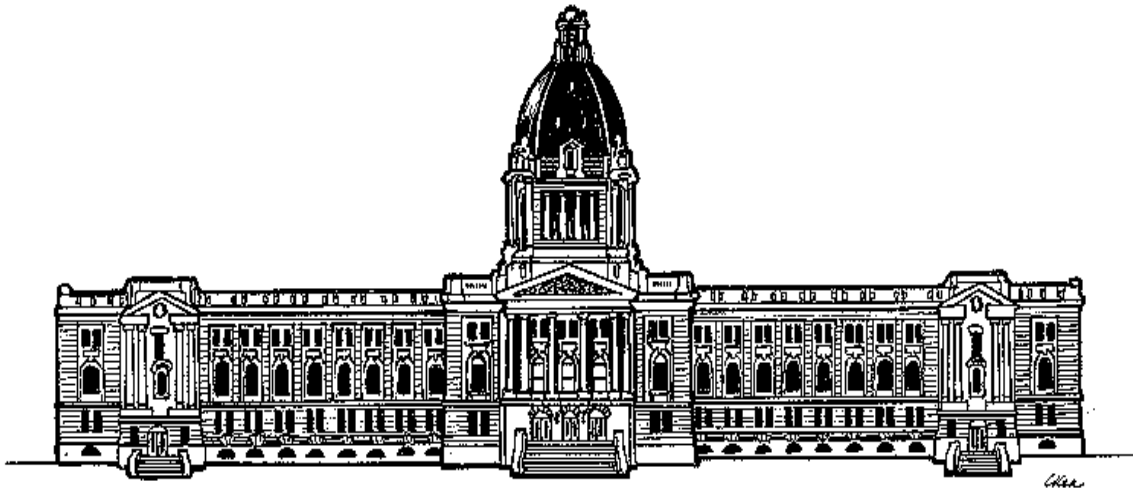




# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE**

**Hansard Verbatim Report**

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**Legislative Assembly of Saskatchewan**

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

Mr. Warren Michelson, Chair  
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Mr. Kim Trew, Deputy Chair  
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Mr. Michael Chisholm  
Cut Knife-Turtleford

Mr. Wayne Elhard  
Cypress Hills

Ms. Deb Higgins  
Moose Jaw Wakamow

Mr. Delbert Kirsch  
Batoche

[The committee met at 19:00.]

**The Chair:** — Good evening ladies and gentlemen and welcome to the Committee of Intergovernmental Affairs and Justice. I am the Chair of the committee, Warren Michelson, and I'd like to introduce you to the other committee members. They are Mr. Wayne Elhard, Mr. Delbert Kirsch, Mr. Greg Brkich, and Mr. Michael Chisholm, along with the Vice-Chair, Mr. Kim Trew. And sitting in for Ms. Deb Higgins is Mr. Frank Quennell.

So welcome to the committee. Today the Assembly referred Bill No. 137, *The Safer Communities and Neighbourhoods Amendment Act, 2010*. We will be considering this Bill tonight as well as Bill No. 119, *The Ticket Sales Act*.

Our first Bill on the agenda is Bill No. 137, *The Safer Communities and Neighbourhoods Amendment Act, 2010*. We have with us the Minister of Corrections, Public Safety and Policing, Mr. Huyghebaert, and his officials. Before we begin, Mr. Minister, would you please introduce your officials to the committee?

**Hon. Mr. Huyghebaert:** — Thank you, Mr. Chair, and I'd be happy to introduce officials. To my right is Mr. Al Hilton, the deputy minister. We have Dave Horn, the executive director of SCAN [safer communities and neighbourhoods]. Jason Rumancik is our legislative officer. Rob Nicolay is my chief of staff and Graeme Mitchell is the director of constitutional law. And those are the officials that are with me this evening, Mr. Chair.

**Bill No. 137 — *The Safer Communities and Neighbourhoods Amendment Act, 2010***

**Clause 1**

**The Chair:** — Thank you, Mr. Minister, we will now consider clause 1, the short title. Mr. Minister, if you have any opening remarks, you may proceed.

**Hon. Mr. Huyghebaert:** — Thank you, Mr. Chair. I'll just make my opening remarks very brief because I'm sure all members have heard my second reading speech from earlier, and I think it covered most of the topics in my second reading speech. But I'd just like to indicate that the reason that we have amended this Bill is the wearing of gang colours section that we know was challenged and the member of the Hells Angels challenged the constitutionality of this section after being ticketed for wearing his patch in a licensed premise.

And so what the intent of this Bill is to identify gangs and identify more . . . The issues before were pretty broad and we've kind of narrowed those down to give more tools to the policing services to stop this type of activity. And I don't really believe I have to, any further, to members . . . because again, through my second reading speech, I think they heard all of the comments that I had to make. So I would be ready for questions with my officials.

**The Chair:** — Thank you, Mr. Huyghebaert. Are there any comments on the Bills?

**Mr. Quennell:** — I suppose comments and questions. I'll try to phrase them as questions. I first of all want to thank the officials for appearing. I hope that I wouldn't drag out more people than we need. I fear that I might have indirectly done that.

But I have a preliminary question or two to, probably to Mr. Mitchell, and then maybe a couple more policy questions based on that response, depending on what it is, to the minister. The judgment of Judge Lavoie, I would say, was not, did not come as a complete surprise. That it's my view — and maybe Mr. Mitchell feels differently — that when we brought in the legislation, we knew that we were sailing as close to shore as we thought we could sail, that we hoped, believed that there was a good chance that the legislation would be upheld if challenged on its constitutionality but knew that there was a risk that it might not be.

I guess my question is, and it's almost a rhetorical one, that the risk remains with the changes, that even with the attempt to narrow the breadth or make the legislation less vague, that there is still a probability or possibility at least that once this legislation is in place and someone is ticketed and they challenge the legislation and they make similar constitutional arguments, that the intent and the beneficial effects of the legislation are outweighed by the restrictions on freedom of expression, that that challenge might again be successful.

And that's not a criticism of the changes, and I assume that they are drafted so that they would have more likelihood of success than the original drafting. But that is the case, is it not?

**Mr. Mitchell:** — Yes. That's correct, Mr. Quennell. As you've read the judgment obviously of Judge Lavoie, and we got quite far down the road in defending the constitutionality of this provision as a limitation on freedom of expression, the problem we discovered, and more so as we've got into the case and preparing for the argument, was the breadth of the provision. And that's what really was the Achilles heel here. Judge Lavoie found it was simply overbroad and extended beyond the mischief that the legislation was trying to address.

It's our feeling at this point that we've done the necessary trimming of the law, making it more focused, not only in respect of to whom it would apply, but where it will apply as well. And that we're taking into account of course the observations and findings of the trial judge, and we're trying to incorporate that and we've tried to incorporate that into how this section has been structured.

So it's our hope that, you know, with those changes plus the fact that we have been sensitive to the directions of the court as how they think it would be more appropriate that a second challenge — and I agree with you, it's probably likely we will face another challenge on this — but we hope that with those changes, we will have a better chance of success. Because it really was, at the end of the day, it was really the overbreadth of the section that was the problem.

**Mr. Quennell:** — Thank you very much. As I said this morning in response to the second reading speech of the minister, I have come to the view that the government was right to look at redrafting the legislation as opposed to appealing the decision.

But if this legislation is challenged successfully, I understand from the second reading speech and from the comments of Mr. Mitchell tonight, that the government has taken its best stab at defending the intent of the legislature and including being respectful of the dialogue between the legislature and the courts in respect to this legislation.

And so I guess my comment — I could phrase it in the form of question so that I get a response from the minister — is, I would like some assurance that, if we do not have the happy result that when the legislation is challenged, it is upheld, but have the unhappy result that once again it is struck down by a Provincial Court, that the government is committed to the purposes of this legislation, and having now redrafted it and responded to the court concerns that, as expressed by Judge Lavoie in this decision, that the government is committed to this legislation and will defend it on appeal and up to the Court of Appeal of Saskatchewan at least.

**Hon. Mr. Huyghebaert:** — Mr. Chair, I'd answer the first part of that. From the legal aspects of it, I would definitely ask Mr. Mitchell to respond on the legality and the legal aspects.

But I think we all understand when we looked at the appeal process, and through the Ministry of Justice looking at the appeal process and the length of time it would take and how far do you let the appeal process go — right all the way to the Supreme Court and how long does that take — in the meantime, we are experiencing issues in the province dealing with public safety. So we looked at it from our point of view as the most expeditious way of getting some tools back in the hands of the people that can really use it to help curtail the problem that we know exists.

And you mentioned this morning, the Bill that was brought in under your watch, so you're very familiar, and you're very familiar with the problems and issues associated with it. So we looked at the appeal process, and it wasn't so much that the appeal . . . Again from a legal perspective, I'd ask Mr. Mitchell, but from the overall perspective, it wasn't whether the appeal could be won and lost; it was the time it could take. And we would be without the tools to do what we think is necessary to curtail some of this illegal activity that's taking place in our province.

**Mr. Quennell:** — Perhaps, Mr. Chair, I was a little verbose, and that can happen on occasion. I'm not going to debate because I tend to agree with the government's decision not to appeal Judge Lavoie's decision.

But having redrawn the legislation, I want to be assured that if this new improved version — safer communities and neighbourhoods provisions in respect to gang colours in licensed premises — if this new improved version is challenged successfully at a Provincial Court level, that the government will not abandon the legislation, but the government will appeal that decision and ensure that we have an appellate court decision stating that this legislation is either constitutional or not constitutional. And that's a political decision, Minister.

**Hon. Mr. Huyghebaert:** — Well again I would have to look at it. I mean we can do, what if, for a long time. And I look at it from the practical aspects of it. I mean it's very easy to say,

what if this is challenged, and what if it's lost, or what if it's won? I would say let's wait till we see what happens at that point in time. It's the same . . . And I would put this back into your court. What happens when you brought in the legislation? What if it was challenged?

So the question goes back to the same way. So we actually had to wait to see what the challenge was, to see what the results were from the judge, what the judge's comments were. And I've explained the reason now as to why we went to a new Bill rather than to amend.

So I cannot sit here and tell you in four years or six years or seven years if it's challenged and another judge says, well there's this little portion that's wrong, will we go to appeal court? I could not tell you that right now because I don't know what it would be. I don't know what the challenge would be. I don't know what the advice from legal counsel would be as to what aspect of it is. If you give me a specific — in five years from now this is going to be challenged, and you're not allowed to wear a tattoo — you can't ask really that question. But I couldn't really answer it neither.

So I'm not sure of the breadth of your question or what your question really means. Will you guarantee to challenge this if in future years this happens? I'd have to wait to see what the ruling would be.

**Mr. Quennell:** — Well maybe that's as good an answer as I'm going to get. It's not that one that I would have liked, but it may be as good an answer as I'm going to get.

I expect that someone will want to test the new — someone who gets a ticket and obviously has standing — will want to test the new legislation. And the same analysis that Judge Lavoie goes through on the second page of judgment will be gone through again. And if the decision about overbreadth and bigness and proportionality to the state interest is the same, I would be disappointed and maybe . . . And I think this will be fairly soon.

So I'll be around to be disappointed if the position of the Ministry of Corrections, Public Safety or the Ministry of Justice is that oh well, we've lost for the second time in Provincial Court; we're going to give up. Because I would accept the government's position here that it made more sense to redraft the legislation than seek an appellate court decision. But having taken a second and better crack at the legislation informed by a court decision, I would hope the government would be committed to having an appellate decision, and I guess I've put that position on the record a couple of times.

I appreciate the minister's unwillingness to look into a crystal ball, but I don't think it's actually that complicated. I think we'll see much the same challenge, and we'll see much the same analysis by a judge. And I would feel more comfortable, having lost this legislation and the beneficial effects I believe it can have, if that loss is at the level of the Court of Appeal and not at the level of the Provincial Court.

[19:15]

**Hon. Mr. Huyghebaert:** — Well, Mr. Chair, I think the

member can take some comfort in knowing that we will combat gangs and organized crime through whatever means that we have. And if it goes to court and there's an issue, as there has been, we will look at, through consultation with counsel, whether the best avenue is appeal or would the best avenue maybe be to change legislation again. But one of the things that I and we will stand firm on is that we will combat the gangs and the organized crimes and the drug and all of the criminal activities that we have through the SCAN program to the best of our abilities, whatever it takes.

**Mr. Quennell:** — Mr. Chair, maybe that'll be the end of my questions, while the minister and I are still on relatively common ground.

**The Chair:** — Thank you, Mr. Quennell. Mr. Yates, you had a question?

**Mr. Yates:** — Thank you very much, Mr. Chair. I want to start by saying I think that on this legislation we're all on a common page. This was at the time groundbreaking and in an attempt to add some tools that I think were felt necessary to combat a problem. So I think in principle we're all on the same page of wanting to do what we need to do to solve the problem.

I feel like my colleague. It's inevitable, because of the nature of the people we're dealing with, that we will be challenged probably sooner than later, and we will need to perhaps examine what avenues we're going to take there at that time.

My question has to do a little more broadly. As a result of this particular challenge and the reflection on the issue, are there other improvements that you think need to be made in this legislation, future improvements that you're looking at now that we would all support again in trying to move forward dealing with the problem?

**Hon. Mr. Huyghebaert:** — There's none that we are aware of. Obviously if we would have seen something that we thought would have been beneficial within it, we would have included it now, obviously. In consultation with Justice, this legislation was put forward to deal with the issues that we had, enough to save the original legislation. Obviously everyone thought it was fine until now it's been challenged. So this legislation that's now before us, obviously we think it's fine or else we would have tweaked it wherever it needed tweaking. So we're very comfortable with what we have in front of us now.

**Mr. Yates:** — Thank you, Mr. Minister. I wasn't by any means trying to imply that you wouldn't have ... but often new measures take more research, more time. And because of the timely nature of giving these particular tools back into the hands of police, looking at other tools may be more complicated and require a little more research and not be able to be brought in in quite as timely a manner.

So, Mr. Minister, I just want to indicate that you would have our support in further tools if necessary to combat the problem. I think this is a common problem, that we all share some concern about providing the best possible tools to achieve the best possible outcomes in dealing with the problems that we have. Mr. Chair, that's all my questions.

**The Chair:** — Thank you, Mr. Yates. Mr. Elhard, do you have a comment or a question?

**Mr. Elhard:** — Thank you, Mr. Chair. I have a couple of questions that have just come to mind as a result of the conversation you've had with members of the opposition. And I'm not a legal expert, so I might be asking a pretty rudimentary question, but in the definition of gang colours, the definition is written there as to mean any sign, symbol, tattoo, logo, or other representation. The question I've got is, who determines whether any one of these items identified here actually represent association or promotion of a gang? Who makes that ultimate decision?

**Mr. Mitchell:** — That would be an issue that the Crown prosecutor would have to address. They would have to be satisfied that for example the tattoo, just to use an example, was a tattoo that would be the symbol of a gang or a criminal organization. So it would be a matter of proof for the Crown. So initially the Crown would have to be satisfied that there was evidence that they could lead that would prove that indeed that was, that tattoo was related to a gang. And then of course, it would be ultimately up to the trial judge to make that determination, assuming as to whether or not the Crown's met its burden of proof.

**Mr. Elhard:** — So in a situation where you had a police officer walk into a permitted premise, they would base their assessment of the situation on their own prior experience and take that to the Crown and ask for evidence to support that point of view.

**Mr. Mitchell:** — Yes. As I understand it, most police officers are fairly familiar with the kinds of tattoos — to use that as an example again — that are gang related and those that are not, that are really benign. So it would be that, coupled with the fact of going to the Crown prosecutor and saying, this is the evidence that we've uncovered in our investigation.

**Mr. Elhard:** — So if a person — and let's use the Hells Angels as a possible example here — if a person walked into a permitted premise with Hells Angels tattooed on their arm and were wearing a sleeveless shirt, is that the kind of situation that would merit apprehension?

**Mr. Mitchell:** — Yes.

**Mr. Elhard:** — And in this Bill, does the definition of a permitted premise always mean a place that is licensed to sell alcohol, or is there a broader definition?

**Mr. Mitchell:** — The reason that the permitted premises is defined in that way is because we're trying to narrow the areas or the premises to which this legislation would apply. As it was previously, the previous version included any premises for which a liquor license had been granted. And when we got into the development of the case, we realized that it virtually covered any place that held any kind of premises. And that was really the flaw or the principle flaw that the judge found. So by defining permitted premises in the regulations, we're going to try and narrow in the regulations the premises it would apply to. But you're correct. The premises to which it will apply will be premises where alcohol is served.

**Mr. Elhard:** — And one final question: will gangs be identified by name in the regulations?

**Hon. Mr. Huyghebaert:** — Yes.

**Mr. Elhard:** — Thank you. That's all the questions I have.

**The Chair:** — Thank you, Mr. Elhard. Are there any other questions? Seeing none, we will proceed with the voting of the clauses. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 6 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 137, *The Safer Communities and Neighbourhoods Amendment Act, 2010*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 137, *The Safer Communities and Neighbourhoods Amendment Act, 2010* without amendment. Mr. Chisholm moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Mr. Minister, thank you for your co-operation. And you had a few comments?

**Hon. Mr. Huyghebaert:** — Well thank you, Mr. Chair. And I'd really like to thank my officials for being here this evening. I know some have had some very busy days. And I'd also like to thank the members of the committee, and I'd like to thank the opposition members for their support of this Bill and getting it through in a timely manner. So thanks to all.

**The Chair:** — Thank you, Mr. Minister. And thank you for your ministry help as well. And we will break for two minutes while we get ready for the next Bill, Bill No. 139. Thank you.

[The committee recessed for a period of time.]

### Bill No. 119 — *The Ticket Sales Act*

#### Clause 1

**The Chair:** — Thank you. We're back. The next on our agenda is Bill No. 119, *The Ticket Sales Act*. We have with us Mr. Morgan. Would you please introduce your officials.

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. I'm joined this evening by Susan Amrud, Q.C., [Queen's Counsel] executive director of public law division; and also by Mary Ellen Wellsch senior Crown counsel, legislative services branch. I have some short opening remarks and when those are complete, I'm going to ask one of the officials to read the amendments so that they're on the record, and then if there are questions regarding the amendments, we don't have to go back after the

amendment's been moved on — unless of course the members wish to. But I'd just as soon get everything, so we're dealing with everything as a complete Bill.

I am pleased to be able to offer opening remarks concerning Bill 119, *The Ticket Sales Act*. Mr. Chair, *The Ticket Sales Act* is new legislation. In recent months Saskatchewan, along with many places, has seen tickets to concert and sporting events sell out almost instantly while tickets were concurrently available for sale by ticket resellers. This has caused concern for the public and for policy-makers throughout North America.

Since Bill 119 was introduced, there have been significant events in the ticketing industry. For example, the world's largest ticketing company has merged with the world's largest event promoter. The United States Federal Trade Commission has made a ruling respecting resale of tickets by a company called TicketsNow. The ruling requires them and other resellers to clearly disclose if tickets are not yet in hand are being offered to consumers.

A grand jury in New Jersey has indicted four California men on 43 counts relating to using computers to buy tickets to sporting and entertainment events online before the general public could access those tickets.

We are keeping abreast of developments to ensure that our legislation and regulations are current and relevant. We recognize that in Saskatchewan there are many situations where secondary sales are not only appropriate but necessary. There must be a way for ordinary consumers to transfer their tickets to willing purchasers. There will also be circumstances where ticket exchanges may be necessary and appropriate. The regulations provide an exemption for legitimate ticket exchange programs.

The Bill will provide the following protections. First, the legislation will prohibit the primary seller from linking their website to a reseller's website. The legislation will also prohibit a secondary ticket seller, who has common ownership with the primary ticket seller, from selling tickets to the same event. It prohibits resellers from advertising for sale in any manner, tickets to a Saskatchewan event until 48 hours after the tickets go on sale to the public.

We intend to introduce House amendments to recognize the ruling by the Federal Trade Commission and to provide further options to ensure that tickets are available first to the ordinary consumer. The Bill will also make it an offence to use computer software to break the code that is in place to ensure that only humans, and not automated systems, can buy tickets. This is the kind of activity that resulted in the New Jersey indictments.

[19:30]

The Bill will allow regulations to outline reporting requirements for publicly owned venues. This way the minister will be able to call for reports in appropriate cases to determine whether the sale was fair to all who wanted tickets. If necessary, the regulations may address whether reporting requirements apply to local venues in small town Saskatchewan.

This is a changing industry with changing technology. It is not

our goal to impede it in any way. This is why we will use regulations to keep up to date with the constant innovations and changes. With those remarks, I would welcome your questions. But before that, I'm going to ask one of my officials to read the proposed amendments.

**Ms. Amrud:** — Susan Amrud. The first amendment is to Clause 6 of the Bill:

Strike out Clause 6 of the printed Bill and substitute the following:

**“Restrictions re advertising of tickets and sales**

6(1) No person, other than a primary seller, shall sell, advertise or list for sale, in any manner, any tickets to an event in Saskatchewan until at least 48 hours after the tickets to the same event were made available to the general public by a primary seller.

(2) No person, other than a primary seller, shall sell, advertise or list for sale, in any manner, any tickets to an event in Saskatchewan unless the tickets are in the person's possession or control.

(3) In the prescribed circumstances, no primary seller shall sell tickets to purchasers outside a prescribed geographic region for a prescribed period”.

The second amendment is to clause 8:

Strike out Clause 8 of the printed Bill and substitute the following:

**“Information and reports by owners of public venues**

8 Every venue owned or operated by the province or municipality at which events are held shall, in accordance with the regulations:

- (a) provide a report to the minister; and
- (b) disclose the prescribed information to the public”.

And the third amendment is to Clause 13:

Amend Clause 13 of the printed Bill by striking out clauses (c) to (e) and substituting the following:

“(c) for the purposes of subsection 6(3):

- (i) prescribing a geographic region outside of which the primary seller shall not sell tickets;
- (ii) prescribing the circumstances in which a primary seller shall not sell tickets to purchasers outside the geographic region prescribed pursuant to subclause (i); and
- (iii) prescribing a period within which the primary seller shall not sell tickets outside the geographic region prescribed pursuant to subclause (i);

“(d) respecting the report to be provided to the minister

pursuant to section 8, including:

(i) prescribing the information to be included in the report;

(ii) prescribing the manner in which the report is to be provided; and

(iii) prescribing the times at which the report is to be provided;

“(e) respecting the information to be disclosed to the public pursuant to section 8, including:

(i) prescribing the information to be disclosed;

(ii) prescribing the manner in which the information is to be disclosed; and

(iii) prescribing the times at which the information is to be disclosed;

“(f) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;

“(g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act”.

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. We would entertain questions from the committee.

**The Chair:** — Thank you. The Chair recognizes Mr. Quennell.

**Mr. Quennell:** — Thank you, Mr. Chair. Of course we support the intent of this consumer protection legislation. But I received in November, after the legislation was introduced and I think the second reading debate had begun, correspondence from eBay.ca . . . [inaudible] . . . and I believe the minister received similar correspondence. So there has been some concern expressed — at least by this interest group or this interested party and maybe the minister can advise others — that don't I think take issue so much with the intent of the legislation, but express concern about whether the legislation will actually achieve its intended targets.

So can the minister comment upon the response of the government to these concerns, whether they were not valid concerns or they are, but they are concerns that the ministry hopes they can resolve through regulation? Or what is the response of the ministry to these concerns that are expressed by at least this party that I am aware of?

**Hon. Mr. Morgan:** — I'm going to let one of the officials answer. We had fairly extensive discussions with a number of entities, including Ticketmaster, the major venues in our province, including the Roughriders, as to how it would impact the various participants in the industry. And the Bill was primarily targeted at primary and secondary sellers. We wanted to ensure that there was a healthy resale market. We certainly had no intention of putting resellers out of business.

But what we were directed, what we wanted to do was put out of business or take away the ability of people who would use a bot or a technical device to try and buy large quantities of tickets as soon as they would come on sale. And some of those individuals were advertising them by row and seat number before the tickets would come on sale.

Ticketmaster advised us that those situations were likely people buying on spec. And then when they would go to resell them, well you're not really in row 13, you're really in row 11 or whatever. And most people didn't care. They got the tickets to the event and they were all right. That was certainly the response from Ticketmaster.

The interesting thing that came out since that time was the indictments. What they discovered in California was that the individuals had gone to Facebook. And when you create a Facebook account, there is the . . . they're frequently used in websites where there's an optical image that you look at that's got characters in it that is supposedly not capable of being read by a computer, and then you would retype that in. They were of the belief — at Ticketmaster initially — that there was people that just had some kind of software with a character recognition. But what they had done is they'd gone on to Facebook and other sites that use that, realized that there was only so many of those that were there, copied them so that they were instantly recognizable by their software, you know, by the size of the file.

So by having those indictments, they've cured . . . not cured, but certainly limited a large number of those entities that are doing it. And I think there's pressure from the venues, the provinces and states, and also from the artists that are involved to try and limit that. So they're claiming that as a fairly significant victory. And in the different jurisdictions now where they've had major events, there seems to be less of a problem than there was.

EBay — I got the same package — was focused on wanting to make sure that they were able, through their subsidiary StubHub, to be able to continue on. And I think through regulations, we will be able to ensure that their business would carry on. We have no reason to think that their business is not legitimate. Certainly through the US [United States], well advertised and well regarded.

And then of course the other major one is TicketsNow, which is a subsidiary of Ticketmaster. Ticketmaster has now merged with Live Nation which is a major event promoter. So it marks a shift in how the industry works. Instead of having, you know, this separate distinct entities operating an event, promoting an artist or something like it, there's a merger of those entities that are there.

And they will use a different business model. They will have more, more presale through fan clubs or different groups. You know, the initial sale that we perceive when the tickets go on sale at 10 o'clock Saturday morning or whatever, there will be a lot of presale that will take place to different groups or entities before, whether it's fan clubs or a season ticket holders or whatever. So it will, it will have the effect of changing how much of the initial demand there is when there is the first major sale.

But the concerns that you raised with eBay, StubHub, we think will be addressed in our regulations, but I don't know whether that's a sufficient answer. I'm sorry I went on so long.

**Mr. Quennell:** — So the concerns, the answer to my question is, yes the concerns are valid; but secondly, valid but can be dealt with by regulation?

**Ms. Wellsch:** — One of the primary concerns that the gentleman who wrote on behalf of eBay raised was the section that talks about association between the primary seller and the secondary seller within the meaning of *The Business Corporations Act*. And I do believe he misinterpreted what that meant and that it would not apply to the situations that he was describing because, as the minister said, eBay is, neither eBay nor StubHub is a primary seller. So the fact that they are associated won't affect the law.

**Mr. Quennell:** — Good point actually. American lawyers, what can you do? Those are all my questions, Mr. Chair.

**The Chair:** — Thank you, Mr. Quennell. Are there any other questions from the committee? Seeing none we will proceed with the voting on the clauses. Clause 1, short title. Is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

#### Clause 6

**The Chair:** — Clause 6 is Mr. Elhard.

**Mr. Elhard:** — Mr. Chair, I would move that clause 6 be amended, as was provided by the minister and his support staff.

**The Chair:** — We have a motion to accept the amendment, the clause as amended. Do the committee members agree with the amendment? Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Clause 6 as amended, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 6 as amended agreed to.]

[Clause 7 agreed to.]

#### Clause 8

**The Chair:** — Clause 8. I recognize Mr. Elhard.

**Mr. Elhard:** — Thank you, Mr. Chair. I would move once again an amendment to clause 8 as presented by the minister and his officials.



**The Chair:** — Is it the wish of the committee to accept the amendment to clause 8? Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Clause 8 as agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 8 as amended agreed to.]

[Clauses 9 to 12 inclusive agreed to.]

### Clause 13

**The Chair:** — Clause 13. I recognize Mr. Elhard.

**Mr. Elhard:** — Thank you, Mr. Chair. Once again I would move an amendment to clause 13 as presented by the minister and his officials.

**The Chair:** — Do committee members agree with the amendment as read? Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Clause 13 as amended, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 13 as amended agreed to.]

[Clause 14 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 119, *The Ticket Sales Act*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 119, *The Ticket Sales Act* with amendments.

**Mr. Elhard:** — I so move.

**The Chair:** — Mr. Elhard has moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. That concludes the discussions on Bill No. 119. Mr. Morgan, did you have any closing comments?

**Hon. Mr. Morgan:** — I would like to thank my officials for their assistance in this. And I realize we had fairly extensive consultations, including members of the opposition, and want to thank everybody for the valued input. It was appreciated.

**The Chair:** — Thank you, Mr. Minister. Thank you to your officials, Ms. Wellsch and Ms. Amrud. And thank you for the

committee for your assistance here tonight. I will entertain a motion to adjourn.

**Mr. Brkich:** — I so move that we adjourn.

**The Chair:** — Mr. Brkich moves. The committee now stands adjourned. Thank you.

[The committee adjourned at 19:45.]