. Seale: — Is finished? We'll make sure that all our consultees in the bench and bar know about the new provisions and the coming into force date. I think most of them know about it already. But once the Bill is passed, we'll inform them.

Mr. Morgan: — What about training for the civil branch in the department or other lawyers, different lawyers, is there going to be a cross ramification?

Ms. Seale: — No, no.

Mr. Morgan: — Will it be taught as part of a seminar or an in-house for them?

Ms. Seale: — Not that we know of at this point. But certainly the civil law lawyers and the prosecutions lawyers will . . . If they call on us to do training, we will do it. I guess they'll decide what their needs are.

Mr. Morgan: — So it's sort of send it to them, read it. And tell them to read it and hope that they do.

Ms. Seale: — Hopefully they do. Hopefully they already have actually.

Mr. Morgan: — Has there been consultation or discussion with the Law Society, with regard to them informing their membership and the possibility that they may want to do a continuing legal education seminar of some kind?

Ms. Seale: — They may want to. We haven't heard from them yet but that's possible. And often in these cases, we put a notice in the Law Society mail-out about the legislation so that they know the coming into force date and can prepare in that way.

Mr. Morgan: — I think it's probably appropriate for the department to contact the Law Society and say it's a fairly significant update to the statute, and they may want to consider it just as they do their planning.

There is changes to, or at least updating and changes to competence and compellability of spouses and bringing in definitions of common law spouses so that they're governed in the same fashion. Was there discussion with family law practitioners?

Ms. Seale: — As part of our consultation with the CBA [Canadian Bar Association] and the Law Society, yes, and the trial lawyers. But we didn't specifically contact family law lawyers.

Mr. Morgan: — And you don't anticipate that there's going to be any difficulty?

Ms. Seale: — I don't think so. In fact how we did our consultation was that we had a small group within Justice that included myself and Tom — Tom not so much as a constitutional lawyer but as a historical legal specialist — as well as Sharon Pratchler from court services and Jane Sather who was our drafter.

And we did an initial draft that we sent out to consultees . And in that draft we hadn't defined spouses. And it was the consultees that requested the definition, particularly the judges. The judges said they didn't want to have a day spent in court arguing about whether somebody was a spouse or not. They wanted the definition in the Act. But that also came from lawyers, so that was included as a result of consultation rather than our original idea.

Mr. Morgan: — You've included a portion dealing with child witnesses and vulnerable witnesses. In the situations that we

had where the actions were brought by Klassen, Kvello families and the plaintiffs that were bringing actions in the Martensville . . . [inaudible] . . . how, if this would have been passed, would that have impact on those civil actions?

Ms. Seale: — The provisions in this Act that deal with vulnerable witnesses are not changed from the present provisions because those are fairly recent provisions. I'm trying to think what year. Maybe even around '97 or something like that. So those provisions are pretty well unchanged from the current Act.

Mr. Morgan: — Can you give us a bit of background on the part III division 2 — the official documents — and what changes there are in there, between that and the existing statute.

Ms. Seale: — So you were asking about the questions relating to judicial notice and proof of public documents specifically?

Mr. Morgan: — Well actually I was thinking of all of them that are in that section. There's sort of a number of them that are listed, things that were in the *Gazette*. What I'm looking for are things that . . . My question is, what is different in there than there is either out of existing case law? And it's my hope or expectation that it's a codification of the existing . . .

Ms. Seale: — There's a substantial reorganization and updating, but not a change in the law. So that if I can just go through them, I'll just point out where there are some small changes I guess.

With respect to judicial notice, the Act says that judicial notice is to be taken of federal and provincial Acts and ordinances and those of the United Kingdom and of federal and provincial regulations, orders, and proclamation. And this is an expansion of present provisions which were very much out of date and only required judicial notice of Saskatchewan Acts and federal and Saskatchewan orders and proclamations.

There's also something new in subsections 40(4), (5), and (6). And these refer to judicial notice of constitutional documents, international treaties, and treaties with Aboriginal peoples. And that's just another situation where the present Act was out of date and did not refer to judicial notice of these documents.

In section 41, which is the documents of state section, again there's been substantial rewriting. Presently there are three sections that deal with imperial, dominion, and provincial documents. And those have been replaced by one section which addresses the issue of proof of public documents of a jurisdiction. So that's a new . . . this term, documents of state, is new in this Act, and the current Act deals with imperial documents, dominion documents, and provincial documents. But again, although it's been rewritten and reorganized, there isn't a change from the current Act.

Mr. Morgan: — Electronic documents are dealt with at Section 54 and onward, and I'm wondering how we managed to stay current in this area. We continue to hear about the recording industry bringing actions against people and they would be reliant on or may well be reliant on some electronic information. And the way this Bill is worded it makes reference to electronic documents. I don't know whether . . . And that's

probably done subject to some federal legislation.

But if somebody were to bring an action here dealing with either telephone records or other electronic documents, do we have a standing committee within your department that ensures that we've kept . . . [inaudible] . . . or that we're reviewing legislation that's coming out of case law of other jurisdictions? Because it's changing and it's not just changing on an ongoing basis, the rate of change is picking up as well.

Ms. Seale: — The provisions that relate to electronic documents are similar to the ones on vulnerable adults in that they're quite new and they came out of a Uniform Law Conference model Act so they are fairly up to date. But you're right, technology changes quickly. The courts are seeming to accept different sorts of electronic documents and if changes are required would let us know, but we haven't heard anything from them and there's no uniform Act in the works that I know of.

But certainly when we were looking at the provisions on recording of evidence by sound recording machines, which means tape recorders, at the time those machines were very new and it was thought that, you know, we needed a great big part of . . . Well we needed a whole Act to deal with them. And I think when something is new we add quite a few provisions and then over time they become somewhat redundant and that's what happened with some of recording of evidence by sound recording machine provisions.

Mr. Morgan: — Madam Chair, I think we're ready to proceed with this.

The Chair: — This Bill has 71 clauses in 6 parts. Would it be the wish of the committee that we vote them off by part?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 71 inclusive agreed to.]

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

Could I have a member move that we report this to the House without amendment? Mr. Borgerson.

Mr. Borgerson: — I will so move.

The Chair: — Thank you very much. All in favour?

Some Hon. Members: — Agreed.

Bill No. 61 — The Evidence Consequential Amendments Act, 2006

Clause 1

The Chair: — The next item up for business before the committee is consideration of Bill No. 61, The Evidence Consequential Amendments Act, 2006. The minister has the

same officials. And any opening statement?

Hon. Mr. Quennell: — A perfectly brief opening statement. Madam Chair, this Act makes consequential amendments to English Acts resulting from the passage of the new evidence Act. The Evidence Act has been passed in English and French and includes consequential amendments to other Acts that have been passed in both English and French. Consequential amendments to Acts passed in English only require a separate Bill. The consequential amendments update the name of the Act and section references.

The Chair: — Questions then? Mr. Morgan.

Mr. Morgan: — I'm not sure why this would require a separate Bill. I suspect there's a valid reason for it but I'm wondering if the officials can tell us why this couldn't be done as part of the one piece of legislation, why it has to be a separate . . .

Ms. Seale: — The reason is that the new evidence Act is being passed in English and French and so the consequential amendments to French and English Acts are included in that Bill. But where you are amending English Acts only we need a separate Bill. So all of these Bills that are in the consequential amendments Act have been passed in English only and the ones that are listed in the other Act have been passed in English and French.

Mr. Morgan: — That was my question, why do they need that? Like why can't it be in one?

Hon. Mr. Quennell: — My understanding is if the French version of The Evidence Act is to be a true mirror of the English version of The Evidence Act then it would refer to consequential amendments to Acts that don't exist in French. And that's the issue. Is that right?

Mr. Morgan: — It's not something I want to debate. It didn't make a lot of sense the way we needed to do that but I'm fine with it. So in any event I'm ready to proceed with this one.

The Chair: — Seeing no further questions then, Bill No. 61, short title is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 18 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act to make consequential amendments to certain Acts resulting from the enactment of The Evidence Act.

Can I have a member move that we report this Bill to the House without amendment? Ms. Crofford.

Ms. Crofford: — I'll move that we report the Bill without amendment.

The Chair: — Is that all agreed?

Some Hon. Members: — Agreed.

Bill No. 56 — The Residential Tenancies Act, 2006

Clause 1

The Chair: — The next item up for consideration before the committee is Bill No. 56, The Residential Tenancies Act, 2006. The minister has a different official. You can introduce him and if you have an opening statement . . . Different officials.

Hon. Mr. Quennell: — Thank you, Madam Chair. I have with me and seated to my left, Tim Epp, Crown counsel, legislative services branch; and to my right, Terry Chinn, currently carrying the title of Rentalsman.

The Residential Tenancies Act, 2006 is new legislation that will replace The Residential Tenancies Act that was enacted in 1973. This legislation will update and modernize our residential tenancy legislation and clarify the rights and obligations of landlords and tenants in Saskatchewan. This legislation seeks to maintain the necessary balance between a tenant's need for secure and affordable accommodations and a landlord's reasonable and legitimate expectation of profit from their rental properties.

This Bill is intended to not only maintain that balance, but also through the use of modern and easy to understand language, enhance the position of both tenants and landlords by lending clarity and predictability to their legal relationships, rights, and obligations.

Several changes have been made to the scope of the current Act. The operation of the current Act is restricted to the rental of residential premises in a city, town, village, or hamlet. Under the new Act, the protection of the legislation will be extended to tenants in rural areas as well. The new legislation will also follow the legislation recently enacted in other jurisdictions by applying to vacation and hotel, motel accommodation where the term of the tenancy exceeds six months.

The government has conducted extensive consultations regarding the tenancies that have historically been excluded from residential tenancy legislation. It has been determined that although many existing exemptions will be maintained, it will be more appropriate for specific exemptions to be contained in the regulations.

For example the new legislation does not carry forward the existing blanket exemption for room and board, room and board arrangements, or for tenancies where the tenant shares living accommodations with the landlord. However where circumstances warrant, the regulations will exclude specific types of tenancies from the operation of the Act.

In general terms the new legislation carries forward the existing tenant protections as well as those provisions that enable landlords to protect their rental property and to deal with their rental units in an efficient and businesslike manner. In all cases, these rights and obligations are expressed in clear, modern language.

In order to reduce the number of disputes that have arisen under

the current legislation, the new legislation will contain specific rules regarding a landlord's right to enter a rental unit that strike a balance between the tenant's right to privacy and a landlord's legitimate need to enter the rental unit under certain circumstances.

New provisions outline the obligations of landlords to maintain rental units in a good state of repair and fit for habitation, use, and enjoyment by the tenant, in compliance with health, safety, and housing standards required by law. Tenants must also maintain reasonable health, cleanliness, and sanitary standards in the rental unit and repair any damage to the unit that they have caused.

The new legislation follows the legislation introduced in other jurisdictions by requiring that a landlord provide specific reasons for termination of a tenancy. Although these new provisions are generally in keeping with legal precedents that indicate that a landlord must not have an improper purpose for terminating a tenancy, the new Act once again provides clarity and predictability to an area that has given rise to many disputes.

Under the current legislation, the Rentalsman and the Court of Queen's Bench have concurrent jurisdiction over residential tenancy disputes. The new legislation provides the director of residential tenancies with exclusive jurisdiction to hear residential tenancy disputes subject to a monetary limit on the amount claimed, which will be contained in the regulations.

The enactment of a new residential tenancies Act will modernize the law relating to residential tenancies in Saskatchewan. This Bill offers landlords as well as tenants more clarity in understanding their respective rights and obligations. And both tenants and landlords will be afforded more certainty and predictability in making decisions regarding tenancies.

This legislation seeks to maintain the important balance between the needs of tenants for safe, secure, and affordable living accommodations with the legitimate expectations of landlords for reasonable profits from the rental properties. In so doing this legislation will foster a viable and profitable residential housing industry in Saskatchewan that will benefit landlords and tenants alike.

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

Mr. Morgan: — The minister's comments talks a lot about the needs of tenants and then about the expectation that a landlord might have. I'm wondering what consultation was done with landlords.

Mr. Epp: — Tim Epp, legislative services. And I will ask Mr. Chinn, the Rentalsman, to add to what I'm saying here in a minute. But the most significant area of consultation which was focused on landlords was the Saskatchewan Rental Housing Industry Association, and a consultation paper went out to them at various locations in the province and in-person meetings were held both in Regina and Saskatoon. And in addition as a result of the posting of the consultation paper on the website, we received comments from individual landlords in various areas throughout the province.

Mr. Morgan: — How many comments would you have received from landlords?

Mr. Epp: — It would be difficult to say how many we received during the . . . in the context of the actual meetings, but in terms of individual landlords and property managers we had about seven or eight, I would say, direct responses.

Mr. Morgan: — And then you indicated you had contacted the rental industry association. Was that the only group that was formally contacted?

Mr. Epp: — The groups that were contacted, do you mean from the landlords' perspective?

Mr. Morgan: — Yes.

Mr. Epp: — There are some other groups which would likely fall under that definition including the Saskatchewan Housing authority, Transition House, and a large number of NGOs [non-governmental organization] and not-for-profit organizations — the Namerind Housing Corporation, the universities as well. But I think Mr. Chinn would be better able to advise specifically the contact with the actual independent and private landlord groups.

Mr. Chinn: — Yes, Terry Chinn, the Rentalsman for the province. I think the main group that represents landlords, the landlord industry in this province, is the Saskatchewan Rental Housing Industry Association and that's the group that Mr. Epp had referred to. And we've met with them, both in Saskatoon and Regina, and had good conversations with them.

Otherwise the industry isn't otherwise organized in terms of landlords associations and representatives. But like Mr. Epp said, we did have, through his dissemination of the consultation paper, comments from probably a half a dozen individual landlords. So again it's hard to get out there when they don't have anything other than the Rental Housing Industry Association, which represents a fair number of landlords.

Mr. Morgan: — It's my understanding that there is an apartment owners' association in each of Regina and Saskatoon. Are you aware of those, or would those have been contacted?

Mr. Chinn: — Well I think all of those are sort of an umbrella group underneath the Saskatchewan Rental Housing Industry Association.

Mr. Morgan: — So you relied on the Rental Housing . . .

Mr. Chinn: — Yes.

Mr. Morgan: — Industry Association to communicate . . .

Mr. Chinn: — With landlords. Yes.

Mr. Morgan: — Okay. Of the handful of responses that you received, what were their concerns that were expressed in their responses?

Mr. Chinn: — Some of the concerns that I can remember, and Mr. Epp can help remind me on these, I think the initial

consultation did mention such things as only one increase in rents in a year. I remember that as a comment from landlords individually and from the Rental Housing Industry Association as something that we prefer not to do. I know another comment that they did have is that they would like to see security deposits not dealt with in two instalments but rather one instalment.

And beyond that I just don't recall any further major comments, but Tim, you can help me on that.

Mr. Epp: — Some other comments that we did receive were with respect to the notion of emergency repairs. They have established a regime under the British Columbia legislation which we put out for comment whereby there was a very specific regime which would have allowed tenants to conduct emergency repairs on their own where they were unable to contact their landlords, to deal with absentee landlord kinds of issues.

We had some concerns raised by landlords as a result of that. And as a result of further consultation, for both landlord and tenant groups, it was decided that there wasn't a significant enough problem in this regard with emergency repairs. And given the fact that the new legislation would include a requirement that both in-province and out-of-province landlords provide specific contact information that it wasn't necessary to go that route. And so that would have been one other area in which we had received some comments.

Mr. Morgan: — The issue of changing locks, did landlords express concern about . . .

Mr. Chinn: — I don't remember in any of our consultations where any of the landlord groups or people who represented landlords were concerned over that.

Mr. Morgan: — One of the more significant pieces of this legislation deals with the ability of a landlord to terminate a tenancy on a calendar month's notice for virtually no reason under the existing legislation. And this legislation will require the landlord to have either a statutory-specific reason to terminate or convince the Rentalsman that there is a valid reason.

So I'm wondering whether there was a large number of complaints or unresolved tenant issues on that and whether the landlords had objection to that because that's a significant loss of their rights.

Mr. Chinn: — I was at the annual general meeting of the Saskatchewan Rental Housing Association within the last 10 days, and I spoke to them about the new Bill. And that's certainly something that was never ever mentioned. I think the industry in whole realizes that what we've placed in the Act or in the new Act is something that as a matter of case precedent . . . and if you want to call it policy within our office, that's how we deal with evictions in any event. So at the meeting that I had with the 65 people, no comments of a negative kind.

Mr. Morgan: — The response that I've given to landlords that have called me was that that was a codification of the existing rulings that are made by the Rentalsman, so I don't think . . .

Hon. Mr. Quennell: — And I would like to make a comment about this particular clarification and providing for certainty about when there can be evictions and when there should not be evictions. As Mr. Chinn has said and my review of the summaries that consultations suggests, that it's not a concern on the part of landlords generally about putting in the Act what Mr. Morgan calls a codification of the Rentalsman's decisions.

Some members may remember — I certainly do because it involved a constituent at the time — a case that was in the papers, oh about two years ago, shortly after I was elected and appointed Minister of Justice, where a mother and a tenant in an apartment in my constituency complained about the security within the apartment building and the needles and needles being left in the hallway and in the back and at the doorways, entranceways and the activities that were going on and being carried on by some of the other tenants in the building. And upon complaining to the landlord about these activities, it wasn't the tenants that were carrying on these activities that were evicted, she was evicted. And that did not seem to me to be appropriate. And I think this legislation makes it clear that that should not happen.

Mr. Morgan: — The amount of damage deposits is not increased or reduced in the legislation. It's left the same. And I'm wondering was there requests from landlords to increase the amount of damage deposit?

Mr. Chinn: — In the last three or four years I have not heard any requests from any landlord group that has asked, you know, for any increase at all. And in fact our present legislation and proposed legislation at the one month's is the same as the highest in any province in Canada.

Mr. Epp: — Perhaps I might add something to that, is that to be fair in response to the consultations we had and some of the specific comments that came back, there were two individuals that I can recall who did suggest that the amount of security deposits should be increased. So I believe that it's fair to say that there are some landlords who hold that view. However as Mr. Chinn's indicated, we're faced with the fact that Saskatchewan's are pretty much at the upper end of what's allowed across the country at this point in time.

Mr. Chinn: — If I could add just . . . I meant to restrict myself to landlord groups or associations; none of them have come to us. You're always going to get the individual landlords who want more, but in terms of association groups, we haven't had any requests that I know of from them.

Mr. Morgan: — This Act precludes bringing an action in Queen's Bench. It limits . . . Is that my understanding, that it will give exclusive jurisdiction to the Rentalsman?

Mr. Epp: — It will provide exclusive jurisdiction at first instance to the Rentalsman in dealing with cases where the monetary claim is under the limit which is, currently under the present legislation, tied to Small Claims Act which would be at \$10,000. It will now be set out under the regulations here, so it would be at first instance going to the Rentalsman.

Mr. Morgan: — This Act obviously can't come into force until the regulations have been prepared, but I presume that the

department is looking at the regulations or . . . [inaudible] . . . the regulations? What discussion has taken place with regard to what that monetary limit might be where the exclusive jurisdiction exists?

Mr. Epp: — The plan is on implementation to have it at \$10,000 which is the current small claims limit. The concern was that there has been discussion about increasing the level of small claims jurisdiction, and we didn't want to necessarily tie this legislation to the standard for small claims because it might not be appropriate.

There are certain circumstances under which there can be significant claims, even in a landlord-tenant situation. And given the nature of the scheme and the more informal nature in which, for efficiency purposes the disputes are dealt with, it was felt that the \$10,000 limit would be appropriate.

Mr. Morgan: — And that could change in the regulations then. It would likely be the intention of the department to increase the amount if small claims went up. Or is that the intention to continue to tie it?

Hon. Mr. Quennell: — Actually probably the reverse, Madam Chair, if I understand the question. I'm a strong proponent of raising the small claims limit and raising it above where it's currently set at \$10,000. And we are monitoring the effect of raising the limit from \$5,000 to \$10,000 has had on the workload of the provincial court. And I would like to see it raised, if it is manageable, above \$10,000 fairly soon.

We wouldn't necessarily want to raise the limit in The Residential Tenancies Act above \$10,000 simply because we raised the small claims limit. So I wouldn't want to tie the two together. So if we do set regulations, it is \$10,000. It may very well remain at \$10,000 as sort of an appropriate amount for this exclusive jurisdiction of the director of residential tenancies even if we raised the small claims limit above \$10,000.

Mr. Morgan: — If it's of some benefit to either the minister or the department, we are supportive of the exclusive jurisdiction that would be granted to the Rentalsman. We're in a general sense very supportive of the work that's been done in that office in recent years, and feel it's a very good method of resolving disputes between landlords and tenants, and certainly gives landlords an expeditious way of advancing a claim without going through a lengthy court process and certainly does the same for a tenant.

I'd certainly heard from both landlords and tenants that would have had claims in excess of \$5,000. I don't know whether I've heard from any that have had claims in excess of 10, but certainly I've heard some in the range of 10, and it had some horrific piles of photos brought in of damage to property. So to the extent that as you go forward, if you were considering tying that, I think we would likely be supportive of doing that because we think it's a good process. We think it would be a worthwhile tool to give to both landlords and tenants to have a monetary limit that's high enough that it resolves all or almost all of the claims that are put forward.

And while we're on that subject, if the government chose to increase the limit in Small Claims Court, we would certainly

want to support that as well because we're very aware of the good results that are coming out of the mediation process and the early intervention with the judges. That certainly has the effect of resolving a lot of those things earlier on. And so we would certainly want to be supportive of that.

The next question I want to ask is about the issues of access during the final months of the tenancy, an access for repairs by the landlord. And I'm wondering what experience the office has had with regard to claims from tenants and from landlords with regard to access.

The Chair: — Before the official answers, it's now past the agreed upon time of 5 o'clock for adjournment. So we'll adjourn the committee until 4 o'clock tomorrow.

Mr. Morgan: — Madam Chair, we would ask for leave to continue past 5.

The Chair: — The committee is adjourned by agreement at 5 o'clock. Thank you to the minister and his officials.

[The committee adjourned at 17:01.]