STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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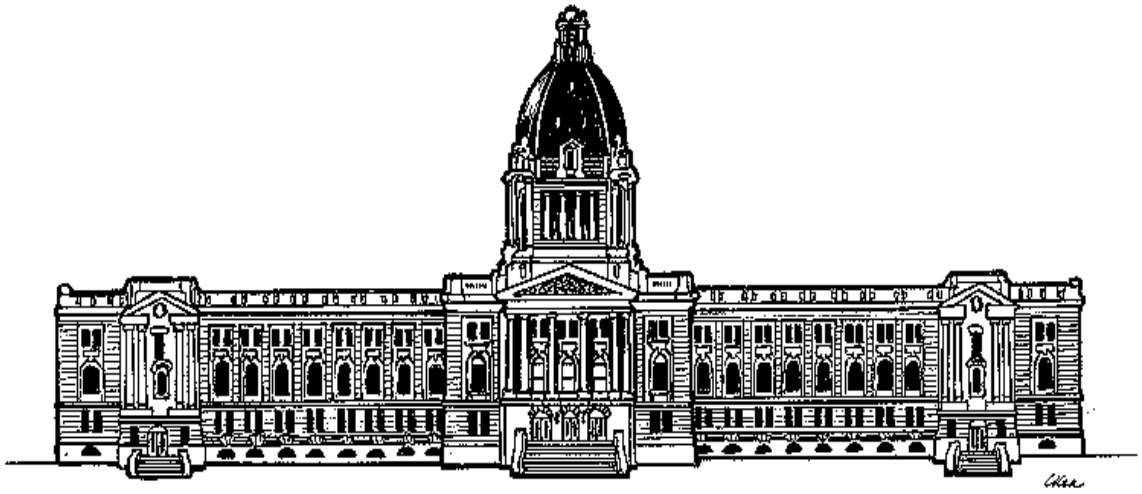

Legislative Assembly of Saskatchewan

Twenty-sixth Legislature

STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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[The committee met at 15:00.]

General Revenue Fund
Intergovernmental Affairs
Vote 81

Subvote (IA01)

The Chair: — Good afternoon, ladies and gentlemen. Being everyone here, we're ready to start and I'd ask the minister to introduce his people and an introduction or a statement if he would like to before we start.

Hon. Mr. Boyd: — Thank you, Mr. Chair, and welcome to members of the committee. My officials here this afternoon, seated right next to me is Al Hilton, the deputy minister, and seated on the right is Wanda Lamberti, executive director of central management services. It's certainly my pleasure to be here this afternoon to deal with the Intergovernmental Affairs ministry. I have some introductory remarks.

Certainly I appreciate the opportunity to speak to members of the committee about our approach to intergovernmental affairs and our recent mission to Washington and other locations. Our government's focus will be on developing positive and productive relationships with other provinces as well as the federal government, and also with international decision makers throughout the world, for that matter. We believe that constructive relationships with other jurisdictions can be valuable in advancing Saskatchewan's interests and in building a better province for our residents.

We also believe that Saskatchewan has much to offer, that we have much more to contribute in international relations and national relations, that we intend to embark upon strengthening the relationships that we have with other jurisdictions. While we certainly understand and want to advance our interests, we also understand and recognize that there are interests that others have as well — other provinces, the federal government, other jurisdictions as well. We feel that clearly this is not just something that we're going to say, but we're indeed going to work towards developing those relationships on an ongoing basis. And I think we've started, Mr. Chair, in a productive fashion in that regard.

We feel that working directly or indirectly is the proper approach in terms of these kinds of discussions rather than being involved in any kind of an acrimonious type of discussion between various levels of government. We think that we can be at a point where we choose to disagree with another government's approach or province's approach, but we feel that we can do that in a respectful fashion. That will certainly be the way that this government conducts its business.

We believe that there's been a number of recent successes that we can point to, both with international relations, with the Premier and my trip to Washington, and as well as the relationships with the federal government. We felt that there was some good opportunities in international relations in Washington with meeting with a number of decision makers there. The Secretary of Energy, the Secretary of Agriculture that we met with, both felt that — we both, the Premier and I — felt that there were very good discussions that we had opportunity to advance Saskatchewan's interests at. We met with a number of other decision makers in the American government to talk to them about the various interests of Saskatchewan, primarily surrounding the area of agriculture and of energy and resources. So we felt that that was a good opportunity.

The Premier also had many opportunities, media-related opportunities during that time period to advance the interests of Saskatchewan, which I think he did and did very effectively, having a number of high-profile events and interviews with major media outlets like *The New York Times*, *BusinessWeek*, *TIME* magazine, etc.

So with those brief introductory remarks, Mr. Chair, I'd be happy to entertain any questions.

The Chair: — Thank you, Mr. Minister, and to your officials. And the Chair now recognizes Mr. Lorne Calvert.

Mr. Calvert: — Thank you, Mr. Chair, and welcome, Minister, and your officials. Mr. Chair, I think we have an hour. Is that correct? About an hour? So we'll get right to the point. The work of Intergovernmental Affairs . . . Now there's been a little reorganization. It is now a stand-alone department and recognizing that, Mr. Minister, I do want to ask, in the establishment of your government and in the establishment of the new Intergovernmental Affairs department, can you describe the unit that now serves as Intergovernmental Affairs? Is it smaller, is it larger, or is it essentially the same unit that existed in the old organization?

Hon. Mr. Boyd: — Mr. Chair, Mr. Member, it's the same size as it was before, previously.

Mr. Calvert: — Were any individuals severed from the work of Intergovernmental Affairs?

Hon. Mr. Boyd: — There were two.

Mr. Calvert: — And could you give the committee their names?

Hon. Mr. Boyd: — Mr. Chair, Mr. Member, there were two individuals — Paul Osborne and Christopher Adams.

Mr. Calvert: — Thank you, Mr. Minister. Could you, for the committee, provide the rationale for these two individuals having been severed?

Hon. Mr. Boyd: — Mr. Chair, they were relieved of their responsibilities based on the government's plan with respect to transition, and there are ongoing discussions with them surrounding severance. I guess that's about all we're prepared to say at this point in time.

Mr. Calvert: — Mr. Minister, these two . . . Let's talk about Paul Osborne for a time. Mr. Osborne, I think, served the public of Saskatchewan for many, many years and brought to his work I think a very high level of expertise. Were you as the minister consulted before Mr. Osborne or Mr. Adams were severed?

Hon. Mr. Boyd: — It's my understanding that they were severed prior to much involvement by the minister in the discussions. And the member would know, Mr. Chair, that during transition between one government to another that there are, have been, and always probably will be people who are decided that their relationship with a new administration is not going to be an ongoing one and there are changes that are made. This is nothing new. This is something that all administrations do, and I don't see it as something that's unusual in any respect.

Mr. Calvert: — Mr. Minister, I beg to differ. There is something very unusual about severing an individual of Paul Osborne's experience and ability and willingness to serve a variety of governments. Again I would ask if you could share with committee rationale for his severance?

Hon. Mr. Boyd: — It's my understanding that it was simply a decision made that Mr. Osborne did not fit with the role of what we as a government feel was the ongoing nature of what needed to be done. And I guess to that end if it's unusual that someone with a long term is let go, I suspect — and I'll ask my officials if need be and we can follow up at another point in time — we can provide numerous examples, I suspect, of similar circumstances. We can also point to the previous administration letting go a single mom on Christmas Eve as an example of a government that decided to make decisions with respect to personnel.

I think it's perfectly within the purview of a government to make decisions with respect to personnel. However when you make decisions during those kinds of time frames, I suspect, that the member opposite would be perhaps willing to explain the rationale for those kinds of decisions as well.

Mr. Calvert: — Minister, you are here to answer the questions, and we'll ask them. My questions are about those valuable public servants who have been severed from the work of intergovernmental relations in this province, Mr. Paul Osborne and Mr. Christopher Adams. You have not provided, nor do I believe has any member of your government provided to the public of Saskatchewan a reasonable or in any way acceptable rationale for these severances. Let me ask this. Have you come to a severance agreement with these two individuals?

Hon. Mr. Boyd: — Mr. Chair, Mr. Member, I said earlier in my comments that we had not come to any kind of an agreement with respect to severance, and that's why, one of the reasons why, we're somewhat reluctant to get too far into this discussion with you as they may affect — and you would know that that is the case — they would affect the ongoing discussions with respect to severance.

Governments make decisions with respect to, Mr. Chair, with respect to personnel in all departments. The previous administration made all kinds of personnel decisions back in 1991, and the member was a member at that time, would know that to be the case. They made numerous decisions with respect to that. All governments make decisions with respect to those kinds of things, whether they are in a transition mode or at any other time moving along through the process.

So this is nothing unusual, Mr. Chair. This is the changing of two personnel from the intergovernmental relations department that would be seen by very few people other than conspiracy theorists as to something untoward.

Mr. Calvert: — Mr. Chair, it is extremely unusual for individuals of this calibre to be severed without cause. It is extremely unusual. This is not the pattern of governments generally. If Mr. Osborne and Mr. Adams have been severed without cause, my question to the minister is: the expertise that has been lost in these two individuals, has it been replaced? Are there those who now fill those roles?

Hon. Mr. Boyd: — It is felt that there is adequate resources within the department to deal with the concerns or the issues that come up with respect to the department. There has been no replacement at this point in time. We don't really anticipate there being a replacement. We feel that the staff there is more than adequate to deal with the ongoing decisions.

Mr. Calvert: — Well, Mr. Chair, Mr. Osborne in particular has served to the people of Saskatchewan an extremely valuable role with his expertise, particularly in trade and trade agreements that affect this province and all of its people, whether this be in trade with the United States of America, interprovincial trade — the very kinds of things that this minister indicated to committee that he and his government want to pursue. If that expertise is lost, then I believe the people of Saskatchewan have lost.

He says that the department is essentially the same size as it was, did not replace the valuable expertise lost from Mr. Adams and Mr. Osborne. And yet I read in the budget vote that the complement, the FTE [full-time equivalent] complement has gone from 21 to 27. Can the minister account then for this expanded FTE capacity?

Hon. Mr. Boyd: — Mr. Chair, there's been a separate ministry established as a result of the changes in terms that it wasn't a part of an additional ministry at that point or a part of a ministry, I should say, at that point in time. So there's been an additional deputy minister's office established and then of course the ministry in itself has been established, resulting in the additional FTEs associated with this.

I would remind members of the committee that in terms of departments, the previous administration had 12 . . . 21, I should say 21. We have 20. The ministers in cabinet, your administration, sir, had 20; we have 18. So in terms of the overall operations of our government there are less than was in the previous administration.

In terms of trade negotiations or discussions of that nature, we have seen no reason to believe that we are lacking in any kind of expertise whatsoever. And I think I can point to the most recent trip that the Premier and myself attended in Washington, where there was ongoing and considerable amount of discussion about trade — whether it was agriculture trade, the concerns of the cattle industry, concerns in terms of protocols respecting the BSE [bovine spongiform encephalopathy]; whether it's in terms of ongoing relationships between the federal government and international governments in terms of exports of our agriculture commodities. I think we were very successful in advancing Saskatchewan's cause with respect to that.

Also in terms of discussions in Energy and Resources, we believe that there was a very good and ongoing discussions with the Secretary of Energy in the United States talking about clean coal technology, talking about exports — increased and ongoing exports — of oil and gas from Canada and particularly Saskatchewan to the US [United States].

I think that clearly if the member wanted to see further evidence, last week on the Business News Network here in Canada there was a week-long series of programs with respect to trade and the advancements that we were making in terms of that with other provinces and other international jurisdictions. Certainly recalling a number of industry spokespeople saying that there is good trade relations with other jurisdictions.

And so, Mr. Member, frankly I think that there certainly is the ongoing expertise needed within the department, and we will be certainly feeling like that well into the future.

Mr. Calvert: — Mr. Chair, then I trust that when severance agreements have been made with Mr. Osborne and Mr. Adams, and I trust that those agreements can be made without those individuals having to access legal action themselves as others are now doing, that the ministry will be much more forthcoming about the rationale and reasons why they were severed.

Because we have a limited time, Mr. Chair, I want to move on to understandably talk about our relationship with the federal government, in particular around the equalization file. Maybe the minister and I can build a little common ground to start. Does the minister agree that the cap imposed by the 2007 federal budget results in 100 per cent of our non-renewable resources becoming eligible under equalization?

Hon. Mr. Boyd: — It's my understanding with respect to this that the previous administration tried to embark upon this direction for a long, long period of time. In fact in discussions with various ministries upon being appointed to cabinet by the Premier, we had some discussions with respect to this whole equalization discussion. It's my understanding that the discussions go back to the mid-'70s in terms of the whole equalization and resource revenues and all of those kinds of discussions.

I guess you would have to ask yourself at that point in time, how's it going so far? Has it been productive? Has there been any possibility to expect anything different than what we've expected in the past? And through a few different administrations, it was advanced that that was the cause.

Again I guess, I would ask myself, and I think certainly the Government of Saskatchewan, the new Government of Saskatchewan, would ask themselves just that very question: what are the chances of success with respect to this?

Now clearly there was discussions about this for some period of time. I think it was felt that perhaps a different direction was appropriate, or needed to have a look at. It was felt that moving into a more harmonious relationship with the federal government might provide a better approach than what was previously taken. And so that was a decision that was made. I think that there is some evidence, ongoing evidence, and continues to be ongoing evidence, that the relationship is building and that the people of Saskatchewan are benefiting from that relationship.

Clearly the previous administration had a different view of it. The former premier attended meetings in Ottawa and the Prime Minister's office, and for whatever reason those discussions, I understand, did not go very well. And the previous administration chose a different course.

We are choosing to embark upon this in a different fashion, feeling that we're going to, as the Premier has been quoted many times, ". . . we are going to give peace a chance" and see where the relationship goes from there.

Mr. Calvert: — Well, Mr. Chair, I'm trying not to filibuster the questions. I had a very specific question. Maybe the minister could find a very specific answer. Will he agree that the 2007 cap placed on the program by the federal budget results in 100 per cent of our resource revenues being counted in the equalization calculation? It's a very simple question. Yes or no?

Hon. Mr. Boyd: — You would know the answer to that, and answer is yes.

Mr. Calvert: — And the minister shares that view.

Hon. Mr. Boyd: — Do I share the view that that is correct? Yes I share that view, that that is correct.

Mr. Calvert: — Then, Mr. Chair, does the minister also share the view that this results in a loss of $800 million to the people of Saskatchewan?

Hon. Mr. Boyd: — Well there have been varying estimates as to what that might be. I mean, I think that is, if I am not mistaken, I believe that is your estimate of what it is. There are varying estimates with respect to that, but fair enough.

Mr. Calvert: — It's a widely accepted, Mr. Chair, it's a widely accepted estimate and the minister knows that.

Then will the minister agree with me that this cap is, in effect, contrary to the Conservative and Harper government's commitment to remove non-renewable resource revenue from the equalization formula? Will he agree with me that this cap, in essence, breaks the commitment?

Hon. Mr. Boyd: — What I will agree with you on, sir, is that your government took a different approach. Your government decided, after you attending a meeting with the Prime Minister in Ottawa and taking an adolescent hissy fit upon leaving there, found that the only course of action at that point was to take the federal government to court.

We on the other hand feel that there's a more appropriate, appropriate way of dealing with these kinds of things. We want to have an ongoing working relationship with the federal government. The fact of the matter is, is that you have . . . It is our view that we want to try and put Saskatchewan in a position to be a have province for a long, long time.

We do not share your view, sir, that the appropriate thing to do is to do what, to embark upon the course of action that you took

with the Prime Minister in this effort. We do not agree that Saskatchewan is going to be in and out of equalization forever, as is your view apparently.

We are attempting to — and I think there's very strong evidence to suggest that we are being successful in this effort — that we're going to build a have province for a long, long time and that equalization, at that point in time, is not much of an issue to the people of Saskatchewan. That as long as we have a growing economy, employing more people, more investment in our province, all of those things that we see since November 7, we have a better opportunity to become a full participant in Confederation than dealing with them in the fashion that you dealt with them.

Mr. Calvert: — Mr. Chair, I asked a simple question to the minister. You think you could get a simple answer out of this minister. It seems difficult.

I again ask him, does the federal cap which claws our revenues out of Saskatchewan — revenues that belong rightfully to the people of Saskatchewan — does that represent, in his view, a breaking of the commitment that was made to the people of Saskatchewan by Prime Minister Stephen Harper and the Conservatives, not once but in two elections? Does he believe that that commitment has been broken?

Hon. Mr. Boyd: — Well I suppose, Mr. Chair, Mr. Member, we could rehash these things forever, but to what end? Is it going make any difference to the people of Saskatchewan? Or do you just simply want to be told by the people of Saskatchewan that yes, you were right? Is that what you want, Mr. Member?

Because the fact of the matter is, is that the people of Saskatchewan on November 7, 2007 said that they wanted a change in the course of action. They wanted someone else to administer the province of Saskatchewan. The people made that decision with all of the information before them that you wanted to present during an election campaign and that we had opportunity to present in an election campaign, and the people of Saskatchewan made a decision that day.

And they made that decision based on a lot of information. They made that decision based on the fact that the approach that you and your administration took to various things, not the least of which is this, and at that point in time they said, in essence, we don't agree with you, sir. We don't agree with your approach. We don't agree with how you have handled the economy of Saskatchewan. We don't agree with the direction that you are taking our province.

And as a result of that, there was an overwhelming vote of confidence in a new administration. And as a result of that, we in this administration feel that we have the opportunity to change that direction. We feel we've been given the mandate to make the changes in that direction.

And, Mr. Chair, I am sorry that if the former premier doesn't accept that view. He's just going to have to learn to accept it because the people of Saskatchewan spoke in an overwhelming fashion and said they wanted a change in direction and that's what we've provided them with.

Mr. Calvert: — Mr. Chair, you can tell the minister is avoiding this question when his only defence is political rhetoric. It's not serving this committee well nor is it serving his responsibilities as a minister well. I'll try it one more time.

Does the minister believe that the cap in the federal budget, in essence, breaks the commitment that was made to the people of Saskatchewan by now Prime Minister Stephen Harper and the Conservative government — yes or no?

Hon. Mr. Boyd: — I think there's been ongoing challenges with respect to this file for a long, long period of time, Mr. Chair. I suspect we can all point to areas of concern whether there's been commitments made or commitments not been made in the past by all administrations, yours included. I think I recall one of your seatmates there, the former minister of Finance, at one point in time saying to the people of Saskatchewan that during election campaigns isn't the appropriate time to talk about raising taxes, and then shortly thereafter the election did exactly that.

So is there an exclusive jurisdiction in your administration or any other administration to make a change in the course of direction? No, there isn't. And I think this file probably is an example of that as well. The fact of the matter is, is that there's been a different direction has been taken, and clearly we feel that that's the appropriate course of action. And that's the course of action that we will follow.

Mr. Calvert: — Well, Mr. Chair, it is clear that this minister and this government wants to say or do nothing that might irritate, might irritate the Conservative government in Ottawa, their political cousins.

It is clear that where everybody else admits and knows . . . And by the way, Mr. Chair, this party now in government was quick to say when they were in opposition that the promise has been broken to the people of Saskatchewan. Now we simply cannot get the words out of the mouth of the minister even though everyone in the province knows it. And everyone knows there is something wrong when only one province has been singled out by an unfair cap on the equalization program, that being the province of Saskatchewan. Only one province is suffering in this circumstance.

And number two, there's clearly something wrong when the Manitoba budget was just delivered, what, two weeks ago, and within that Manitoba budget the people of Manitoba . . . Similar population and similar economy by the way, Mr. Chair, in terms of growth projections, perhaps even a little higher by some estimates than the province of Saskatchewan. We're all doing well. That province is receiving $2 billion in this year's budget transferred from the federal government. This government is content with zero, Mr. Chair. Zero.

Now we're told that by way of compensation for this, by way of compensation for this, this government has achieved a deal with the federal government on clean coal — an investment we welcome in the opposition — an investment worth $240 million over six to seven years. I might ask the minister, was the Department of Intergovernmental Affairs, he, who were involved in the negotiations to put together the quote, "clean coal deal"?

Hon. Mr. Boyd: — Thank you, Mr. Member, Mr. Chair. The member's premise is, is that had he still been the premier of Saskatchewan, that we would have done better. Perhaps. Perhaps not. What is the evidence before us? The evidence is, is every time you went to Ottawa, sir, you came back with nothing more than a bill for the plane ride for the people of Saskatchewan. Now that was your approach. We've decided to make a different approach, and the member says that it's resulted in nothing for the province of Saskatchewan. Well I beg to differ.

The fact of the matter is, is that since November 21 here are a list, some 18 or 19 items that have been successfully negotiated with the federal government since then. And I'll go through that list: Aboriginal Health Transition Fund, $4.7 million; Aboriginal skills and employment partnership, $15 million; airborne geophysical survey, $50,000; Canadian coroner medical examiner database, $10,250; a centre communautaire de Saskatoon [Translation: community centre of Saskatoon], $151,814; charities . . . [inaudible] . . . approximately $10,000; drug treatment court travel, up to $16,000; the gateways and border crossing fund, $27 million; the infrastructure framework agreement, $635 million; patient wait time guaranteed pilot project, $775,000; Regina Connected project, $227,000; resource processing industries, $20,000; water quality indicators, $200,000.

Some $685,000 in that alone. Community development in addition to that, $36.4 million; police officer recruitment, $11.7 million; $240 million in the clean coal demonstration project in the southeast of the province. I'm not sure what that all adds up to, but we're getting close to $1 billion.

The fact of the matter is, is it perfect? No, it's not perfect. Would we like to see more? Yes, we'd like to see more. Were you able to generate any more than these dollars, sir? And the answer is, I don't think so. It doesn't look like it happened. Where is the evidence of it? The fact of the matter is, is I think that the relationship that is developed with the federal government is paying some dividends.

Are we going to continue to negotiate — negotiate hard — on behalf of the province of Saskatchewan? Absolutely we're going to do that. We are going to make and take every opportunity that there is to advance our case. And yes, Mr. Member, there was discussions involving myself, the federal minister of energy, the Prime Minister's office, with respect to the clean coal project that resulted in $240 million going here. The federal government committed $250 million to clean coal developments in Canada. Saskatchewan got $240 million of those resources. That's a ratio 240 to $250 million, something that we have never seen in terms of Confederation for the province of Saskatchewan — never even come close to that kind of relationship and in a few months time.

The previous administration had 16 years to get what they wanted in terms of negotiations with the federal government, and I can remember precious little coming our way.

Mr. Calvert: — Well, Mr. Chair, we won't be held responsible for the minister's memory. Perhaps he wants to consult with his officials. I'll put a few very specific questions to him. Maybe he'll need to consult with his officials. In what magnitude were the dollars achieved in our negotiations with the then federal Liberal government, specifically around remedy for the unfairness of equalization? How many dollars were provided through that set of negotiations and discussions?

Of the list that the minister has conveniently brought with him to read to committee today, of the dollars he identifies on that list, how many of those dollars are unique dollars to the citizens and taxpayers of Saskatchewan that would not be made available to every other Canadian in every other province?

And while he is so able to produce this list, Mr. Chair, I would ask him to table for this committee a list of programs and project dollars, transfers from Ottawa that were provided to the people of Saskatchewan in last budget year. And we will see, Mr. Speaker, if his new approach is creating unique benefit to the people of Saskatchewan.

Now he will describe, I expect, the clean coal $240 million as being unique to the people of Saskatchewan, and fair enough. I believe it is. I do not believe the federal government is doing another demonstration clean coal project anywhere else in Canada. Not dissimilar, by the way, Mr. Chair, to the amount of money that came to this province when we uniquely built the Canadian Light Source synchrotron in Saskatchewan. It is important that the federal government invest in these projects as demonstration or pilot projects.

Because the minister now admits he was part of the negotiation for this $240 million project, perhaps he can inform the committee, where is the money? Has money been transferred to the province of Saskatchewan? Is there now $240 million in an account that the minister can point to where the money has come from the federal government to the citizens of Saskatchewan?

Hon. Mr. Boyd: — Mr. Chair, I think what is illustrative here this afternoon is a former premier of Saskatchewan wanting to demonstrate to the people of Saskatchewan that he did well on their behalf — and I suppose on some files, arguably so — and wanting to talk about the past. Well we can talk about that if you like, or we can talk about something I think that's more important to the people of Saskatchewan. And that's the future, the future of our province.

The fact of the matter is, is I think the people of Saskatchewan are more interested in talking about the future of our province rather than rehashing whatever kind of an arrangement you made with the previous Liberal administration in Ottawa. Is there reason to believe that we think that there's a better relationship has developed in Saskatchewan with the federal government? Yes, I think there is. Is it an ongoing exercise in building a relationship? Yes, indeed it is. We think that this is a better approach than the approach that your administration has taken. And we certainly feel that the approach is making a difference.

You disagree. Fair enough. You can disagree all you like but the fact of the matter is, is that there is a new approach been taken. It may be different than what you would like, but it is the approach that is being taken.

And certainly the clean coal project is important to the people of Saskatchewan. Are we going to leave it at that? I would say to the member, Mr. Chair, absolutely not. We are looking at a number of other different files that we are having discussions with the federal government on, in terms of the economy of Saskatchewan, advancing the interests of our province to the federal government with respect to all kinds of discussions. Will they be fruitful? Well we certainly hope so.

But we think that that approach of sitting down, having ongoing discussions, talking to the various ministers and their officials, talking to the Prime Minister, and talking to the Prime Minister's officials within the PMO [Prime Minister's Office], explaining the needs of the people of Saskatchewan, explaining what we see as the important projects that we would like them to be a part of in Saskatchewan, and then working out a relationship or funding for it, putting forward the rationale that we think is important on behalf of the province of Saskatchewan and the taxpayers of this province — we think that that's the best approach.

Now as I said, you chose a different approach. It resulted in, with this current administration . . . I guess we can talk about the Paul Martin Liberals or the Jean Chrétien Liberals, or whatever. And if you want to go back and talk about those kinds of things dating back to that, I guess we can go back a little bit further and look at the relationship that previous administrations had in Saskatchewan with previous administrations in Ottawa.

I can recall one occasion when there was $1 billion came to agriculture from a previous administration in Ottawa, negotiated by a previous administration in Saskatchewan. We can talk about those kinds of things if you like. I'm not sure what good it will do us in terms of this budget that we're dealing with in Saskatchewan today. But I suppose if you want to get into that kind of political discussion about the past, that's fine. I'm happy to engage and entertain.

The fact of the matter is, is on many, many occasions when you attended meetings in Ottawa, you came home with nothing for the people of Saskatchewan, and that's the most recent evidence that there is out there. You came home with very little for the people of Saskatchewan.

We have taken a different approach. It's starting to pay some dividends. We hope it'll pay more dividends in the future.

Mr. Calvert: — Mr. Chair, the minister abuses this committee. I ask very specific questions, members will have other very specific questions, and we get a political response virtually every question. Now will the minister answer some very simple, straightforward questions? Not just for the committee, but for those who observe these committee proceedings and for the people of Saskatchewan. I asked a very specific question.

He wants to talk about the future. Let's talk about the future. $240 million he claims they have achieved in lieu of a fair equalization deal because everything else he lists is available to every other Canadian. He lists $240 million in lieu of a fair equalization deal over six to seven years. That averages out to $40 million a year. The minister himself has admitted the unfairness of equalization is robbing from this province $800 million a year. Our neighbours in Manitoba are getting $2 billion a year. This minister says, well in lieu of that we've sweet-talked the feds into $240 million over six years.

My question very specific to the minister: has the money moved to the province of Saskatchewan? If so, where in this budget document — that he and his cabinet are responsible for — can we see this $240 million?

Hon. Mr. Boyd: — Mr. Chair, Mr. Member, you would know that the federal budget has not been passed at this point in time and so the allocation of those resources hasn't been generated to the province of Saskatchewan. We are certainly operating under the impression and the information provided by the federal government that upon completion of the federal budget that there will be resources made available to Saskatchewan to complete the commitment that was given in that area.

Mr. Calvert: — Well, Mr. Chair, the federal budget has not passed, that's absolutely true. But I see it counted in the revenues of the province of Saskatchewan and the budget now under debate, revenues from the Government of Canada from that budget. I expect there will be Canada Health Transfer, with the Canada Social Transfer. We don't see anything under equalization, but it is accounted for in this budget document even though it's not passed in Ottawa. So is the minister telling us this money will flow this year, the $240 million? And if it will flow this year, where will it be housed? Where will it be held?

Hon. Mr. Boyd: — It's my understanding that the Department of Finance is having ongoing discussions with the federal government currently with respect to how and when those monies will be transferred into, and what mechanism will be used with respect to this.

I think, Mr. Chairman, we are comfortable in the fact that the federal government has allocated these resources and upon passing of the budget, that we will be seeing those resources come.

Mr. Calvert: — Mr. Chair, the minister has indicated to the committee that he was part of the negotiations around this $240 million when the Prime Minister was in the province to reannounce this amount of money. Which by the way, Mr. Chair, you know, is unique in terms of this particular project, but clearly not unique in terms of what the federal government is doing across the country by selecting various regions of the country to do particular projects related to the environment.

We've seen significant contributions, for instance, to the province of Quebec. We welcome this contribution to Saskatchewan, but it is clear from those who have been involved with the clean coal technology that a project like this stands to account for some very significant cost overruns. When the Prime Minister was in Saskatchewan reannouncing the project he made it very clear that his government, the federal government, would not accept responsibility for cost overruns on the project.

The minister indicates he was part of the negotiations for this deal. Has he taken into account the threat or perhaps even the real potential reality of the cost overruns in a program like this?

And is he even expecting therefore that either the consumers of power in this province or the taxpayers should be on the hook for those cost overruns?

Hon. Mr. Boyd: — The member's question is based on the premise that the budgeting process in terms of what is necessary for a project of this type will be wrong. I'm not sure that we share that opinion. It was a estimate that was put forward based on the information that was available from the Department of Energy and Resources as well as the officials at SaskPower with respect to this, also in ongoing discussions with the federal government in terms of a project of this nature.

We are also optimistic. We have had discussions with the American government through the Secretary of Energy and also with other provincial governments that we see an opportunity here for other jurisdictions to perhaps participate in this process. We think it makes good sense that other jurisdictions may want to involve themselves in this process. There's ongoing discussions with respect to that. We'll see how those go.

We think it would be prudent for our taxpayers not only in Saskatchewan but other jurisdictions as well — Alberta, Manitoba — other jurisdictions perhaps that might be interested in this that have an interest in this area, certainly with the American government, that they may want to participate in these areas. We're certainly not prepared to make any announcements with respect to that at this point in time but it may be a possibility.

This is a clean coal demonstration project that has some very good potential. And, Mr. Chair, some two-thirds of Saskatchewan's electricity is generated using coal in our province. It's very important to us as a province that we get this right in terms of building a facility.

These are the best estimates that are available in terms of what this project will cost. Should there be . . . And we have no idea of this. I mean we're into the hypothetical now, Mr. Chair. Should there be cost overruns? I don't know whether there's going to be cost overruns. Should there be cost overruns we certainly wouldn't feel any way uncomfortable about reapproaching the federal government with respect to that and having some discussions about that.

But until that kind of thing becomes a reality, I'm not sure we need to be too overly worried in that area at this point in time, Mr. Chair. Should that become obvious at some point in time, we'd be happy to re-engage.

Mr. Calvert: — Mr. Chair, given the time, we want to touch on a few other issues here. I've put some specific questions to the minister this afternoon in committee which he has not answered in committee. Will he commit to provide, not necessarily today, but answers to the very specific questions that I have put throughout the hearing this afternoon?

Hon. Mr. Boyd: — I think that there have been adequate answers to the questions given. What are your specific concerns or questions that you want answered?

Mr. Calvert: — Well, Mr. Speaker, they're on the record. If the minister weren't into his flights of political rhetoric, he might know what the questions are. They're all on the record — questions about programs from the federal government last year, how we achieved under negotiations with other federal governments — there's a number of very specific questions on the record. They can be reviewed. The minister can review them. I'm asking for his commitment to answer them.

Hon. Mr. Boyd: — Mr. Chair, Mr. Member, I know you absolutely love talking about the past. That seems to be, that seems to be your whole raison d'être is to talk about your achievements of the past. The fact of the matter is is that on November 7 the people of Saskatchewan chose a different direction, and if you don't like that, I'm sorry but that's the way it is.

Mr. Calvert: — Mr. Chair, this government has been in office now not even six months, not even six months, and that's the kind of response you get from the most arrogant government that's been in power for years. Already this is what the people of Saskatchewan are getting from what they still call themselves to be a new government. Well they won't answer questions here. I'm sure they'll answer them in other venues.

Well let's try this. We have the Western Premiers' Conference coming up in Saskatchewan. We're very pleased to host the Western premiers in Prince Albert. I'd like the minister to inform committee today what will his goals be, what will the goals be of the province of Saskatchewan for outcomes from the Western premiers' meeting in Prince Albert?

Hon. Mr. Boyd: — The Western Premiers' Conference coming up will have a number of things that the Premier will want to be discussing with respect to trade, with respect to ongoing relationships with the other provinces. We have some certainly interests in various components, and I will say, I will emphasize that — various components. We're not prepared to sign on to the TILMA [Trade, Investment and Labour Mobility Agreement] agreement as structured, but we're interested in various components of it. We have some question and concerns in some other areas with respect to that. We will be looking for some co-operation from other administrations with respect to that.

There is certainly, I think, opportunity in terms of trade discussions that we will want to advance on behalf of Saskatchewan. We feel that there is certainly some opportunity with other administrations to look at the areas that I would call of interest to Saskatchewan, things like strengthening the interconnects for a national grid or at least a Western Canadian grid that have never been done in the past. We want to talk about those opportunities with Manitoba and Alberta to look at that.

We think that the whole concept of the new West in Confederation has some significant benefit for Saskatchewan in terms of an ongoing relationship with the rest of Canada. I think the Premier wants to talk about that.

I think those are some of the things that come to mind, Mr. Member, with respect to the goals. I think there will be a number of them in addition to that, but those are the ones that come to mind at the moment.

Mr. Calvert: — Mr. Chair, the Council of the Federation has been engaged in a process of seeking to reduce trade barriers and mobility barriers, not just in Western Canada but across Canada. Perhaps the minister could give the committee a report on where that work is at currently. And is the minister and the government he represents in this committee supportive of the work of the Council of the Federation in terms of a reduction of trade barriers, mobility barriers across Canada? Will this Government of Saskatchewan be supportive of the work that's happening there?

Hon. Mr. Boyd: — Well the short answer to your question is yes. In a more general way, we are supportive of trade agreements. We're supportive of more liberalized trade. We feel that as a province, that as an exporting province that any time that we can advance those interests it's in our best interest as a province to put those things forward.

We look at areas that are important to us, labour mobility, talking about those areas. Energy, certainly talking about ongoing relationships and how we can improve upon our exports in that area. Certainly agriculture is always very, very important in terms of any of these types of discussions that we think are very important to our province. In terms of regulatory regime, how we can address those areas that make, I think, make a lot of sense to us, that we want to move directly in. In terms of the dispute resolution, we feel that there is need for additional work in those areas and certainly to strengthen the opportunity to address that mechanism of dispute resolution.

Mr. Calvert: — Mr. Chair, again I asked a specific question. Is the minister and his government supportive of the direction and the work that's being undertaken and being completed by the Council of the Federation? And where would he report to this committee that work is at? At what stage is it at? Is it nearing completion? Does he see a completion within six months, a year, two years? I would like a specific answer to what his report of the work of the Council of the Federation is in this regard, and will he and his government be supportive of that work?

Hon. Mr. Boyd: — As I said in a previous question, yes, is the answer to that. Dispute resolution process is something that is certainly an ongoing discussion. I don't know whether there's any specific time frame that you would want to establish or set forward in these types of discussions. This is not something that we can march in and say, we want this by six months from now or else. I don't think that that's very productive, or I don't think that's the way these types of discussions with other administrations go.

We are advancing the interests of Saskatchewan in terms of all of those areas that I've outlined: labour mobility, energy, agriculture, regulatory regime, dispute resolution. Those are the types of discussions that are ongoing and on the table, and we're working towards a positive conclusion to those discussions.

Mr. Calvert: — Mr. Chair, before the Western Premiers', the minister may want to consult with some of the officials or review the record from the Council of the Federation because timelines have been set. He doesn't need to march in and set timelines. My question is, how are we doing on meeting those timelines?

Just one further question as our time draws to a close, Mr. Chair, around the Western Premiers' meeting. Is the budget for the Western Premiers' meeting accounted for within the budget of the department that's before the House today?

Hon. Mr. Boyd: — Mr. Chair, we'd be happy to provide the member with an update on the discussions that are going on with respect to all of this information. I'm sorry I missed the second part of your . . .

Mr. Calvert: — My question, Mr. Chair, to the minister was, we have the Western premiers coming. Is the budget for the Western Premiers' Conference included in the departmental budget, the numbers we see here today, or is it accounted for in some other budget line of government?

Hon. Mr. Boyd: — The budget comes from two sources, the provincial secretariat and $103,000 from this ministry.

Mr. Calvert: — Maybe just a final, maybe the minister could provide for us the total budget then for this year's Western Premiers'. And with that, Mr. Chair, I understand our time has elapsed.

I want to thank the minister and thank particularly his officials and all those who work with him in the Department of Intergovernmental Affairs. I had some opportunity to work with this very small department that does a great deal of work given the numbers of the people that are involved and given the files that are involved. And so my thanks again to the minister and to all of those who are at work in IGA [Intergovernmental Affairs].

The Chair: — Being our time has lapsed, I would ask the minister to thank his officials and if he has a closing statement.

Hon. Mr. Boyd: — Thank you, Mr. Chair, committee members. Just to follow up on the member's question— $103,000 from the intergovernmental relations department, $157,000 for a total of $260,000; $157,000 from the provincial secretariat for a total of $260,000 for the budget for that, the Western Premiers' Conference.

Now again thank you, committee members, for your questions here this afternoon. And also thank you to my officials here this afternoon.

The Chair: — The committee will now recess as we prepare for the next committee to move in. Thank you one and all.

[The committee recessed for a period of time.]

Bill No. 15 — The Northern Municipalities Amendment Act, 2008

The Chair: — The first item of business is Bill No. 15, or item no. 1 is Bill No. 15, and I'd ask the minister to introduce his officials and a short opening statement.

Hon. Mr. Hutchinson: — Thank you, Mr. Chair. It's a pleasure to be here. Mr. Chair and members, I'd like to

introduce Harley Olsen, our deputy minister for Municipal Affairs on your left; and on your right, Mr. John Edwards, executive director of the policy development branch of Municipal Affairs. With respect to this particular Bill, perhaps the briefest way I might introduce it is to just read an excerpt or two from the comments when we had second reading.

The proposed amendments to this Bill will allow the boundary area of the city of Flin Flon, Manitoba, to qualify as a Saskatchewan northern municipality eligible for our provincial infrastructure funding.

And the boundary area is actually in Saskatchewan. The 242 people who live there pay taxes in Saskatchewan and we felt that it would be proper to recognize, in an amendment to the original legislative framework from the '50s, the fact that this is a northern municipality. And that makes them eligible to make application under the northern revenue trust sharing agreement for infrastructure dollars to do the improvements that they need within their small part of a larger municipality. And that, in very brief terms, is exactly what this amendment proposes to do.

Clause 1

The Chair: — Thank you, Mr. Minister. We will now go clause 1, "This Act may be cited as *The Northern Municipalities Amendment Act, 2008*."

Are there any questions? The Chair recognizes Ms. Higgins.

Ms. Higgins: — Thank you very much, Mr. Chair. Mr. Minister, so when this looks at the 242 residents that are actually Saskatchewan residents in what's termed, I believe, the boundary area of Flin Flon, so then what this does is just allow an allotment for the city of Flin Flon when it is applying for any capital grants that it will have access on a per capita basis for these 242? So it's not specifically for what's considered the boundary area, is it? Does it just go into the larger pie for projects within Flin Flon?

Hon. Mr. Hutchinson: — Good question. My understanding of the amendment is that it will allow infrastructure dollars to be sought, applied for, specifically and exclusively for the boundary area, the little bit which is in Saskatchewan only, yes.

Ms. Higgins: — And current?

Hon. Mr. Hutchinson: — We haven't had that opportunity because under the original legislation from the '50s it's just termed boundary area, and unless and until it's specifically designated as a northern municipality it's not eligible for those dollars.

Ms. Higgins: — So then when you were looking at it, there is a project that's proposed for the boundary area. Normally when you're looking at capital grants, the variety of programs that are out there, they would be matched funding in many cases and in many programs. Is that what we're looking at here? It would be matched funding or would this be 100 per cent from the province of Saskatchewan for the boundary area?

Hon. Mr. Hutchinson: — My understanding is is that the amendment isn't specific in that regard. It simply allows the boundary area now with the official designation of northern municipality to become eligible for all of the infrastructure programs, whatever the funding split might be. They've simply been outside of the loop completely until now. Now they're entirely inside the loop.

Just to give you a specific example, one of the projects that I'm sure that they would want to make an application for at some point in the future is to put in a pump to upgrade the water pressure on the Saskatchewan side. That's something that they very specifically mentioned. Up until now if they wanted to do that, they wouldn't have any ability to apply for whatever infrastructure funding might be available. And it's the northern trust group that they would be making application to, I think.

Ms. Higgins: — So then could you give us just a quick overview of what the difference would be in an urban municipality and the difference from urban to northern municipality when it comes to capital grants. Is there a big difference or is it pretty similar?

Hon. Mr. Hutchinson: — There are some similarities and some differences. I'll defer in a moment to our officials here but there is specific dollars that's administered by the northern revenue sharing trust agreement — that group. They will be specifically now able to apply for those sorts of dollars in exactly the same way that all other northern municipalities will. That's probably the biggest difference. And I think what I should do is turn it over to officials for a little bit more of a fleshed-out explanation.

Mr. Edwards: — Thank you, Mr. Minister. The amendment will allow Flin Flon on behalf of the residents of the boundary area to access three specific grant programs that are unique to the North. First, the northern capital grants program is a five-year capital grants program that's been in existence. The existing program came to a conclusion March 31.

A new five-year program is in the offing. The details are still being worked out but essentially it will take effect as of April 1 at the same time as this legislation and that will provide funding that can be used for capital grants specifically benefiting the boundary area. The southern part of the province has no such program available to it. It's funded under the NRSTA, northern revenue sharing trust account.

The second program that's been in place in the North has been the water and sewer program. That's primarily been funded through federal-provincial grants and the funding that's available to that will depend upon the provisions that are negotiated relating to the communities component of the Building Canada Fund.

The third area that would be accessible is the emergency water and sewer program. Again that's unique to the North. It's a program that provides for funding for equipment failure due to malfunctions or weather or other situations. The program is one that is run through Saskatchewan Water Corporation and the NRSTA management board. Allocations are made on an as-needed basis.

Ms. Higgins: — So can . . . And I mean I understand we're

going a little beyond what the Bill is, but just for a bit of background, can you tell me what each of these grants, kind of what the maximum is? When you're talking about the northern capital grants, it's a five-year program. Water and sewer under Building Canada, does that run the full seven years of the Building Canada Fund? And I believe you said the third was the emergency water and sewer. And what kind of resources are in that fund and where does it come from? Sorry I missed the third one.

Hon. Mr. Hutchinson: — Mr. Edwards is going to help.

Mr. Edwards: — The details regarding the new northern capital grants program are still being addressed so there's no particular amount at this stage that I can quote for you. For the emergency water and sewer program, that program is essentially decided on a, or allocated on an as-needed basis, so a municipality would have a particular situation that might develop and they would come to the NRSTA management board with an application. The last one was the water and sewer program which the funding for that will depend upon what happens under the Building Canada Fund for the communities component which is also still under negotiation with the federal government.

Ms. Higgins: — What kind of outstanding projects would there be in this boundary area in Flin Flon for those Saskatchewan residents? Or is it just kind of an ongoing issue that's been outstanding for a number of years?

Hon. Mr. Hutchinson: — I can help answer that, ma'am. My understanding is that this has been something that the folks in the area have wanted for quite some time. It was just a great opportunity to conclude the discussions and to carry forward an amendment that meets their particular requirements.

From their perspective, if I can put it this way, it's a matter of equity and fairness. They're well aware that other northern municipalities or northern communities classed as northern municipalities have the ability to make application to some of these infrastructure grant programs that they in the past have not, and they're simply looking for a mechanism to make it possible.

And I don't mean this in any way to criticize the framers of the original legislation. There aren't many situations like this. We're all aware, of course, of the agreement that was struck with respect to Lloydminster, the other border city; much larger, much better known, I think, on the other side of the province. And I think back in about 1950 or so, when the folks who were in this legislature sitting at the time were involved with this issue, that they had, as well as anyone might expect, addressed the issues of the day and looking forward into the future as far as could be. But there weren't infrastructure projects of a kind that we're imagining, and there weren't programs to address them at that time.

This is simply a recognition that times have changed, programs have changed in response to those changing needs, and that they would simply like to be at the table with all of the other folks in the North. This amendment, a very simple, almost a housekeeping amendment if you will, allows that to take place.

Ms. Higgins: — Do you see this as kind of the first in many steps when we look at the discussion paper that's out there on The Northern Municipalities Act? And are we expecting over the next few years to see kind of step-by-step changes being made to The Northern Municipalities Act? Or do you expect that at the end of or once the kind of time frames for the discussion paper to be out there, consultations to be held, that in the fall or next spring we will see a larger piece of legislation that will address all of it? And all of the changes that are proposed or requested for The Northern Municipalities Act, how do you see that kind of coming about?

Hon. Mr. Hutchinson: — I'd like our officials to add a little bit more context to that discussion because they were here when those discussions were initiated. But I would put this forward. I think that the very fact that we're considering something that's in the North, you know, brings the whole issue of northern municipalities and their particular needs and desires a little bit more front and centre, which is a good thing. Now if it has any effect, it might help perhaps to focus our attention here on those issues in order to advance the progress. That's my wish anyway.

Ms. Higgins: — So I guess the question is then, are we going to see one big change to The Northern Municipalities Act or is it going to be smaller steps over a period of time? I guess that's kind of a part of the question too.

Hon. Mr. Hutchinson: — Thank you for that question. Mr. Edwards is going to address it in further detail.

Mr. Edwards: — The nature of the requests that have been made in the process of the work by The Northern Municipalities Act review committee, which was set up in 2006 with New North, basically requires a complete rewrite of the legislation. The northern municipal officials that have participated in the process would like to have it incorporate a number of the provisions that are currently in The Municipalities Act — things like natural person powers and broad bylaw authority. Those kinds of provisions require that the Act pretty much be completely restructured. So we're working away with the northern municipal officials to prepare that Bill for consideration by government and then subsequently the House.

Ms. Higgins: — So do you have a timeline then for when the new piece of legislation will be put before the House?

Mr. Edwards: — The target is the fall session.

Ms. Higgins: — Good. Thank you very much. Well, Mr. Minister, I think this is a good move. And I have had the opportunity to be in Flin Flon and Creighton and in that whole area. I think this is a good move for residents of the area, whether it's the boundary area or not. And I would agree with you that we need to move ahead with the changes to The Northern Municipalities Act.

And as more and more emphasis is placed on the North, I think we have to be timely in the changes and be also considerate of residents and the communities that are already in the North and well established because they're a huge part of the contribution to Saskatchewan 's economy. And so updating their legislation I think is a good move that we need to carry on with.

So with that, we don't have any other questions on the legislation. So thank you very much for your time this afternoon and being here to answer questions and other comments.

I guess one other . . . Sorry, I just thought of something else. So then when we touched on the revenue-sharing piece within the northern municipalities and how that works, have you come to a decision yet on what the revenue-sharing increase will be that was talked about by the Premier?

Hon. Mr. Hutchinson: — Probably just a little bit outside the purview of the committee's discussion today, but what I can certainly declare is that first of all we had an excellent meeting. There's an awful lot of enthusiasm and energy around that table.

People, as we discussed with the press, what our municipal partners are suggesting is, is that one proposal that was discussed — and that might be a second 7 per cent increase — would be welcome and appreciated. If it was possible to do a little better than that, they were saying it would be more welcome and more appreciated.

But people certainly do respect the financial constraints on any level of government. Our municipal partners work within some fairly tight restrictions, as you know. And it's the same for the province and the federal government. They're simply delighted that there is an opportunity and that out of that opportunity this discussion arose today, and they're looking forward to whatever result with real eagerness.

Ms. Higgins: — Well, Mr. Minister, I couldn't resist an opportunity just to ask and see if I would get some kind of a response. The only comments I would make though is that the financial constraints for municipalities aren't quite what's being experienced by the provincial government at this point in time. And we need to make sure that the municipalities have the opportunity to build for the growth that's happening in communities right across the province.

So I'm sure it was well received, any discussion of increased funding. And with the kind of money and resources that the provincial government has at this point in time, that would be money and dollars well invested in the province.

Anyway, that's it for the Bill and a little bit beyond. Anyway, I had to ask just to see if there had been any decisions made. But again, Mr. Chair, I want to thank the minister and his officials for being here this afternoon. And we have no further questions on Bill 15.

Hon. Mr. Hutchinson: — Thank you, Mr. Chair, members. It was our pleasure indeed.

The Chair: — Okay. We will now go at this. Short title, clause 1, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 15, An Act to amend The Northern Municipalities Act. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I'd invite a member to move that the committee report the Bill without amendment.

An Hon. Member: — I so move.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you, Mr. Minister, and thank you all that participated, and if you want to thank your officials.

Hon. Mr. Hutchinson: — I'm delighted to. Yes, I do thank our officials and the members of the committee. Thanks for your time.

The Chair: — Thank you very much, Mr. Minister. And this committee now stands recessed until 6 o'clock.

[The committee recessed for a period of time.]

Bill No. 4 — The Legislative Assembly and Executive Council (Fixed Election Dates) Amendment Act, 2007/Loi de 2007 modifiant la Loi de 2007 sur l'Assemblée législative et le Conseil exécutif (élections à date fixe)

Clause 1

The Chair: — Mr. Minister, are we ready to start?

Hon. Mr. Morgan: — We are.

The Chair: — All right. Okay, this committee is back in session. The first item of business is Bill No. 4. If the minister would like to introduce his people and opening remarks . . .

Hon. Mr. Morgan: — Thank you, Mr. Chair. My official on this file is Darcy McGovern from legislative services branch.

I would like to briefly outline for the committee and those watching at home what this short but very significant piece of legislation seeks to accomplish. Mr. Chairman, the amendments to The Legislative Assembly and Executive Council Act will, for the first time, establish fixed election dates in the province of Saskatchewan. With the implementation of this Act, the next general election will be held November 7, 2011 and every four years thereafter, on the first Monday of November.

It is our hope and indeed our expectation that this legislation will take the guesswork out of election timing and ensure greater democratic accountability to the Saskatchewan people. The new provisions are careful not to alter the constitutional power of the Crown to prorogue or dissolve the Legislative Assembly. The Bill retains the requirements that the government must maintain the confidence of the Assembly and continues to allow the Premier to advise the Lieutenant

Governor to dissolve the Assembly in the event of a loss of confidence.

The provision requiring a general election to be held on the first Monday of November in the fourth calendar year after the last general election applies whether or not the last general election is held on the four-year cycle or as a result of an intervening dissolution of the Legislative Assembly.

According where an integrating snap election is required, we will return to the certainty of a fixed election date in the four-year cycle for the next following general election. Thank you, Mr. Chairman, and we'd welcome questions at this point.

The Chair: — All right. The Bill No. 4, short title, any questions?

Mr. Taylor: — Do you want to do it clause by clause? Is that the plan, clause by clause as opposed to a general round of questions?

The Chair: — We're doing general questions and then clause by clause.

Mr. Taylor: — That would be my preferred route, Mr. Chair, so I appreciate that. The reason I say that, of course, is because I have some questions that relate to the overall development of the legislation, and what might be missing from it. And then when we get down to clause by clause I say this because, and I'd indicated this to the minister earlier, my predisposition on the Bill is to support the legislation. My questions are designed to pull a little bit of additional information forward, and also to ensure that we are getting the best possible legislation that we can, given the interest of government and opposition members to indeed achieve the same goal at the end of the day.

So do I have the floor then to ask some general questions?

The Chair: — Yes you do. You have the floor, Mr. Taylor.

Mr. Taylor: — All right, thank you. Thank you very much. A series of questions then, of a general nature, to the minister. He indicated, of course, what's in the Bill. Can he give us a little more of a background as to the motivation behind the Bill? What was the genesis of the idea of fixed elections? What is it that the government is trying to achieve by bringing this Bill forward?

Hon. Mr. Morgan: — With respect, we'll try and not repeat mistakes that some members have made and refer to the Bill as the fixed election dates rather than fixed elections Act.

But in any event, there's a number of jurisdictions in Canada and elsewhere that have chosen to enshrine election dates in legislation rather than having them at the whim of the premier or prime minister. We're supportive of that. We don't think it's fair or appropriate that either the government or the opposition should have the, sort of the control over the process and that it's appropriate — for members of the public and for the government — to have a fixed term in office. It makes election planning easier, and certainly takes away the spectre of the unfairness where one party has control over it.

Mr. Taylor: — During the election campaign where this matter was discussed to some extent, I must say this was not a doorstep topic in my constituency. I don't know what the minister found on the doorstep, but this was not a top-of-mind subject for the people that I was talking to. If I raised the issue on the doorstep, people of course had opinions and they were quite prepared to talk about it. But the general question of, what should government be doing, it wasn't top of mind. It wasn't first. In fact it was never suggested as an election issue.

But that having been said, I know that there was some discussion papers that the Saskatchewan Party had before about democratic reform. Fixed election date was a part of that. Was there any desire to include any other part of democratic reform in this legislation? And if not, why was the decision made to go with only one component of a very much larger philosophical issue?

Hon. Mr. Morgan: — Your point's valid. It wasn't a big election issue, and to be fair to the previous administration, they did follow very closely a four-year cycle.

In the year preceding the election, there was a number of — and perhaps it was the media more than the former premier — but there was a number of sort of false starts. Oh well, it's going to be in the fall. Is it going to be in the spring? And people didn't know. And that was sort of . . . To use your word, the genesis of the thing was when people were talking about, well gee, we wish we knew that we weren't having it, or we wish that we were having it. And it wasn't so much when we had it, as wanting the certainty that it was there.

Because in the 12-month run-up to the election there was a lot of speculation the former premier was going to call the election early. And to be fair to him, he always stated that he favoured a four-year term, and that's in fact what he delivered.

But I think given that the speculation was there, that was why we wanted to do this. And given that it's happening in a number of other jurisdictions, we felt it was some significance.

You asked about other electoral reform. We feel this is one of the ones, the one item that has to be dealt with. It's of some significance and we think it's a sort of a cornerstone of democracy to know when you're next going to go to the polls.

The other piece that you might be referring to would be reform with regard to election finance and election funding. And there was certainly discussion from the public as to what advertising should take place in the run-up to the election, and election advertising by Crowns and by other entities. And we certainly have a sense that other entities or third parties should not do advertising, or shouldn't take advantage of the election period.

But what we will do with that is, we're waiting for the Chief Electoral Officer to complete his study and his review, and that's something that will likely be, something that you would be able to anticipate might come up as an amendment to The Election Act.

Mr. Taylor: — Thank you very much for that. I had a couple of questions I wanted to ask a little bit later on this. But the fact that you raised it now, maybe I should ask those questions. And

I appreciate, given the answer to my last question there, you might have answered most of what's in this question that I have next.

But indeed when you see an issue in balance, you know, you've got a left side and a right side and they're in balance. There's no doubt in my mind that this piece of legislation, Bill No. 4, fixed election dates, is something that requires some balance. Fixed election date without legislation or commitments on financing doesn't hold it in balance.

So my question was: we've now got the fixed election date in balance on paper. What is the commitment to bring forward legislation that provides the balance? That balance is two parts as you indicated. The first is the election commitment about advertising from government and Crowns because without an advertising balance, fixed election date doesn't quite have the same strength. And of course the other piece is election financing which people have talked about for quite a number of years and there doesn't seem to be any consensus at this point as to what to do on election finances.

My question at this point is simply: what commitment can you make to the public that indeed there will be a response to the platform promise that there'll be no advertising prior to an election? And the secondary piece: what commitment do we have that there'll be an election financing changes coming in the future?

Hon. Mr. Morgan: — I'm not sure that I necessarily accept — and I don't think it's something we need to be . . . I'm not sure that I accept the fact that you need to have a balance or one without the other. We certainly made a commitment and the current Premier made a commitment in the run-up to the election that his first act following the election would be to announce when the next election was. So this piece of legislation is consistent with that commitment.

Now in the run-up to the election, if you look at our platform books, page 42 lists the other issues that you're talking about which is dealing with the spending and the advertising. And that's something that we intend to do as part of the commitments we made prior to the election and what we're wanting to do is it's in section 277 of The Election Act and we'll want to wait and see what recommendations come from the Chief Electoral Officer.

Mr. Taylor: — I appreciate that answer and that commitment. There certainly is some reluctance to support half the promise, if you know what I mean. It's difficult to be able to say we accept fixed election dates but if we don't know what the language or direction is going to be on financing, it's difficult to go forward. But I do appreciate the timeline, the direction that the minister has provided.

Hon. Mr. Morgan: — Thank you for that.

Mr. Taylor: — We do know and the minister's answers to date, to this moment, indicate that other provinces have done work on this already. Obviously we've now got some experience to review some provinces. In particular, Ontario has just gone through an election that's on a fixed calendar.

Can the minister tell me what analysis has been done of fixed election dates in other provinces or even in other countries that would support the legislation that we see in front of us today?

Hon. Mr. Morgan: — There was comments that this was seen as an Americanization of our electoral system. I don't agree with that comment. I think it's a common sense approach to try and have this and I think it's something that's moving across Canada.

I'm going to let Darcy McGovern answer the question with regard to sort of the comparative analysis that's taken place with regard to the other jurisdictions.

Mr. McGovern: — Thank you, Mr. Minister. Darcy McGovern, Mr. Chair, to the member.

In conducting the review of the other provinces, the member may well be aware that we understand that we'll become the sixth province to introduce the set election date, joining British Columbia, Ontario, Newfoundland, Prince Edward Island, and New Brunswick in that regard. There's private members' Bills that are currently before the House in Manitoba as well as in Nova Scotia.

There are some slight differences in how these Acts are prepared. The key elements in each of these pieces of legislation is of course a fixed date and a process by which the constitutional prerogative of the Crown is retained and to recall the House in the event of a, for example, an election that's held in advance of the four-year date — a snap election, if you will, or a loss of confidence in the House. That's a constitutional obligation that each of the Acts at the federal and the provincial level that are very careful to retain that as a recognized power that isn't to be changed.

One area where there is difference is with respect to the issue of how what's known as the war, invasion, or insurrection clause and some provinces have taken that approach — with respect to the federal government and Ontario, for example — have included this provision.

Now I think some members will be aware that this is in fact simply a recitation of section 4(2) of the Charter of Rights and Freedoms. And so this is part of the Constitution Act already, 1982. The practice in Saskatchewan in our Legislative Assembly and Executive Council Act has for a number of years been that we do say, as does the constitution under the democratic rights clause, that a Legislative Assembly must hold a session every five years. That's a constitutional requirement as well under 4(1). And we do speak to the issue of sitting once every 12 months. But it hasn't been our practice here — like BC, like Newfoundland — to re-cite the provision that's contained already in the constitution with respect to the war insurrection clause.

Of course, because it's in the constitution, what it says — I'll read it into the record:

> In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is

> not opposed by the votes of more that one-third of the members of the House of Commons or the legislative assembly, as the case may be.

That's the law in Saskatchewan, has been obviously since the Saskatchewan Act was read in, and so the practice here hasn't been to include that in the Act itself. And so I guess our approach in that regard has been to continue our current practice not to change the law by any means and to continue the practice that's similarly followed in Newfoundland and British Columbia, for example.

Using those two as an example again, the other technical comparison point, I think, would be with respect to the issue of what if the date that's chosen, the fixed date, falls on — and we're projecting out a number of years — how this might work on an inappropriate date for a cultural or religious reason, for example.

Again, in some provinces, I think . . . Ontario and the federal government, for example provide a discretion to the Chief Electoral Officer to change the dates within a certain rubric. New Brunswick, I believe, leaves that as a premier's discretion. And those are some mechanisms to deal with that.

In British Columbia and Newfoundland, the choice that's made there is that if the date were to change, that that instead would be an amendment made by the Assembly, by the elected members rather than by the Chief Electoral Officer — an independent official, of course — one alternative either approved by cabinet, Lieutenant Governor in Council or directly by cabinet. And so I think the comparative, on the comparative front, what we do is more like British Columbia and Newfoundland with this Bill saying that that choice would be made by the members of the Assembly.

It's not the kind of thing that pops up overnight, to say suddenly that it's in conflict with the Julian calendar or, you know, another example. That's something that should be able to be identified for some time in advance and it's appropriately debated on the floor of the House, is the choice that's made with respect to this Bill.

I think those are the main comparative points in terms of how this is often structured. There's differences between the provinces because of their own legislation, whether changes are made in their constitutional legislation, in their Legislative Assembly legislation, and/or in their election Act. My minister has mentioned that this — in the way it's structured in Saskatchewan — is this is a change that's made discretely in the Legislative Assembly Act with respect to the date that there may well be corresponding changes in the election Act, which contains more of the other provisions in a future date.

Mr. Taylor: — Thank you very much for that answer. The answer actually was for another question that I had later, but I appreciate the information.

For other members of the committee, I am going to elaborate somewhat on two of those issues that Darcy referred to in his comments just past. And the reason for that is I think that those two matters deserve some additional attention from the members of this committee.

Two of those issues that were raised by Darcy in his answers were in fact raised by my colleague from Regina Elphinstone-Centre in his speech in the Chamber the other day, and he did make some reference to other provinces and what they have done in that regard. And the argument that I will make later when I raise those points more specifically, the argument that I will make is to ensure that there is as much clarity in the Saskatchewan legislation as is possible.

But just to come back to my question again about the analysis that's been done of the practice of fixed elections in other provinces. For example we know that some of the arguments for, in favour of a fixed election date, would include things like fairness, transparency and predictability, potential accessibility, improved electoral governance. But there are also some arguments that the public has used against fixed election date including tradition, representative government, the symbolism of fixed dates.

The point that the minister made earlier about Americanization and one of the other points that have been made against the fixed election dates are essentially having a review of cases where a short election may in fact be needed. I'm just wondering what analysis of the experience in the other provinces has been within the Department of Justice or within Executive Council or within government generally of those matters, because we have had elections now fought under fixed election dates in Ontario recently and, if I'm not mistaken, Prince Edward Island as well.

So can you give me some idea as to what analysis has been done to ensure that we are covering off some of the negatives that may have occurred elsewhere in thinking relating to drafting of this legislation?

Hon. Mr. Morgan: — We haven't done a lot of extensive analysis since the time of . . . This was something that was announced by the Premier the date the writ was called, and so that's been the position we've wanted to take. So the experience and the information that we have is largely what's been available in the media, and my understanding from . . . And we haven't asked the ministry officials to canvass or to raise the issues specifically with other jurisdictions.

But our review from watching the media is that it was welcomed by the public and did not have any procedural difficulties or procedural irregularities. And actually to the contrary, it seemed to go remarkably well because the electoral offices were able to plan scrutineers and polling stations, etc. with somewhat more certainty and somewhat better lead time on it. But you may have heard something different.

Mr. Taylor: — Well I just wanted to ask some questions in this regard because again I think our goal is try and make Saskatchewan's legislation the best that it can be and in fact be a leader. But also we have to make sure that we are doing the right thing.

I've recently had the opportunity to read a February 27 article written by David Goutor. He's an assistant professor in the labour studies program at McMaster University. He's a historian at the university. As you know, Ontario just went through this. The voter turnout in Ontario's most recent election

was abysmal by all standards. It was roughly around 50 per cent. That was under fixed election dates. David Goutor says in his February 27 article — this was published on the website thestar.com — and he says, and I'm just going to quote a couple of things here:

> . . . Ontario's first experience with a fixed-date election raises serious concerns that the measure actually deepens problems such as public apathy, low turnouts and politicians wasting time and money . . . it is essential to analyze what parts of the traditional system worked well, and the downsides that emerge after any changes.
>
> For instance [he writes], one by-product of fixing the election date was that the public tuned out the last campaign until near the end. To be sure, this is a long-standing difficulty in Ontario — but at least in the old system, the dropping of the . . . writ would be a big story in . . . [that it helped to get the campaign going].

Amongst other things which I may quote earlier, he is saying that the recent experience of fixed-election date actually contributed to an already apathy-related problem in the province of Ontario. Does that argument have any merit to you?

Hon. Mr. Morgan: — You know, if that's what we're dependent on is the media coverage of the dropping of the writ or the sensationalizing of a prematurely-called election, then I think we've done the right thing by fixing the elections. If that's what we have to look at to try and get voter turnout, I would be troubled by it. I think over the period of time, we'll see voter turnout go up or down depending on popularity of leaders, popularity of, you know, the variety of other issues that might be there.

The US has had fixed elections since 1776, and what we will likely see this fall will probably be one of the highest electoral turnouts ever because we have interesting situations arising in the US in the Democratic primaries and, you know, we'll have significant issues that are going to be worked out.

So I think the more important things will be who the candidates are, what the platforms are. And my preference would be that we don't look to try and generate voter turnout by sensationalizing an election with a snap election or the so-called walk in the park or walk in the snow that some premiers or prime ministers have chosen to talk about in the past. I think that shouldn't be something that should be part of the public perception of how the public should focus on what the issues are. If they know what the issues are, your point is valid.

When the writ is called or when the election is called, it doesn't trigger a whole bunch. But possibly over time, the announcement of a party's platform or something may serve to do that. I'm troubled by the notion that that's what we would be dependent on for voter turnout, but it's an interesting point.

Mr. Taylor: — He does make that point to considerable extent in the article. I'm simply quoting one section of it to seek your opinion.

Also you had mentioned earlier about you do not believe that the Bill Americanizes the Canadian system. One of the quotes that I want to read from David Goutor's article would perhaps suggest something different, and I would seek your opinion on that again. Mr. Goutor writes and again I quote:

> This raises another concern: With all the parties knowing when the election was coming, they had been unofficially campaigning through the summer and even during the last sitting of the Legislature.

And again I remind, this article is based on the recent Ontario election experience. I continue to quote:

> In other words, fixed election dates tend to create political cycles with long "dead zones" when politicians are supposed to be doing the business of government, but in fact are consumed with getting re-elected. This is a chronic problem in the United States, which has . . . had fixed election dates.
>
> Of course no system can ensure that politicians will act responsibly, but when there was an element of uncertainty about election timing, the parties felt pressure to at least appear focused on governing.

So the argument that he's making there is with fixed-election dates, whether you have advertising rules, bans in place or not, the politicians and the parties tend to be consumed with the re-election and that at least the uncertainty of a date gave the public the impression that at least one party, or maybe both or others, were actually involved in governing the jurisdiction. How do you respond to that?

Hon. Mr. Morgan: — I think a more orderly process is to have the fixed date where you have the gradual run up to the date. Everybody knows when the date is. Having spent four years in opposition, I think there is an inherent unfairness that the government of the day has sort of the hammer as to when election will be called. They drop some hints or inferences. Everybody starts going out door knocking, spending money, and that's where the inherent unfairness exists to the other party and also to the public. It's sort of, you know, the public that's thinking, oh maybe I'll have a chance to vote in favour of who I want to or vote against who I've chosen to vote against.

But it's a one-sided thing, and it's one of the reasons why we felt this was appropriate to have this Bill, was just to avoid exactly that kind of a false start or the other person playing the game with the thing. And I realize that it might create a perception of some blandness on the thing, but we're certainly not seeing blandness in the US presidential race right now. So I mean once again as I said the issues will hopefully come to the fore.

Mr. Taylor: — Just one other point on the same subject area and you would have read this in the speech of my colleague from Prince Albert Northcote. The member from Prince Albert asked the members of government if they knew a person by the name of Karl Rove, Rove former deputy chief of staff to George Bush.

And Rove commented recently at a Fraser Institute gathering in Vancouver. In his address to the institute he talked about his experiences gleaned as a Republican election strategist, and he

stated unequivocally that our proposed American method of campaigning is, and I quote Mr. Rove, ". . . is an exhausting undertaking that lasts far too long and wears candidates down." I'm just wondering if the minister would have an opinion on that thought.

Hon. Mr. Morgan: — Well the fixed election date allows a candidate to focus their door knocking and their money expenditure on the last month or six week prior to the election. Mr. Rove's point is that you'll start campaigning, and actually a good politician should start campaigning the morning after the election and plan for the next election and have a ramp up and a workout through that. The idea that you don't know when the next election is is no excuse not to be working, not to campaigning and not to be on your toes on the thing. I think the predictability would probably, in my view, reduce it rather than raise it. And if Mr. Rove thinks otherwise, he's welcome to come up here and work in a few Canadian elections. I don't know whether he wants to work in your campaign or mine, but I'm sure we'd have a place for him in yours or mine.

Mr. Taylor: — Thank you very much for that. Back to the provinces in general and the genesis of the idea as we talked about if off the top. I think the minister is aware that in British Columbia they talked a lot about democratic reform. In fact they held a citizens' assembly, and other provinces have held legislative reform commissions that sort of looked at the idea of fixed election dates in conjunction with a number of other initiatives. It could be proportional representation in a number of its forms. It could be changes in the age of voting, 18, 19, 16, being proposed in different places. Is there any thought having been given by your government to do something similar to what they did in British Columbia, a citizens' forum, involve the citizens of the province in the type of democratic reforms that they would to see? Fixed elections of course being just one piece of that. What are your thoughts there?

Hon. Mr. Morgan: — You will have read our platform I'm sure, and there's nothing in our platform that indicated we were looking at other types of changes to the electoral legislation other than what was in the platform. Since that time, our cabinet and caucus has not contemplated anything else. We made specific commitments during the election with regards to fixed elections dates and with regard to advertising both of those which we intend to do, this being the first of those.

Mr. Taylor: — Now just let me clarify that then. This is the only piece of electoral reform legislation we will see in the next four years?

Hon. Mr. Morgan: — No, it's not. The other portion of it is the advertising and the expenditures. We're looking at, you know, this is the one we wanted to have as a stand-alone piece of legislation. We think it's important enough to the public that it has its own place.

The Election Act had received fairly extensive amendments in the last year or two in the run up to the election. So this was our first election under the past election Act. And I think any time you have a new piece of legislation, you sort of welcome input, or you look and see what the Chief Electoral Officer has for comments as to how it worked or what problems or what issues arose with it. But those would be more in the nature of fine tuning or dealing with some specific issues. I don't know of any of those now.

We certainly want to deal with the issue of advertising and have a look at what we do with expenditures as well.

Mr. Taylor: — In terms of taking a look at proportional representation or changes in the age of majority for the purposes of voting, you're saying that that is something that you would not be looking at in this, what you would call first term of your government's . . .

Hon. Mr. Morgan: — I suspect people of yours and my generation may feel that it should be raised to 50 or more, but I don't think there would be a public appetite for that. No, it's not something that's under active consideration at this point in time, and that's not to say that something won't come up, or that we shouldn't be aware that there may be suggestions made that would have merit.

Mr. Taylor: — One line in the Bill caused me to have a bit of second thought about what is specifically written here, and I just have a couple of questions in general about this piece. In the Bill itself under 8.1 paragraph (1) the line reads, "Unless a general election has been held earlier because of the dissolution of the Legislative Assembly . . ."

And then it goes on to set the date. What is meant by "unless a general election has been held earlier"? If we're talking about fixed election dates, and we're talking specifically about majority government, under what circumstance could we find ourselves having an election being held earlier or a dissolution of the legislature earlier than the fixed election contemplated?

Hon. Mr. Morgan: — In the unlikely event that the current government, that there was not sufficient support from the members of the legislature to support, and they were brought down on a vote of non-confidence.

Mr. Taylor: — So your intention, if this language is non-confidence . . .

Hon. Mr. Morgan: — That would be the only thing that I can think of offhand that would bring the government down early outside of some kind of a national catastrophe or something, but if there was a vote of non-confidence between now and November 7, 2011, and the government collapsed and then the four-year cycle would start after that.

Mr. Taylor: — Now I want to read that clause in the broadest terms possible. Is there any way that that line can be interpreted by a premier to call an election inside the four-year mandate? After a year, after a two-year, after a three-year, is there any interpretation that that clause could be used by a premier to call an election short of the four-year term?

Mr. McGovern: — Thank you, Mr. Chairman. Darcy McGovern. Of course that remains the constitutional prerogative with respect to the Crown. So the argument is that actually statutorily, we're not able to remove that from a constitutional perspective. The statement of intent, I think, is very clear in terms of the legislation, that the next general election would be Monday, November 7, 2011. But if we look

at the phrase that you've mentioned, Mr. Taylor, "unless a general election has been held earlier because of dissolution," we also look at 8.2, "Nothing in . . . 8 or 8.1 alters or abridges the power of the Crown to prorogue or dissolve the Legislative Assembly."

Essentially what we are looking at there is maintaining that constitutional prerogative. I don't think it changes the statement of intent in terms of what Mr. Morgan has said. But in terms of that ability, it remains the ability of the Crown to dissolve the House at the direction of the Premier.

Mr. Taylor: — Okay. I guess that's the clarity I'm looking for. I'm a simple guy, and I like things to be as simple as possible. But really this could be interpreted to mean the legislation has a fixed date unless the Premier chooses it not to be.

Mr. McGovern: — I think from a constitutional perspective, the language would be in sub 8.2 like it is in the other provinces in terms of saying, well this is as clear of an intent statement as we can make, that we have a specific date and on a go forward basis. That's the first Monday of November in the fourth calendar year after the last general election.

But the constitutional reality will remain that nothing in 8 or 8.1 abridges the power of the Crown to prorogue or dissolve the Assembly. And of course in our constitutional system, that occurs only one way. But that's as far as we can go if you put it that.

Mr. Taylor: — Okay. I'm sorry; you said there's only one way? I don't know if the mikes were on and caught that. Could you explain to me what you meant when you said there's only one way.

Mr. McGovern: — That within our process, the Crown — of course as we understand, the role of the Lieutenant Governor or the Governor General in our process — is to act by and with the advice of the elected officials through the cabinet process as opposed to . . . I didn't want to suggest for a moment that the Crown would act in that context without taking that advice.

Mr. Taylor: — Okay. Back to my original question because I'm not sure that I have it in the simple terms that I need to talk on coffee row about the legislation. The intent is clear, and I support the intent of the legislation that we have fixed election dates. And in fact this Bill gives us a date for the next election.

But the way that the wording is here and the constitution allows is that the Premier could dissolve the legislature and that dissolution could result in an election being held prior to November 7, 2011.

Hon. Mr. Morgan: — But constitutionally, this is as far as the legislation can go. So it's in as clear a statement of intent as legislatively we can require.

I think the other side of the argument or the other argument that's advanced is a government that has passed this legislation and chose to ignore it and dissolve the legislature early or prematurely would pay a horrific price and would have no real reason to go back to the voters. I think it would be incredibly problematic from a political perspective if the government chose to in effect disobey the intent of this legislation. That's why it's a stand-alone piece of legislation. It's abundantly clear that everybody expects that that's when it's going to take place.

Mr. Taylor: — Okay. And I appreciate that. This is why I'm seeking clarity and intent. Obviously we are aware that in drafting, intent is as important as what is there. But it still . . . nonetheless the language is there that would allow for a dissolution at the call of the Premier.

Hon. Mr. Morgan: — That's correct. And we don't have the option to legislate our way out of it short of a constitutional amendment, and I don't think there's any appetite on the part of Canadians to reopen the constitution.

Mr. Taylor: — I appreciate that very much. My colleague, the member from Regina Elphinstone-Centre, has a couple of questions. I'm wondering if the Chair could recognize him while I reorganize some of my papers, and then I'll come back with some other questions before we go to clause-by-clause.

The Chair: — The Chair recognizes Mr. Warren McCall.

Mr. McCall: — Thank you, Mr. Chair, and thank you to the minister and officials in attendance tonight. While my colleague was asking about other democratic reform initiatives perhaps being contemplated or not contemplated by the government of the day, I wouldn't mind getting the minister's, get him to comment on whether or not boundary redistribution or anything outside of the current process of boundary redistribution is being contemplated for other measures to be brought forward in the next four years by the government.

Hon. Mr. Morgan: — There's a process in place now that triggers — and you'll be aware of it — that triggers when redistribution takes place. I have not heard anyone suggesting that that wasn't working adequately or wasn't working properly. From a personal point of view, I know my constituency is growing very rapidly but when we looked at it, when the final enumeration was done, it was not askew anywhere. So I don't think we would intend to look at that unless there was an issue that arose.

Mr. McCall: — So just to be very clear, there's no intention on the part of the government right now — certainly there wasn't expressed any intent in the platform document of the current government — to move beyond the current process whereby we have the 10-year census — the next one falling in 2011 — and then the year after an independent commission redrawing the boundaries. There's nothing on the agenda for the government in that regard.

Hon. Mr. Morgan: — You know right now we have the wonderful problem of very rapid growth in our province, so a lot of constituencies are seeing growth that they did not see in the past, which is wonderful to see. Whether that would trigger that kind of a discussion at some point or not, because we had exceptional growth in some areas that we would want to look at that, is something that remains to be seen. But I can tell you this, it is not in any of our platform documents, and it's not something that's at a discussion point at this point in time.

Mr. McCall: — I thank the minister for that answer. Just one

other sort of point of clarification arising from the line of questioning from my colleague. The question of confidence, how does the government construe confidence at this time?

Hon. Mr. Morgan: — There's no changes contemplated with regard to . . . And are you asking about the definition, what a confidence vote might be?

Mr. McCall: — Yes. I'm just wondering if again it's a majority vote going against the government . . . As I understand confidence, it's a majority vote going against the government on a money Bill or something arising from the budget. Would the minister agree with that?

Hon. Mr. Morgan: — Something that is declared to be a confidence motion or something of that type, a motion of non-confidence or a money Bill — there's nothing in this Bill that would change what that would be.

Mr. McGovern: — And with respect to that, on the minister's question, the member will be aware of Bill 202 of 2006-2007 which was a private member's Bill that was put forward on a draft basis that did speak to the confidence vote issue in a little more detail. Of course there is a well-established parliamentary practice with respect to confidence that the minister has just indicated that there's no particular intention to change. We noted that that was carried forward in 2002.

I think on my own historical search — speaking for myself — that it looked like it was carried forward in Mr. Hermanson's private member's Bill from a private member's Bill that Mr. Hermanson in fact had submitted at the federal level on a similar issue, speaking to confidence. And it was in a different context, but it was carried forward here. I think, as the minister has indicated, that that wasn't something that was viewed as being the topic of legislation in this context.

Mr. McCall: — I guess I appreciate that from Mr. McGovern, and perhaps he's anticipating why I bring this up at this time. Certainly on the federal level, albeit with a different context in terms of the composition of the House, there's something of a burgeoning focus on the question of what constitutes confidence. And we've seen, I think, a widening of that definition by the current federal government in terms of being extended to possibly include the way business is conducted or not conducted in committee. Different matters, you know, outside of the traditional purview of a money Bill being deemed to be matters of confidence and it's a . . . I guess, I was just looking to get some clarity from the minister as to what his understanding of confidence is.

And in the caveat that you'd provided, you'd talked about what is deemed to be confidence. And certainly some of your colleagues are joking that they're confident you'll answer the question, and I'm guess I share that confidence as well. But there is a need to be clear as to what constitutes matters of confidence, because if a government is looking to circumvent the spirit of this legislation to engineer failure of a confidence vote, obviously a broad construing of what is confidence aids that cause.

So again what does the minister see as a matter of confidence? Does the matter see, you know, say the . . . what would you include in terms of, outside of money Bills, constituting a matter of confidence for the government of the day?

Hon. Mr. Morgan: — You know I can't be categorical. I've indicated some examples of what would be there. In our province, you know, the House may dissolve because the Premier chooses to go and tender his resignation to the Lieutenant Governor. It could be that the Lieutenant Governor is called upon to make a determination of what is a vote of confidence, what is a vote of non-confidence. We know that traditionally in our province, money Bills or things that are specified to be votes of non-confidence are of course that, and I guess it would be up to somebody else to argue that at some point in time.

And I think as we go forward, probably people will want to be careful to make sure that something isn't construed as a confidence vote when it is not or vice versa. But I don't see that that would make any difference whether we're dealing under an affixed election date system or otherwise. If and when you go to the polls isn't something you determine accidentally or because you didn't determine whether a piece of legislation should be regarded as a confidence Bill or not.

Mr. McCall: — No, and again I appreciate the minister's response. I do bring this up, though, because there is a fair amount of commentary arising from situations federally where the very gamesmanship that the minister sets out as this Bill being against, the kind of electoral manoeuvring, is being engaged in by a government that has a fixed election date piece of legislation but at the same time a desire to get to the polls. So in terms of the conduct of business in committees somehow finding their way into what constitutes confidence, it's fairly interesting to watch. And of course I'd be much disappointed should that kind of gamesmanship arise in Saskatchewan.

But that's about it for the points of clarification I'd like at this time, Mr. Chair, so I'll return the floor to my colleague, the member from The Battlefords.

The Chair: — Thank you. The Chair recognizes Mr. Taylor.

Mr. Taylor: — Thank you very much, appreciate that. We'll go back now to the points that were being addressed in a earlier question when I had made some reference to an analysis of other provinces.

And, Mr. Chair, I'm raising these points now to save some time when we get to clause-by-clause. Rather than deal with this in a general way during clause-by-clause, I'll deal with it now, and then I'll simply make reference to it when we go through clause by clause.

The government is aware from the speeches that were made in the House, there are a couple of parts of this type of legislation that appear in the provincial and federal legislation in other jurisdictions that I would argue strengthen and add clarity to their fixed election date legislation.

One of those matters you started to address earlier, and I'd just like some clarification further on this. That matter has to do with what happens when the fixed date falls on what in other jurisdictions they refer to as days of cultural or religious

significance, or in some legislation, a date that coincides with a municipal election. Earlier it was mentioned that these dates generally can be seen well in advance and can be dealt with from a legislative perspective.

But the Ontario legislation for example and the federal legislation specifically sees this as a matter of — for lack of a better way to put it — a matter of course that they give the direction to the Chief Electoral Officer to change the date within a seven-day window so that the intent of the provincial legislation remains in place. But you don't have to go back to the legislature to amend a specific date. The Chief Electoral Officer can review the calendar, and on a window of seven days, give or take seven days, can move that date if the legislation, as Ontario says, indicates that that date chosen in fixed election could be of cultural or religious significance or in fact turns out to be a municipal election day.

So I'm just wondering if you could clarify further the comments that you made earlier about why we would not need to do this in Saskatchewan legislation. Why we would not need to — in fact what I would argue — clarify or strengthen the Saskatchewan legislation so that we are on the high end of the legislation as opposed to being on the low end and not doing what other jurisdictions have done?

Hon. Mr. Morgan: — The answer is relatively straight forward, and I'm not saying one is necessarily better than the other. The unlikely event that this will happen . . . and it's certainly a possibility. In the unlikely event that it happens, the decision that has to be made is who makes the decision whether the election date should be shuffled one or two or three days one way or the other? Is that something that belongs within the purview of the legislature, or does it belong within the purview of the Chief Electoral Officer? The determination that we made was it's for the legislature to determine.

We've set a date certain four years from now. And if it's to deviate from that, we don't think it should be because of a Chief Electoral Officer determining that a holiday or something else is appropriate. That's something we can do. And with the unanimous consent of the legislature, we would have the right to do virtually anything that we chose to do in that regard if it was fair and appropriate

But we think the public has the expectation that a date certain will be set. We've chosen that date as being the third Monday in November, and that should be the date that it is except in the most unusual circumstances. And what we'd prefer not to do is have the delegation to an official. We feel that that determination belongs in this Chamber.

A Member: — You said third Monday.

Hon. Mr. Morgan: — Oh I said third Monday; I should say first Monday. I'm sorry.

Mr. Taylor: — Okay, yes. Clarity is important and having the right date mentioned. But as you know, I indicated that I support moving this into the hands of the Chief Electoral Officer with a seven-day window which means that if the government has chosen Monday as being election date, it could be the Monday preceding or the Monday afterwards without coming back to the legislature.

While I do accept to a certain extent the intent that the minister has described here, the minister also may remember some of the comments that were made out of Ontario and that legislature's . . . The experience is starting to show, indicates that the art of governing turns into the art of electioneering the closer we get to a fixed election date. If that is indeed the case and right now we have very limited experience to fall back on, but that's one of the arguments that's being made. Amending election date legislation in the Chamber that's moving from a government function to an electoral function may prove to be highly acrimonious, could be highly inflammatory, could be significantly challenging for a government in its third year of a four-year mandate.

Would it not make sense to remove that potential for acrimonious debate and simply provide the Chief Electoral Officer with the opportunity to move the date seven days forward, seven days back to ensure that the election occurs in the way in which the legislation intends it to occur without the conflict of religious or cultural or even municipal conflicts.

Hon. Mr. Morgan: — Your point's valid, but I think the argument actually supports the other position. If changing the date is acrimonious enough that there isn't consent within the legislature to do it, then the date ought to remain on that first Monday.

Mr. Taylor: — Okay, that's the answer.

Hon. Mr. Morgan: — Yes.

Mr. Taylor: — Okay. The second piece that was addressed by Mr. McGovern earlier had to do with the federal constitution and the language that exists there with regards to "in time of real or apprehended war, invasion, insurrection, or other extreme emergency" the Assembly can be continued beyond the fourth calendar year, so under extreme circumstances. Recognizing that is indeed in the federal legislation, whether it's in the constitution or not, it's in the federal legislation. Again my argument to you is, would it not make sense to ensuring clarity and ensuring that there's no misunderstanding either of intent or in practice, whether it's the media, the public, or politicians, would it not make sense to ensure that our legislation carries language that ensures absolute certainty of understanding?

Hon. Mr. Morgan: — The Charter is a piece of federal legislation that was adopted by the provinces in 1982 and governs all the legislatures in the country as well as the House of Commons. It specifically makes reference to our provincial legislatures. And to include it in the Act may make it easier for somebody to find, but the words are redundant. So we've chosen not to include it because it is dealt with in the federal Charter of Rights and Freedoms.

Mr. Taylor: — But at the same time, the federal government has found it useful to put into federal legislation. The Federal Election Act carries that language. So if it's good enough for the feds, why wouldn't it be good enough for us?

Hon. Mr. Morgan: — Well we're bound by it. If they choose

to reiterate it, you know, you'll have to ask what their draftspeople choose to do. We know we're bound by the provisions of the Charter and don't feel it essential to include it in this draft.

Mr. Taylor: — I can't push my point any further. As I'd indicated off the top of my remarks today, I'm simply looking to find ways — and I will make this in our clause-by-clause — make this legislation as strong as it can possibly be to ensure that interpretation and practice are indeed what is meant, without having reference to other Acts or raising concerns amongst either future Members of the Legislative Assembly, the media, or the public.

Hon. Mr. Morgan: — I take your point. It's a valid point. The risk in including it in this piece of legislation is if somebody chooses to make a challenge to it, it may be outside of the realm of provincial jurisdiction to do it. So if they, in their court application, name provincial legislation rather than the federal legislation in some form of a challenge, they may have problems with it.

There's a secondary problem — and hopefully a lesser one — that in the event that one, if there was an inconsistency that had crept into the two pieces of legislation, which one would prevail. So we think for the sake of consistency there . . . But I am pleased that the members on that side of the House are supportive of what we think is a very significant move towards ensuring democratic rights in our province, meaning fixed election dates or something that's not important to the people of . . . and as you'd indicated, it may not have been a huge doorstep issue.

But in the run-up to, within the year preceding, people always wanted to know when it was and when you say, well if we're elected, we're going to do, as job number one, will be to announce when the next election. is. And whenever we said that, I don't remember anybody that I said it to that disagreed with it or questioned it for an instant. So I suspect that you probably heard the same thing when you were campaigning, that there was strong support for it when people were asked or were confronted with having to make a decision on it.

Mr. Taylor: — I might add that if I pushed people, there was some concern of the downside and that was why I was asking questions earlier about what analysis has been done with regards to the downside. And for example, there are people who again when it was suggested to them that this could be Americanizing of the Canadian electoral system or Saskatchewan electoral system, they said, oh yes absolutely that could be the case. And they're looking for some protections.

Now in that regard and I think as we talked about it off the top of the evening here on the discussion of this debate, we did talk a little bit about balance. And there's two pieces that we're expecting from this government: number one, fixed election date; number two, financing particularly to do with Crown and government advertising. So our support is to a certain extent based on faith, that as the minister indicated earlier we will be seeing something in the future before November 7, 2011, that deals with election advertising, government advertising, and Crown advertising.

Hon. Mr. Morgan: — If you're looking for a commitment from me that that will happen, you have it. We put it in our election platform and fulfilling those promises and those commitments is something we have every intention of doing.

Mr. Taylor: — Mr. Chair, unless there are other questions, I am prepared to go to clause by clause.

The Chair: — Thank you. Are there any other questions? If not, Bill No. 4, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

Clause 4

The Chair: — Clause 4. Is that agreed?

Mr. Taylor: — I have an amendment to bring forward, Mr. Chair. I have an amendment to bring forward.

The Chair: — Mr. Taylor has the floor.

Mr. Taylor: — Mr. Chair, I've been asked to read the amendment on to the record. I will do that. The amendment has been prepared in both English and in French and has been run through a number of the channels here. This amendment is to:

Clause 4 of the printed Bill

> Amend Clause 8.1 of *The Legislative Assembly and Executive Council (Fixed Election Dates) Amendment Act, 2007* as being enacted by Clause 4 of the printed Bill, by adding the following subsections after subsection (2):

So this would read:

> **"**(3) If the Chief Electoral Officer is of the opinion that a Monday that would otherwise be polling day under subsection (2) is not suitable for that purpose by reason of that Monday being a conflict with a day of cultural or religious significance or a municipal election, the Chief Electoral Officer may choose another day in accordance with subsection (4) and shall recommend to the Lieutenant Governor in Council that polling day be that other day, and the Lieutenant Governor in Council may make an order to that effect.
>
> **"**(4) The alternate day must be one of seven days following the Monday that would otherwise be polling day.
>
> **"**(5) In time of real or apprehended war, invasion or insurrection, or other extreme emergency, a Legislative Assembly may be continued by the legislature beyond the fourth calendar year if such continuation is not opposed by the votes of more than one-third of the members of the Legislative Assembly.**"**

I so move.

The Chair: — I have the amendment. Are there any questions?

Hon. Mr. Morgan: — Mr. Chair, we could debate the amendment separately, but I appreciate the member, during his remarks and during the general discussion, I think we've had sufficient discussion on it. Unless other members wish to raise points on it, I think we're prepared to proceed unless . . .

The Chair: — Are we ready for the question?

Some Hon. Members: — Question.

The Chair: — The motion is on the amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — All those in favour?

Some Hon. Members: — No.

The Chair: — All those opposed?

Some Hon. Members: — No.

The Chair: — The motion is defeated.

[Clause 4 agreed to.]

[Clause 5 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 4, An Act to amend The Legislative Assembly and Executive Council Act, 2007.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. I invite a member to move that the committee report the Bill without amendments. Joceline Schriemer moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That completes consideration of Bill 4. It's the same committee, and we move into the next one.

Bill No. 30 — The Statutes and Regulations Revision Act

Clause 1

The Chair: — Bill 30, An Act respecting Revisions of Statutes and Regulations. I'd like the minister to introduce his new officials.

Hon. Mr. Morgan: — Thank you, Mr. Chair. My officials on this file are Ian Brown, chief legislative Crown counsel, and Darcy McGovern, legislative services.

Mr. Chair, the purpose of The Statutes and Regulations Revision Act is to authorize the revision of the statutes and regulations of Saskatchewan. The Bill provides for the establishment of a revision committee to prepare revisions of any and all of the Acts or regulations of Saskatchewan. It provides the committee with revision powers that are aimed at updating Saskatchewan legislation, for example, consolidating amendments, changing numbering, adding or changing headings, and adopting gender-neutral language.

Saskatchewan's last official revision and consolidation of the statutes was completed in 1978, which coincidentally was the year that I graduated law school. So my entire legal career was done with the current consolidation. It was undertaken before the development of electronic versions of legislation and before the adoption of contemporary drafting standards.

Since 1978 there have been numerous amending Acts, and many new Acts have been added to the statute volume. A revision of the statutes is necessary to ensure that all references have been properly updated and that unnecessary revisions are removed. As well, because the current statutes have been drafted over several decades by different drafters, a revision would assist in bringing consistency in wording among statutes.

Common provisions in statutes such as auditing or tabling provisions have slight variations in wording that can create significant obstacles for anyone who wants to electronically search the statutes. Undertaking a revision at this time will provide an opportunity for Saskatchewan to correct and modernize its statute, regulations database, to provide ongoing official consolidations in an electronic format, and to adopt drafting standards for legislation that will be followed in the future. Thank you, and I'm prepared answer whatever questions the members have.

The Chair: — Thank you, Mr. Minister. Are there any questions? Mr. Nilson has the floor.

Mr. Nilson: — Thank you very much. As we both know, we answered quite a few questions . . . or had quite a few questions answered about this the other night during estimates around the cost to do this, and if I can just recap is that in this year's budget there's no specific amount identified for costs, but there may be some as the years go forward.

You have also indicated that you would look at the previous statute that brought this one forward, and my understanding is that there was an Act that was assented to May 10, 1974 that allowed for the previous revised statutes of Saskatchewan. And the way that one was set up, it was a four-year process so that the work was done through the whole term of government and which is why *The Revised Statutes of Saskatchewan*, R.S.S. 1978.

I guess my specific question is, it appears that that's not part of this process, and my guess would be that it's because this will be an ongoing revised set of statutes that will be updated every year as opposed to once every 30 years. So perhaps I could have a bit of an explanation about the difference since most of the lawyers and others in Saskatchewan who have used these statutes would understand the old system, but probably not this new system.

Hon. Mr. Morgan: — Sure. I'll let Mr. Brown answer it. He's been responsible for a lot of the background and prep work.

Mr. Brown: — Yes, thank you very much. Ian Brown from Saskatchewan Justice. Yes, Mr. Nilson, the intention of this particular Act is to follow what has been really common in other jurisdictions. Our hope is to prepare a very thorough, general revision and hopefully reach a state where our statutes don't have to be revised generally for decades again.

But as often happens when statutes are amended, some are amended much more often, require more changes, and we might find a specific situation where a specific statute or set of statutes will require their own revision without having to go through a general revision.

So this is a process that other jurisdictions have gone to where a general revision is done, and then there's an ongoing power to do a specific revision on a specific Act or perhaps even a specific regulation as time requires and as is needed.

Mr. Nilson: — So if I understand that correctly then, there won't be a revision of 2010, for example. Or will there be?

Mr. Brown: — There will be indeed a general revision of both statutes and regulations which will be . . . revised statutes, and I can't give you the exact date when it will be completed. But yes. But after that revision is completed, then we hope we won't have to do a general revision for again decades, but there might be a specific need for, you know, a regulation or statute to be revised on its own.

Hon. Mr. Morgan: — Mr. Nilson, you had asked earlier what the costs were, and I can be somewhat more specific than we may have been before. We anticipated the total cost to be approximately $275,000. We anticipate absorbing it with an existing appropriation, so there is no line item for it.

And these are what the breakdown will be. There's a lawyer drafter, a total cost of 110,000; an editor, 70,000; translation contract, 45,000; support staff of 30,000; and codes 2 to 5, which is desks, office rent, and the physical background is 20,000.

Mr. Nilson: — Okay, thank you. Then I think the only other question I have then is that this will be similar to the previous revisions, and so that there will always be a reference back, even though the goal is to have a set of laws that can change on an ongoing basis because of the IT [information technology] consequences of having that information. But no matter how you do it, you need to pick a date and say this is the laws, these are the laws of Saskatchewan as of a certain date.

The Chair: — Are there any other questions?

Mr. Nilson: — I'll just say that this is important work that needs to be done. It's the kind of thing that's very helpful for business and for individuals to have a revised statute, a set of statutes that they know incorporates all of the changes for the last, I guess in this case, 30 years or 30-plus years, and so we're very much in support of this and we can proceed to deal with the clause-by-clause examination.

Hon. Mr. Morgan: — Mr. Chair, I'm pleased that the members are supportive of this initiative and would have been surprised had they not been, but I appreciate the stated support and I'll look forward to the good work that will be done by the ministry officials.

The Chair: — Okay. If everyone has no more questions, we'll go Bill No. 30, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 13 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 30, An Act respecting Revisions of Statutes and Regulations. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I invite a member to move that the committee report this Bill without amendment.

Mr. Chisholm: — I so move.

The Chair: — Mr. Chisholm. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That concludes Bill No. 30.

Hon. Mr. Morgan: — Mr. Chair, Mr. Brown is going to be leaving, and I'd like to thank him for his work, and I don't know whether any members would like to thank him as well.

An Hon. Member: — Yes, but of course.

Bill No. 11 — The Enforcement of Canadian Judgments Amendment Act, 2008/Loi de 2008 modifiant la Loi de 2002 sur l'exécution des jugements canadiens

Clause 1

The Chair: — Okay, we move to Bill No. 11, An Act to amend The Enforcement of Canadian Judgments Act, 2002. Mr. Minister, have you got any introductions or comments?

Hon. Mr. Morgan: — Thank you, Mr. Chair. My official on this Bill is Darcy McGovern from legislative services branch.

Mr. Chair, The Enforcement of Canadian Judgments Amendment Act, 2008 will provide special rules for the enforcement of Canadian civil protection orders. A Canadian civil protection order is defined to mean orders made in any other Canadian jurisdiction that prohibit a broad range of activities, from communication to actual contact, that can be used by one individual to intimidate, threaten, coerce, or otherwise harass another individual.

Under the Bill, the Canadian civil protection order is deemed to be an order of the Saskatchewan Court of Queen's Bench that is

fully enforceable in the same manner as an order of that court. It can be enforced by law enforcement agencies in the same manner as a local court order, whether or not the order has been registered in Saskatchewan, and may be registered in the same manner as any other Canadian judgment if the enforcing party chooses to do so.

Mr. Chair, the amendments also provide for good faith liability protection for law enforcement agencies that take steps to enforce an order. These amendments will apply to all Canadian civil protection orders that are already in effect when the Act comes into force, in addition to any future Canadian civil protection orders.

The Uniform Law Conference of Canada has recommended the Uniform Enforcement of Canadian Judgments and Decrees Act with these protection order amendments to all attorneys general in Canada for implementation. With this Bill, we are acting on that recommendation.

I thank you, Mr. Chair, and we are ready to answer any questions the members might have.

The Chair: — The Chair recognizes Mr. Nilson.

Mr. Nilson: — Thank you very much. I don't have very many questions about this, but one of the questions I think needs to be answered is, how many provinces have already passed these particular amendments, and what is the status as we look across the country?

Hon. Mr. Morgan: — Mr. McGovern has indicated to me that contrary to my original belief that we were the first, we are not. We are in fact the third; Nova Scotia and Manitoba have already implemented them.

Mr. Nilson: — And so is there a timeline for this to be implemented across the country?

Mr. McGovern: — Mr. Chair, to Mr. Nilson, I think right now what the Uniform Law Conference is doing is promoting this as one of the amendments that they'd like to see move forward on a timely basis. As you recall, the process being from law conferences that it recommends to attorney generals that this legislation be implemented. It then falls to each jurisdiction to fit it on to their legislative agenda, with — as someone who's a member from the Uniform Law Conference as well — with I hope the encouragement of the uniform law officials in each province that they would promote that to come forward.

So there's isn't a fixed time agenda, simply because of the lack of an ability to set a fixed time agenda with the other provinces. But I think the nature of the topic being protection order certainly makes it one that's viewed as priority.

Mr. Nilson: — Just another question. Does a jurisdiction where there is an order that's going to be coming to Saskatchewan, if it's coming from that jurisdiction, do they have to have this law in place there before we'll enforce it? Or are all of these orders enforceable in Saskatchewan, even though our orders may not be enforceable in a number of other provinces?

Hon. Mr. Morgan: — There is no reciprocal element. We will recognize the orders from any other Canadian jurisdiction with the hope and expectation that sooner or later the other jurisdictions will also pass similar legislation. I think the intent is to try and protect people that are in our province and give them the benefit of the law without worrying about what's happening in it, but your point's valid. We expect the other jurisdictions and hope that they enact it in a timely manner as well.

The Chair: — If we have some more questions . . . Yes, go ahead. You have the floor.

Mr. Quennell: — The legislation is meant to at least in part codify the decision Morguard and subsequent decisions. So to enact in our written legislation what is now only in common law in the country, in the view of the minister — and/or the ministry, and I'm sure the view would be the same — does this add anything to what the common law is now following Morguard and those other decisions, or is it essentially just a codification of that?

Mr. McGovern: — I think it would go beyond a mere codification of Morguard. As Mr. Quennell having referred to the decision, Morguard is a decision of the Supreme Court of Canada and which it was imported into Canadian law or recognized, I guess, given it's the common law of that. The Canadian Constitution has an element of full faith and credit between jurisdictions in Canada for judicial orders.

Certainly an impetus for the Act itself, The Enforcement of Canadian Judgments Act, was Morguard — that rather than the rather uncertain wording that comes out of a judicial decision that's also dealing with international law in that case, that more specificity be provided.

With this amendment, I think it goes beyond the common law in one important area, in that, with Morguard it's still the understanding that where a judgment would come in on a general civil topic for example, that the expectation would still be that the local procedure of registration prior to enforcement would occur. In other words, that you would register it as a judgment in Saskatchewan. It would then be enforced as a judgment of the Saskatchewan Court of Queen's Bench as the court of superior jurisdiction.

What this does is deems the protection order — because of its special nature and because of the policy objective behind ensuring that that's done quickly — it immediately deems that to be a judgment of Saskatchewan and immediately enforceable.

So in essence what you can do is skip the step required of actual registration. So I think that is a difference from what the common law or what Morguard would require.

Mr. Quennell: — So the court application that a lawyer in Saskatchewan would previously have had to make, or a lawyer in Nova Scotia or Manitoba would previously have had to make to register the . . . what was considered in quotation marks "foreign" judgment, would no longer be necessary. That application wouldn't have to be made into chambers in the Court of Queen's Bench once this was enacted across the country.

Hon. Mr. Morgan: — Once it's enacted here, it will take place here whether it's enacted across the country or not. But the first benefit is it's timely because they can act without going through the registration in court. And the second thing for the people that are benefiting from those protection orders, they save themselves the cost of having to retain the services of a lawyer. If they bring in their out-of-province order, they can go directly to the police or whatever other authority that's there. So those are the significant benefits I think to this legislation.

Mr. Quennell: — And I would consider that to be a benefit clearly. Is that the only significant difference between the effect of this legislation and the common law arising out of Morguard and subsequent cases?

Mr. McGovern: — Just remembering my Morguard in as much specificity as I can, I think . . . I mean clearly that's the main intention of the legislative process here.

The other element that the minister has mentioned previously in his speech is with respect to the good faith liability protection that goes with it for police officers. That's not a common law Morguard element; that's an element that was previously in the legislation, though more narrowly with respect to the spousal application.

This amendment will break it beyond that special relationship, and it will also specifically provide that where this does occur there will be no action or proceeding against an agent of the law enforcement agency in that regard with the intention clearly being that an important . . . It's one thing to have the order on paper.

The second element of that is to encourage the police to enforce that, and by stating first legally that if they've got one from out of province, they can treat it as if it were a Saskatchewan order. And secondly they can proceed with that without fear that there'll be a litigation for whatever technical reason that runs into problems in order for validity. Those are the two steps. It doesn't necessarily come out of Morguard, but that I think is the other important element that the minister has been stressing.

The Chair: — Are there any other questions? Mr. Nilson.

Mr. Nilson: — Yes, I just have one final question that builds on that particular issue. If in fact only three provinces pass this legislation, is it possible to bring orders in from other jurisdictions and give them the Saskatchewan weight and then take them from here as an order to another jurisdiction using the Saskatchewan order? In other words, sort of building and getting an order that has two or three provinces worth of endorsement given that you don't have to make an application here to get this done.

Hon. Mr. Morgan: — I'm thinking — and I'll let Mr. McGovern answer this as well — by virtue of the fact that the order was here and had been acted on would assume (a) that the person was to benefit had actually come to our jurisdiction, and you're suggesting may have jurisdiction-shopped to have come here, acted on the order. It would also assume that the other person came here as well, the person that they were trying to be protected from, which is sort of an odd combination that you would jurisdiction-shop by coming here and then . . . But I think by assuming that that took place — and it's certainly a possibility — I wouldn't think they are any better off by having had an unregistered order here acted on in this province, because when they go to another province, the next enforcing jurisdiction would be no better off unless they're choosing to, by virtue of a court application, and say the Saskatchewan police acted on this order as well. And I think if you were in another province that didn't have this, I can't imagine the courts being terribly impressed that the Saskatchewan police had chosen to recognize this one. But I mean it's an interesting point.

Mr. McGovern: — As the member knows, there is the concept of bootstrapping in conflicts of the law where you . . . And it's more common in foreign, truly foreign other countries where . . . You will see if there's a judgment from Uganda that doesn't get recognition in one country. They seek recognition in an intermediary country to try and then seek enforcement.

I think the minister's point is well taken, though in the sense of saying that with Morguard and with this legislation, I don't think bootstrapping aids your weight or gives you extra gravity in terms of enforcement in a third-party province that might not yet have this. Each province would look at the order, see whether or not it would be enforceable under their own rules. And then hopefully within this context of the uniform Act as mentioned, in Saskatchewan we would recognize that order regardless of whether or not the other province has passed the legislation.

So what we're hoping to do in a large part is move away from a reciprocal environment where it's, we'll only do it if you do it for us. This is more of an element, particularly with protection orders, where I think the objective is to say, let's see how we can get it done first, rather than worry about the procedural aspects.

Mr. Nilson: — Okay. One final question. I think it's a final question. If in fact somebody came in to Saskatchewan and they had an order from another Canadian jurisdiction and it was enforced here, and in the process of that enforcement, the order was challenged, would the challenge have to go back to the originating court, or could all of the evidence be led here in Saskatchewan? What kind of evidence would the court look for to deal with this particular issue?

Mr. McGovern: — I mean, it depends a lot on the nature of the challenge of course. In terms of, you know . . . And one of the aspects of Morguard and the concept of full faith and credit within this legislation is to try and narrow as much as possible what the basis upon which a judgment, which has subsequently been recognized, can be challenged.

The problem in my view, for example, with The Foreign Judgments Act — which was previously law in Saskatchewan — was that it allowed for jurisdiction as a ground of challenge. As the legal members will know, jurisdiction is a pretty broad term in administrative law. It can be used as quite a broad door for challenging. The Enforcement of Canadian Judgments Act and the Canadian jurisdiction and transfer of proceedings legislation work to narrow that considerably, to remove mere jurisdiction as being a challenge.

And the reason for that is of course that the premise that's saying, well Manitoba's got good courts. We're not talking about country Acts, where we're worried about whether or not the courts are corrupt, whether their process is a problem. Morguard takes the step of trying to recognize that jurisdiction without challenging.

And so it would depend on the nature of the challenge, but the nature of the challenge would be much, much more narrow. The challenge could be brought in Saskatchewan on those statutory grounds, or it could also be brought in the province of origin for the order. And typically that's driven by the location of the parties that are challenging the order.

Mr. Nilson: — Okay. Thank you for that explanation. I think it's helpful to have that little bit longer description of what might happen on the record for people who are looking at using this legislation. So I have no further questions.

The Chair: — Mr. Quennell has the floor.

Mr. Quennell: — All this discussion actually brings a case back to my memory, and I'll just run the scenario by both the minister and the official and at least get their thoughts before we leave this legislation and let it go through its process.

Currently a lawyer in Saskatchewan gets an order — perhaps from a lawyer in another jurisdiction — to act on registering, making it an order of the province of Saskatchewan and then act on enforcing it, and does so. It turns out that in the originating jurisdiction that order in a matter of dispute where the defendant is now in Saskatchewan has been superseded by another order. So we have a valid order, but there's another order that says something quite different later in time.

Enforcement of that order in that original jurisdiction — let's say Alberta for a hypothetical one — might have been a little bit difficult because that was a jurisdiction where a different order, quite a different order with quite a different effect, had been made by a court. But that abuse by the plaintiff back in Alberta would be a little harder to catch — would it not? — when we change the legislation so that no application has to be made to a court? The order that has been now buried or superseded is acted on before the Saskatchewan court ever sees it, and a Saskatchewan court doesn't see it until the defendant brings in the other order from the original jurisdiction.

And that was clearly a problem that I came across. I wonder if it's not made worse by this well-intended legislation reform.

Hon. Mr. Morgan: — Your point is valid and the risk is there. The circumstance that you could be describing would be where an order was made by one court. They issued the order, had their physical possession of the order. And the order was subsequently either set aside or appealed or stayed for whatever other purpose was there, and the person comes to this province with their original order, not the one that's there, and fraudulently or mistakenly goes to the police and asks them to act on it. And that's why we've chosen to include the good faith protection for the police officers in the event that they do act on it.

I think the nature of these orders are such that likely they would not be a problem. They're protection orders so usually they would be preventing contact or preventing somebody from intimidating or doing something else. The person against whom the order is made would of course have the option to bring in application or to try and bring their position forward, either by going to the police or going, you know, bringing application by registering the other order . . . cause the other order would . . . They would have their options with regard to that.

But your point's valid. It's a trade-off as to whether somebody would do that versus the need for more immediate and direct protection. I don't know whether Mr. McGovern wants to add something to it.

Mr. McGovern: — I think the only point I might add, Minister, is just reminding the members that under the existing provision under section 4, the Canadian judgment that's registered pursuant to this Act is registered by paying the fee, filing with the registrar of the Court of QB [Queen's Bench] a copy of the judgment with any other information or material that's required by The Queen's Bench Rules.

So it's not actually a scrutiny process at that stage. It's a filing process. And so with respect if we put it in this context, as the minister said, the trade-off that's occurring is, you know, if late at night a person in danger, who fits within the protection order rubric, provides an order from out of province to that police officer and says that that person should not be threatening me in that way and I have an order to that regard. What the step that's being removed here is the paying of the fee, filing with the registrar of the judgment.

You know it's fair enough that there is the scrutiny process that's brought under this Act, but we need to keep in mind that the existing filing process is largely a process. It's not a Queen's Bench judge making an assessment in the same nature as, say, of victims of domestic violence order of . . . you know, is the evidence there? The registration and filing process is largely pro forma, and that's why, I think, the trade-off that the minister described here is one that can be made, I think, in a very fair way.

Mr. Quennell: — So the argument is that there's not much protection there now, so not much is being lost, given what's being gained.

Mr. McGovern: — It's not a substantive process of review. And as you recall Morguard, the concept of full faith and credit between the province would very much encourage not introducing that level of review where the Queen's Bench judge of Saskatchewan is saying who are these Queen's Bench judges in Alberta and what are they doing? Rather it to say, we understand that in the vast, vast majority of cases these would be fair decisions and that it's to the interest of all parties to proceed with them.

Mr. Quennell: — Thank you.

The Chair: — Okay if there are no further questions, Bill No. 11, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed

[Clause 1 agreed to.]

[Clauses 2 to 9 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following Bill No. 11: An Act to Amend the Enforcement of Canadian Judgments Act, 2002. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I invite a member to move that the committee report the Bill without amendments.

Ms. Schriemer: — So moved.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That concludes Bill 11.

Bill No. 20 — The Administration of Estates Amendment Act, 2008/Loi de 2008 modifiant la Loi sur l'administration des successions

Clause 1

The Chair: — And we move to Bill No. 20. I would ask the minister to introduce his officials and any opening statement he wishes to make.

Hon. Mr. Morgan: — Thank you, Mr. Chair. My official on this file is Maria Markatos, Crown counsel, legislative services branch. Ms. Markatos tells me that this is only the second time she's done this and that the first time she had done this I was in opposition; I was asking questions. And she has asked me to ask of the members opposite it they would remember that and treat her accordingly.

The Administration of Estates Act is Saskatchewan's principal legislation regarding the rights and liabilities of executors and administrators of an estate. The Act includes information for executors and administrators on topics such as the application for letters probate or letters of administration, the rights, powers, and liabilities of an executor or administrator, and the role of the Public Guardian and Trustee in the administration of estates.

The Administration of Estates Amendment Act, 2008 is intended to clarify and update current provisions of The Administration of Estates Act and to facilitate use of the Act by the public and more specifically executors and administrators. This Bill will repeal The Devolution of Real Property Act while retaining still-relevant provisions within The Administration of Estates Act. The Devolution of Real Property Act was adopted in Saskatchewan in 1928 and since then has largely been retained in its original form.

Amendments to the Act will also authorize the Public Guardian and Trustee to apply for letters of administration on behalf of the Crown where an intestate has no known heirs or next of kin. The Bill will clarify the role of the Public Guardian and Trustee acting as Official Administrator in the administration of estates on behalf of the Crown by repealing The Crown Administration of Estates Act.

As Official Administrator, the Public Guardian and Trustee may apply for letters of administration in broad circumstances, which currently effectively overlap with the powers given under The Crown Administration of Estates Act. In addition this Bill will update the official administrative provisions to reflect the current role of the Public Guardian and Trustee as the only Official Administrator in the province.

The Bill will also repeal several sections of the current trustee Act that apply exclusively to executors and administrators and not trustees in general. Provisions that are still relevant will be retained within The Administration of Estates Act.

Finally, Mr. Chair, this Bill will update the small estate provisions in the Act by increasing the value of small estates for the purposes of a simplified procedure. Individuals administering a so-called small estate should not be required to undergo the same procedures and processes required for large estate as the cost of obtaining letters may exceed the value of the estate.

The current limit of $5,000 for small estates no longer reflects the value of small estates in the province and needs to be increased. This is in line with other provincial legislation which provides for simplified procedures where values are below a specific monetary limit.

Thank you and we'd certainly welcome questions.

The Chair: — The Chair recognizes Mr. Nilson.

Mr. Nilson: — Yes, can you explain in simple terms how this is going to change the life of somebody who is trying to administer a small estate?

Ms. Markatos: — Thank you. Maria Markatos, Crown Counsel, legislative services. As you are aware, the current limit for a small estate is $5,000. Where the estate is made up of only personal property and is below that limit, the administrator or executor of that estate does not need to complete letters and apply to the court for letters probate or letters of administration.

Increasing, raising the value will bring more people into that scope of small estate so that they won't need to undergo the same court application in order to administer the estate and distribute whatever property exists.

Mr. Nilson: — What amount are we talking about here?

Hon. Mr. Morgan: — It's an increase. It's an increase from 5,000 to $25,000 on using the small process. And I think lawyers in the province will be aware that often a person of very modest means will pass away and they'll have to probate the estate because they've got $10,000 in Canada Savings Bonds or a bank certificate of deposit that's 15 or $20,000 — relatively modest. Also you know there's the issue of dealing with personal property that may require something to be dealt with.

Mr. Nilson: — Can you explain where the sum $25,000 shows

up in the legislation?

Hon. Mr. Morgan: — It will be a figure that will be included in the regulations and will allow it to be varied by regulation. British Columbia currently uses 25,000; Manitoba, 10,000; Nova Scotia, 10,000. So we're in keeping with what's happening in British Columbia, and certainly not out of line with what might be appropriate.

The Chair: — The Chair recognizes Mr. Quennell.

Mr. Quennell: — Thank you, Mr. Chair. What I remember telling Ms. Markatos is that I regretted that she was unable to get on the record last time she was before the committee, and that I hoped that we could fix that in the future. So I'm glad that we have an opportunity to do that tonight.

The minister, when he was the Justice critic, was concerned almost with every piece of legislation that came before this committee that too much was being left to regulation and not set out in the Bill and the Act. I note that in this particular legislation we move from a number set out in the Act to a number to be set out in regulation. I wonder if the minister has changed his views about what should be set out in the Act and what should be set out in the regulations — as this example seems to suggest — and whether I should be looking for similar backsliding in all the legislation that's to come before this committee while he's minister.

Hon. Mr. Morgan: — I appreciate the point. And no, you need not look for backsliding on other issues. This is something that's a fairly significant change by way of percentage from whatever existed before. The previous legislation hadn't been amended for a long time, and the legislative limit at that time was $5,000. So this is an increase of 500 per cent to increase it to 25,000 under the regulations.

So it's a significant increase, and I think it's appropriate that we allow for future increases if inflation or business circumstances would dictate it. Or in the event that we felt it was inappropriately high, it could also be reduced although I don't foresee that, given the current economic climate. But the point is certainly well-taken.

I do have a preference for seeing things in the legislation rather in the regulations. However this is a Bill that I think is probably appropriate to leave it best in the regulations.

Mr. Quennell: — But still a new-found respect for flexibility.

Hon. Mr. Morgan: — There certainly are situations where flexibility is appropriate, and when we're making a substantial increase as we are now, I think we would want to keep that flexibility. Your point is well-taken.

Mr. Quennell: — That's all.

The Chair: — The Chair recognizes Mr. Nilson.

Mr. Nilson: — Thank you. You've explained this area around small estates. Are there other changes that are made in this legislation that actually change how people would practise law in this area or how people would deal with things? And I guess what I'm specifically thinking about is there are some rules here around claims to an estate and statutes of limitations, and are . . . My specific question there is, are we creating new time limits that are different than what's been there traditionally or are we going with the goal of trying to get to common time limitations on claims or where does this fit into that whole picture?

Ms. Markatos: — Thank you. If you're referring to proposed section 34.1, the limitation period for disputed claims, that's a provision that currently exists in The Trustee Act. And it's a provision that we're taking from The Trustee Act, section 75, and moving it into The Administration of Estates Act because it does apply specifically to executors and administrators and not trustees generally.

And this provision shouldn't make a big change. It actually will allow executors and administrators to deal, I guess, with the administration of their estate in an easier fashion if they've having a dispute. Or if there are beneficiaries that maybe aren't coming forward, then they can give notice and place limitation so that the estate can move forward in a more timely fashion.

Mr. Nilson: — So my question then is, will there be beneficiaries that may not hear about this legislation who in actual fact may be cut out of any claim that they should get, or I guess the question is: how much of a change is this and will there be an education program or something to make sure people understand the change?

Hon. Mr. Morgan: — It uses the same time limits. It just moves the time limits from one . . . it moves it from one piece of legislation into another. So my reading of it, and Ms. Markatos confirms, that it should not preclude anybody that may have been a beneficiary under the old legislation. The clarity should be that everything is within this one Bill.

Mr. Nilson: — So we're not in a situation where we're tightening it up in a fashion that cuts people out?

Hon. Mr. Morgan: — We are not. The time frames are the same. Now you'll be aware that prior to the last election there were changes made to The Limitations Act. In fact there was a significant shortening of time periods and those certainly will continue to be applicable under this. You know if you have an action for debt against an estate, whether it be a small estate or a large estate, the two-year time period will still exist.

Mr. Nilson: — Are there any other changes in the legislation that should be described in a more practical way than what is set out in the legislation? I guess what I'm thinking is, will people be surprised if they get involved with some of this kind of work, by changes that have come here obviously to make it easier for the executor or the administrator but that may cause troubles for beneficiaries?

Hon. Mr. Morgan: — I don't think it's going to, I don't think anybody's going to be surprised or need education. You know we've had The Devolution of Real Property Act as a free-standing Act since 1928. Its provisions will now find their way into here as well. So people dealing with real property will . . . There won't be the need for somebody to look at a large number of different pieces of legislation. They should be able to

look here in one piece of legislation. So my expectation would be that people will find life easier rather than more difficult.

Mr. Nilson: — That's the answer that I wanted. I wanted to understand that this is about making this whole area of the law easier for ordinary citizens who want to deal with some of these issues up until . . . up to 25,000 for sure. It'll be much easier.

Is there anything in here that makes it simpler for people to deal with estates that only involve cash in the estate? I mean, because I mean it's personal property but will that . . . or will it still require people to get appropriate advice and set up their assets in a way that allows them to deal with the assets in an appropriate way?

Hon. Mr. Morgan: — I'm going to let Ms. Markatos answer the question but is your question dealing with cash as in coin of the realm or cash as in bank accounts or bonds?

Mr. Nilson: — I think I'm asking it as a layperson saying I'm sitting in a situation where there really isn't that much difference between 10,000 or 5,000 and $200,000 . . .

Hon. Mr. Morgan: — From the practice point of view, you don't need anything if you're trying to distribute cash as in coin of the realm, bills, whatever. You don't need an order; you don't need anything specific by way of a court order to persuade the bank or credit union to give you the money or an order that's there. So the cash part of it, I don't think, to use that answer, would be affected by this because people are going to distribute cash as they always have.

The bank accounts, it will certainly make life easier and more simple for them because it used to be that $5,000 represented a fairly significant amount of money in the bank. Now 15 or $20,000 is by comparison still not a huge amount of money but people would be able to pay in the requisite order so that they could deal with and distribute that portion of the estate.

Mr. Nilson: — Well I applaud the work to make things easier for people. I think that there will still be more changes coming that will allow for even simpler administration of estates, but I think this legislation thus far accomplishes what you want to do. Keep working, and we'll look forward to seeing you again next year.

Hon. Mr. Morgan: — Thank you. I'll presume we're ready to vote it off. I want to thank Ms. Markatos for being here and doing this, and we look forward to the support from all members in the House when that type of legislation comes forward. So we thank you and . . .

The Chair: — Thank you, Mr. Minister. Any other questions? If not, Bill No. 20, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 35 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 20, An Act to amend The Administration of Estates Act, to make consequential amendments to certain other Acts and to repeal certain other Acts. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I invite a member to move that the committee report this Bill without amendment.

An Hon. Member: — I'll move that.

The Chair: — Mr. Brkich. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That completes Bill 20.

Bill No. 12 — The Consumer Protection Amendment Act, 2008

Clause 1

The Chair: — And we've one more for your pleasure today — Bill No. 12. And I'd ask the minister to introduce his people and make his opening comments.

Hon. Mr. Morgan: — Mr. Chair, joining me tonight are Karen Pflanzner, senior Crown counsel, legislative drafting; Madeline Robertson, senior Crown counsel, legislative services; and Al Dwyer, registrar for consumer protection branch.

I think it's probably appropriate that I should point out that Mr. Dwyer is going to be retiring later this spring after 35 years in public service. And I had asked earlier that the members with Ms. Markatos, recognize that this was one of her earlier times, and being that this Mr. Dwyer's last time, I would certainly suggest the opposite.

This legislation, Mr. Chair, recognizes a relatively recent and major development in the marketplace. The popularity of gift cards with both consumers and retailers has resulted in a multi-billion dollar industry. The explosive growth in gift cards has raised a number of consumer protection concerns.

Some gift cards and gift certificates have expiry dates and some involve inactivity fees, transaction fees, or maintenance fees. The consumer buying the card frequently is not aware of the expiry date or fees, and neither is the ultimate user of the gift card or gift certificate who has received it as a gift.

This Bill addresses these consumer protection concerns. It prohibits expiry dates on gift cards and gift certificates, except as set out in the regulations. It prohibits inactivity or dormancy fees that reduce the value of a gift card or gift certificate if it is not used within a certain period of time. Other fees are also prohibited unless authorized in the regulation.

This Bill provides that regulations can require disclosure of terms and conditions on gift cards and gift certificates. The amendments include provisions relating to investigation and enforcement of the new requirements, and set out penalties for contravention of the legislation.

This proposed legislation has received support from the Consumers' Association and also, I'm pleased to say, representatives of the retail industry. Additional consultations will take place as the regulations are being developed. The proposed provisions will ensure that gift cards and gift certificates retain their full value and will protect consumers against hidden terms and conditions and unwarranted fees.

Now I suspect that the member from Saskatoon Meewasin will once again raise the issue of regulations and wanting to see things within the Bill. We have tried to make the main course of the Bill being a prohibition against fees or these type of costs and allowing exceptions within the regulations.

So the main thrust of this Bill is in the body of the Bill. And it would be the exceptions. And it's possible there may be exceptions that would appear that we weren't aware of at the time the legislation was drafted. Well I'll certainly appreciate that that's a point that he might want to make.

The Chair: — The Chair recognizes Mr. Quennell.

Mr. Quennell: — Thank you. The minister anticipates me.

In section 77.11 it states in the first subsection, "Subject to subsection (2), this Part applies to every prepaid purchase card issued or sold on or after the day in which this section comes into force." Which would cover all gift cards.

But subsection (2) says:

> All or any prescribed portion of any prescribed provision of this Part does not apply:
>
> (a) to any prescribed prepaid purchase card or any prescribed class of prepaid purchase cards;
>
> (b) to any prescribed person or any prescribed class of persons; or
>
> (c) in any prescribed circumstance.

Now among (a), (b), and (c), doesn't that give the government the ability by regulation to exempt, from application of that part, every gift card?

Hon. Mr. Morgan: — If the point the member is making is, could government effectively defeat the purpose of the Bill by regulation, I suppose we could do that with any number of Bills. It's certainly not the intent. The intention at this point in time would be that the regulations would have a minimal number of exceptions. And as a matter of fact at the present time I'm not aware of any exceptions that I'm aware of that would be contemplated at this point in time. But we'd certainly want to, you know . . . There may well be something that would come up.

Mr. Quennell: — So there aren't any anticipated regulations restricting application to any type of gift card currently. Is that what the minister just said?

Hon. Mr. Morgan: — I'm going to let one of my officials advise you of some of the exceptions that have taken place in other jurisdictions.

Ms. Pflanzner: — My name's Karen Pflanzner, from legislative drafting. And just with respect to some of the exceptions in other jurisdictions. Manitoba and Ontario provide for exceptions with respect to the fees for customized gift cards, or for lost or stolen gift cards. So we are aware of other jurisdictions that have provided some limited exceptions in that regard.

Similar exemption would be with respect to . . .

Ms. Robertson: — Madeline Robertson, from legislative services. Other jurisdictions have also done exceptions where a purchaser has not in fact paid for a gift card. It might be a promotional gift card given by a retailer, sometimes as a charity — they'll give some to charities to use for charitable purposes — likewise if they are for promotional purposes. So there are situations, and other jurisdictions have recognized some limited exceptions in those kinds of situations as well.

Mr. Quennell: — In those other jurisdictions are those exceptions set out in the Act or in the regulations? Does the government here anticipate enacting similar restrictions and exceptions?

Ms. Robertson: — Clearly we would want to do some consultations around this and I think, from the point of view of retailers anyway, a certain amount of harmonization across the country is desirable. So that if there are some exceptions in some jurisdictions, they would like us to consider similar ones, we would be looking at them.

Mr. Quennell: — Okay. If the government intended to put in such exemptions or restrictions, why could they not be in the Bill now?

Hon. Mr. Morgan: — The marketplace is dynamic and is changing. We're not aware of a lot of circumstances that might exist, but certainly might in the future. I think an area where regulations might come into play is where somebody has paid a fee, or less than what might be fair market value for something — something that they might have bought at an auction type of thing, or a promotional item, or something where something was available for a limited period of time.

There may be something where . . . the expectation, or certainly the intention, is that where a consumer pays X number of dollars, that that gift certificate will continue to be worth X number of dollars regardless of how long it's been outstanding, that it won't be reduced or diminished by the passage of time, or there won't be fees that will be taken off of it. That if, you know, you buy a $50 restaurant certificate, that restaurant will be obliged to honour it for the full $50. The restaurant has received the $50. They have the benefit of the cash in the meantime. They certainly shouldn't be eroding it in the meantime. Now there may be situations where it would be appropriate, but the expectation is that that would be what we would want to have happen in the marketplace.

Mr. Quennell: — The minister has stated a preference for having this type of restriction . . . exemption from the purview of the Act itself, to be in the Act where possible and where it

can be anticipated what the exemptions and prescribed changes might be. And as a matter of fact, he expressed that preference as recently as this evening in discussing another piece of legislation.

And since the government has the benefit of the Manitoba experience and the regulations there, again I guess I would ask why the government here — given the minister's preference to have such a thing set out in the Act and since he's provided what things he might want to have as prescriptions and exemptions — why he wouldn't have those set out in the Bill.

Hon. Mr. Morgan: — I don't think it's beneficial to sit and speculate what the exceptions might be, other than to say that in all other jurisdictions in Canada that have chosen an Act, that they have kept the same flexibility with regards to regulations. As I'd indicated, my preference is, wherever possible, that that type of detail should be kept in the legislation proper. In this case, the basic prohibition is in the legislation and what is in the regulation would be the exceptions.

And I don't think sitting here now we can anticipate how the marketplace might evolve over time and what things might take place. And I think that's why we would want to leave that flexibility, so we would not have to come back to the House if we wanted to allow for some type of an exemption in the future.

Mr. Quennell: — I've been asked this question by an MLA [Member of the Legislative Assembly] who can't be here tonight to ask it, but I think I know the answer. But would SaskTel calling cards be included as a gift card?

Hon. Mr. Morgan: — No, they would not. Theirs is an unusual or different situation and I think you probably are aware of it. But I'll certainly be prepared to answer it.

SaskTel is governed by federal legislation because it's a telecommunications company. So this legislation, we do not have the legislative jurisdiction to pass legislation that controls SaskTel or how they deal in the marketplace.

We have had some discussions with SaskTel as to whether they would be prepared to voluntarily comply with this by way of policy or by way of practice. The response from SaskTel was firstly to say it may affect their competitive position in the marketplace because they directly compete with other telcos that would not be subject to it, and so their concern was that. However, they said they're going to look at it very closely over the next few months as the Bill passes through and with a view to doing it.

They're indicated that their desire was they wanted to earn their money from providing telecommunication services rather than from forfeiture of unused telco cards. So they're certainly supportive of the legislation and what it's trying to achieve. And whether they can make that fit within their business model is something they're looking at. So to the extent that my ministry is capable of lobbying SaskTel, we have done that and we'll continue to do so.

Mr. Quennell: — I appreciate the response about the legislative power and federal jurisdiction and that. Now the Government of Saskatchewan is the sole shareholder of SaskTel, and I would ask if this is an area in which — I'm trying to use the words of the Minister of Crown Investments Corporation as closely as I can — is this a circumstance in which the government would impose its views or will on this particular Crown, in this case of this particular business practice?

Hon. Mr. Morgan: — I certainly leave you to ask that question of Mr. Cheveldayoff. I know that in the discussions that have taken place, SaskTel has to remain competitive. And in what we're doing with this Bill, we are dealing with this . . . we're imposing this right across the marketplace, so it will not have a competitive advantage or disadvantage to anybody that's affected by it.

If SaskTel was directed that that was something they had to do, they would have to consider what impact it would have on their place in the market. But I know I've had some discussions with Minister Cheveldayoff, and I think the sense that he got from the officials within SaskTel was their preference is they want to make money having people use their cards, using cellphones, using whatever services SaskTel provides.

Mr. Quennell: — My next question has, I think, more to do with what would be the concern of the average person carrying a gift card around in their pocket right now. Am I correct in believing that this legislation will not apply to a gift card that is currently in my wallet, and why not?

Hon. Mr. Morgan: — The question that you posed is are we prepared to make this retroactive, and it's the general preference of governments not to make legislation retroactive. I fielded some questions from the media and I indicated that it was certainly within our legislative right to make it retroactive, but given that these cards were sold in good faith we're reluctant to.

But I am pleased to indicate that a lot of merchants and malls have started to voluntarily comply just as being a goodwill gesture, and that seems to be something that's taking place. So I'm pleased . . . [inaudible] . . . and would certainly like to encourage the members on your side of the House to pass the Bill as expeditious as we can, and I in turn will be putting pressure on the ministry officials to draft the regulations, which I anticipate will be quite short because there will not be a lot of exceptions and we will hope to have this in place very soon.

Mr. Quennell: — And I guess just a little bit of follow-up on that, coming out of the minister's sold in good faith . . . As I don't think the minister has pointed out — and I think it's certainly the case that he hasn't — people who are carrying these cards around don't understand that there's expiry dates, don't understand that there's a reducing value of the card over time. Now that may not because . . . Well that probably is not because they were explicitly told that there was . . . [inaudible] . . . they just weren't told and are working under the assumption that the card remains good.

So they may have been sold under a previous legal regime — no legal regime, really, around gift cards — but people's understanding of what they have in their wallet is far different than the actual circumstance. And as the minister says, he does have, the government does have the power to make this legislation conform with what people believed to be the case in

most circumstances. And I understand that governments don't like to make legislation retroactive, although they can. But isn't there an argument for making it retroactive in the sense that you are now making the card mean what people thought it meant when they bought it?

Hon. Mr. Morgan: — The argument that business puts forward on us is that they prepared audited financial statements based on the number of cards that were outstanding. This may require them to revalue or restate liabilities from past reporting periods. And I appreciate from a consumer point of view, there may be some desirability to try and make the legislation retroactive. We are of the belief and of the view then that it was not something we were prepared to do.

Mr. Quennell: — And I guess I would just point out that the legislation is The Consumer Protection Act, and this is The Consumer Protection Amendment Act, not the retail business protection Act or the ease of auditing protection Act.

Hon. Mr. Morgan: — The point you make is certainly valid. It's a piece of legislation we do to support consumer interests, but we feel it's appropriate to have a balance in the marketplace. And the general preference against doing pieces of legislation on a retroactive basis is something that, although we could do, it's something we would be unlikely to want to do, and feel that there's probably not a lot of dollar value that's sitting there.

The Chair: — The Chair recognizes Mr. Nilson.

Mr. Nilson: — Just for the record, given the conversation that we have now, can we go through the items which will be in the regulations so that we can actually be able to tell the public when the Bill is passed, basically where we're going to go? And my first question is, will a gift card that I have in my pocket which will expire on the date that this Bill was announced, will that gift card still be valid?

Hon. Mr. Morgan: — Your question is whether cards that are not yet expired, will those get an unlimited expiry date? I believe the Bill would apply to cards that are purchased after the date the Bill comes into force.

Mr. Nilson: — So this only applies to cards that are purchased after this Bill goes into effect?

Hon. Mr. Morgan: — That's correct. The cards issued or sold on or after the day on which this section comes into force, that would be the new section 77.11(1).

Mr. Nilson: — If we are correcting an existing problem, why wouldn't we put this into place immediately?

Hon. Mr. Morgan: — Well not wanting to engage in an excessive amount of debate, the previous administration could have brought this Bill forward or done this six months or a year ago. You know, it's an emerging area. We put it near the top of our list because it was something we wanted to deal with. We've made the decision not to make it retroactive.

Mr. Nilson: — Yes. Well I guess what my question is, if we're going to do, this why don't we do it so it that has an effect from when people hear that this is taking place?

Hon. Mr. Morgan: — Well we've made the decision that we've chosen not to make it retroactive. We just prefer not to make things retroactive. That appears to be long standing government policy. And in spite of the fact that we've got the legislative authority to do it, it's not something we would wish to do, and we feel that it's not a lot to be gained by passing it on a retroactive basis.

Mr. Nilson: — Okay. Can I ask about the exemptions that you're planning to include in your regulations? Are you going to exempt the fees that an issuer might charge to cash in this card? It appears that some companies end up charging a fee when people come and use the cash card. Will that be eliminated with this legislation?

Hon. Mr. Morgan: — We would anticipate it would. The type of fees, as Ms. Pflanzner indicated before, might be for the cost to replace a lost or stolen card or something that might be unusual. And she referred to a customized card. Now I'm not sure. I'll let her answer more particular what a customized card might be.

But the expectation or the intention would be that a consumer using the card in the ordinary manner would not be subject to any fees. The consumer, you know, would pay $50 for the restaurant card. That card would be as good as a $50 bill when being used in the restaurant. Now if that card was lost or stolen and it had to be reissued and there was the risk of whether it's was going to be fraudulent use there, you know, it may be reasonable to allow some form of a fee for that and that would be something we would want to have consultation with the industry on.

I'll certainly allow Ms. Pflanzner to . . .

Ms. Pflanzner: — With respect to other jurisdictions that have provided for those type of fees, Manitoba, Ontario — as I mentioned — and a number of jurisdictions in the United States have provided for fees related to the cost to customize a gift card. And in particular for example a consumer may actually have a photograph or a picture or something personalized with respect to the gift card, some additional service related to customize that gift card, to personalize it. And that's something where, in some jurisdictions, fees have been allowed. That is something that the ministry was looking at conducting further consultations with respect to those type of fees for the lost and stolen and for the customizing of gift cards.

Mr. Nilson: — So you refer to Manitoba and Ontario. I think is it Alberta and Nova Scotia also have legislation as well?

Ms. Pflanzner: — With respect to the other jurisdictions that have legislation, currently we have Manitoba and Ontario as I've indicated, have passed their legislation. We have Nova Scotia that has a private member's Bill that has come into force, but the regulations are being developed. And so that legislation . . . sorry, it's been passed but not in force. Alberta is currently working on their legislation and conducting consultations, but we haven't seen a Bill as a result of that. Now just on April 10, British Columbia introduced legislation that also allows for certain fees to be charged in the regulations, but we haven't

seen the details with respect to those regulations at this time.

They have not conducted consultations on that aspect of it yet in British Columbia . . . [inaudible interjection] . . . They have not conducted consultations on that aspect of it yet in British Columbia.

Mr. Nilson: — Okay my final question, because basically this is a good thing, but we don't want to oversell it. We don't want to protect people more than what the legislation does.

I think the wording of that subclause (2) in 77.11 is problematic for the public. I mean it's problematic for an English teacher or for a lawyer or for anybody. But is there some other way that you could say this that doesn't look like you're basically creating the biggest loophole there ever was?

And it's a straight drafting question in a way because I understand your intention, but it appears as if you say one thing and then basically allow for changes to be made very simply to every crucial part of the legislative ban that you're putting in.

Hon. Mr. Morgan: — If I understand your question, it's because the exceptions are sort of stated that they're subject to this and we list a series of different things, that it gives a person reading it, that they may be troubled by that. Is that what your question is?

I suspect that there will be some kind of communication or public information brochures, etc., a website, that would make it available in layman's terms. But this particular legislation, the wording that's used in there I think is consistent with . . . it is in virtually every other jurisdiction that's . . .

Ms. Pflanzner: — Just in that regard, it's also consistent with existing exemptions in the existing consumer protection Act because you'll note that The Consumer Protection Act has a number of parts, and the same provision would be consistent with the other parts. And it's set out in a number of pieces of legislation in that regard, I believe.

The Chair: — Are there any other questions? That being the case, no other questions, Bill No. 12, clause 1. Is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follow: Bill No. 12, An Act to amend The Consumer Protection Act. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I invite a member to move that the committee report this Bill without amendment.

Mr. Bradshaw: — I so move.

The Chair: — That concludes the agenda for this evening. I'd ask the minister . . .

Hon. Mr. Morgan: — Mr. Chair, before we conclude, I'd like to on the record publicly thank Mr. Dwyer for his many years of service. He may well be back before committee again.

And I think maybe the members opposite might want to, and I would also like to thank all of the officials that participated in getting ready for this evening. It's far more work getting ready for these things than it is actually being here because you have no idea what you're going to be asked. Having been on the other side, I can appreciate what the officials go through on this process. So their hard work is very much appreciated.

Happy Retirement.

The Chair: — Thank you, Mr. Minister. Any comments from the . . .

Mr. Nilson: — Thank you, Mr. Chair. I would also like to bring the greetings from the official opposition, former government. And I know previous governments going back a long ways, Mr. Dwyer, there's no question that every time an issue came up in this area when I was the minister, the calming answer was, well Al's looking after it.

And usually what that meant was that somebody had come up with some strange situation that they were in, and it meant that Mr. Dwyer actually spent quite a bit of time listening very carefully to the circumstance and then trying to sort out where it would fit in existing legislation. And if it didn't fit there, well then we were sure to get a report that here's a gap that needed to be fixed or here's something else that needed to be dealt with. And I think that is a characteristic of the consummate civil servant. And I want to say thank you very much for providing that kind of service to all the people of Saskatchewan and also to me personally. So thank you.

The Chair: — Mr. Quennell would to make a comment.

Mr. Quennell: — I echo the comments of the minister and my colleague, Mr. Nilson. In this particular area that's been under discussion this evening, consumer protection, Mr. Dwyer always helped bring fairness and balance and a concern for fairness and balance to the discussion as to how this ever-changing area of the law might be reformed. And I certainly appreciated receiving his advice. I'm sure that his retirement is being undertaken because he's reached that stage in his career and not because of any change of administration. I'm confident that that's the case.

I would like to thank all the officials that appeared before the committee tonight. Although I'm not a member of the committee, I did ask some questions. And I would like to thank the minister. It's not always the case over the last few days to have a minister that knows what his legislation means. We had that tonight and I appreciate that.

The Chair: — Thank you. If there are no other comments, the business of this committee is done, and I would ask for a motion of adjournment.

Mr. Chisholm: — Being well after the agreed hour of

adjournment, I would move adjournment.

The Chair: — Thank you. This committee is now adjourned.

[The committee adjourned at 20:37.]