

STANDING COMMITTEE ON HUMAN SERVICES

May 11, 2006

MINUTE NO. 35

3:00 p.m. – Room 8

1. **Present:** Ms. Junor in the Chair and Members Borgerson, Crofford, Elhard, Lautermilch*, Morgan, Prebble, Toth* and Wakefield.

Substituting Members

Hon. Mr. Lautermilch for Ms. Crofford (5:32 p.m. - 9:32 p.m. only)

Mr. Toth for Mr. Wakefield (5:32 p.m. - 9:32 p.m. only)

Other Members

Mr. McMorris

2. The following documents were tabled:

HUS 42/25 Department of Justice: Response to questions raised by Mr. Morgan regarding restitution orders during the April 27, 2006 committee meeting.

Hus 43/25 Department of Advanced Education and Employment: Response to questions raised by Mr. Morgan during the May 4, 2006 committee meeting.

3. The committee considered Bill No. 56 – The Residential Tenancies Act, 2006.

The following Justice Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Frank Quennell, Minister

Tim Epp, Crown Counsel, Legislative Services

Terry Chinn, Rentalsman

4. The questions being put on clauses 1 to 103, they were agreed to.

5. It was moved by Mr. Borgerson:

That this committee report Bill No. 56 – The Residential Tenancies Act, 2006 – without amendment.

The question being put, it was agreed to.

6. The committee considered Bill No. 57 - The Residential Tenancies Consequential Amendment Act, 2006 / Projet de loi n° 57 - Loi de 2006 portant modification corrélative à la loi intitulée The Residential Tenancies Act, 2006.

The following Justice Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Frank Quennell, Minister
Tim Epp, Crown Counsel, Legislative Services
Terry Chinn, Rentalsman

7. The questions being put on clauses 1 to 5, they were agreed to.
8. It was moved by Mr. Borgerson:

That this committee report Bill No. 57 - The Residential Tenancies Consequential Amendment Act, 2006 / Projet de loi n° 57 - Loi de 2006 portant modification corrélative à la loi intitulée The Residential Tenancies Act, 2006. – without amendment.

The question being put, it was agreed to.

9. The committee considered Bill No. 30 – The Film and Video Classification Amendment Act, 2006.

The following Justice Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Frank Quennell, Minister
Karen Pflanzner, Crown Counsel, Legislative Services
Al Dwyer, Registrar, Consumer Protection Branch and Chairperson, Film and Video Classification Branch

10. The questions being put on clauses 1 to 14, they were agreed to.
11. It was moved by Mr. Prebble:

That this committee report Bill No. 30 – The Film and Video Classification Amendment Act, 2006 – without amendment.

The question being put, it was agreed to.

12. The committee considered Bill No. 50 – The Queen's Bench (Mediation) Amendment Act, 2006 / Projet de loi n° 50 - Loi de 2006 modifiant la Loi de 1998 sur la Cour du Banc de la Reine (médiation).

The following Justice Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Frank Quennell, Minister
Madeline Robertson, Crown Counsel, Legislative Services
Ken Acton, Director, Dispute Resolution Office

13. The questions being put on clauses 1 to 6, they were agreed to.

14. It was moved by Mr. Morgan:

That this committee report Bill No. 50 - The Queen's Bench (Mediation) Amendment Act, 2006 / Projet de loi n° 50 - Loi de 2006 modifiant la Loi de 1998 sur la Cour du Banc de la Reine (médiation) - without amendment.

The question being put, it was agreed to.

15. The committee considered Bill No. 38 – The Settlement of International Investment Disputes Act / Projet de loi n° 38 - Loi sur le règlement des différends internationaux relatifs aux investissements.

The following Justice Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Frank Quennell, Minister

Darcy McGovern, Crown Counsel, Legislative Services

16. The questions being put on clauses 1 to 15, they were agreed to.

17. It was moved by Mr. Elhard:

That this committee report Bill No. 38 – The Settlement of International Investment Disputes Act / Projet de loi n° 38 - Loi sur le règlement des différends internationaux relatifs aux investissements – without amendment.

The question being put, it was agreed to.

18. The committee considered Bill No. 12 – The Consumer Protection Amendment Act, 2005.

The following Justice Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Frank Quennell, Minister

Susan Amrud, Executive Director, Public Law Division

Karen Pflanzner, Crown Counsel, Legislative Services

Al Dwyer, Registrar, Consumer Protection Branch

19. It was moved by Mr. Borgerson:

That this committee do now meet *in camera*.

The question being put, it was agreed to.

20. The committee met in-camera from 3:59 p.m. until 4:05 p.m.

21. It was moved by Mr. Prebble:

That this committee do now meet in public.

The question being put, it was agreed to.

22. The questions being put on clauses 1 to 9, they were agreed to.

23. During consideration of clause 10, it was moved by Mr. Prebble:

Clause 10 of the printed Bill

Amend Clause 10 of the printed Bill:

(a) in section 76.30 of *The Consumer Protection Act*, as being enacted by Clause 10:

(i) by repealing clause (a) and substituting the following:

“(a) **‘business day’** means a day on which the supplier is open for business;

“(b) **‘consumer’** means an individual who participates in a consumer transaction”; and

(ii) by renumbering the existing clauses (b) to (i) as clauses (c) to (j);

(b) by striking out section 76.35 of *The Consumer Protection Act*, as being enacted by Clause 10, and substituting the following:

“Term of contract

76.35(1) In this section, **‘prepayment of fees’** means, in relation to any personal development services contract, a fee that is paid or payable before any or all of the agreed services are provided.

(2) No personal development services contract shall be made for a term longer than two years.

(3) Any personal development services contract entered into for a term exceeding two years is void.

(4) A supplier who agrees to provide any personal development services under a personal development services contract must not require or accept prepayment of fees for any period or periods totalling more than 12 months”;

(c) in section 76.36 of *The Consumer Protection Act*, as being enacted by Clause 10, by striking out “one year” and substituting “two years”;

(d) in subsection 76.39(1) of *The Consumer Protection Act*, as being enacted by Clause 10, by striking out “10 days” and substituting “7 business days”;

(e) by striking out section 76.41 of *The Consumer Protection Act*, as being enacted by Clause 10, and substituting the following:

“Notice of cancellation

76.41(1) A personal development services contract is cancelled pursuant to section 76.39 on the giving of a written notice of cancellation in accordance with this section.

(2) A written notice of cancellation may be expressed in any way as long as it indicates the intention of the consumer to cancel the personal development services contract.

(3) The consumer may give a written notice of cancellation:

(a) by personal service;

(b) by registered mail; or

(c) by any other means set out in the personal development services contract.

(4) If a consumer gives written notice of cancellation by registered mail, the consumer may send or deliver the written notice of cancellation:

(a) to an address of the supplier set out in the personal development services contract; or

(b) if the consumer did not receive a written copy of the personal development services contract or there is no address set out in the personal development services contract, to an address of the supplier known to the consumer.

(5) If a written notice of cancellation is given by registered mail, the written notice of cancellation is deemed to have been given on the third day following the date of its mailing, unless the person to whom it is mailed establishes that, through no fault of his, her or its own, the person did not receive the written notice of cancellation or received it at a later date”;

(f) by striking out clause 76.49(k) of *The Consumer Protection Act*, as being enacted by Clause 10, and renumbering clauses 76.49(l) and (m) of *The Consumer Protection Act*, as being enacted by Clause 10, as clauses 76.49(k) and (l);

(g) by striking out section 76.54 of *The Consumer Protection Act*, as being enacted by Clause 10, and substituting the following:

“Term of contract

76.54(1) In this section and in section 76.66, **‘prepayment of fees’** means, in relation to any travel club contract, a fee that is paid or payable before any or all of the agreed services are provided.

(2) No travel club contract shall be made for a term longer than one year.

(3) Any travel club contract entered into for a term exceeding one year is void.

(4) A supplier who agrees to provide any services under a travel club contract must not require or accept prepayment of fees in an amount greater than the prescribed amount”; and

(h) in section 76.66 of *The Consumer Protection Act*, as being enacted by Clause 10:

(i) by adding the following clause after clause (f):

“(g) for the purposes of subsection 76.54(4), prescribing the maximum amount of prepayment of fees that a supplier may require or accept”; and

(ii) by renumbering the existing clauses (g) to (k) as clauses (h) to (l).

The question being put on the amendment, it was agreed to.

24. The question being put on clause 10 as amended, it was agreed to.

25. The questions being put on clauses 11 to 14, they were agreed to.

26. It was moved by Mr. Elhard:

That this committee report Bill No. 12 – The Consumer Protection Amendment Act, 2005 – with amendment.

The question being put, it was agreed to.

27. The committee recessed from 4:10 p.m. until 5:32 p.m.

28. The committee considered the Estimates for the Department of Advanced Education and Employment.

The following Department of Advanced Education and Employment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Pat Atkinson, Minister

Bonnie Durnford, Deputy Minister

Randy Boldt, Assistant Deputy Minister, Immigration Branch

Rob Cunningham, Assistant Deputy Minister, Advanced Education and Employment

Karen Allen, Executive Director, Corporate Services

Jan Morgan, Executive Director, Can-Sask Career and Employment Services

Rick Pawliw, Executive Director, Programs Branch

Brady Salloum, Executive Director, Student Financial Assistance

Raman Visvanathan, Executive Director, Institutions Branch

Nelson Wagner, Executive Director, Facilities Branch

Trina Fallows, Director, Corporate Services

Kevin Veitenheimer, Director, University Services Branch

29. The committee adjourned consideration of the Estimates for the Department of Advanced Education and Employment.
30. The committee recessed from 8:02 p.m. until 8:08 p.m.
31. The committee considered the Estimates and Supplementary Estimates for the Department of Corrections and Public Safety.

The following Department of Corrections and Public Safety Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Kevin Yates, Minister
Mae Boa, Executive Director, Management Services
Bob Kary, Executive Director, Young Offender Programs
Tom Young, Executive Director, Protection and Emergency Services
Barry Sockett, Director, Human Resources
Ken Cameron, Adult Corrections
Bob Vogelsang, Adult Corrections
Karen Lautsch, Executive Assistant to the Deputy Minister

32. The committee adjourned consideration of the Estimates and Supplementary Estimates for the Department of Corrections and Public Safety.
33. The committee adjourned at 9:32 p.m. to the call of the Chair.

Iris Lang
Committee Clerk

Judy Junor
Committee Chair