



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

Mr. Warren Michelson, Chair
Moose Jaw North

Mr. Kim Trew, Deputy Chair
Regina Coronation Park

Mr. Greg Brkich
Arm River-Watrous

Mr. Michael Chisholm
Cut Knife-Turtleford

Mr. Wayne Elhard
Cypress Hills

Ms. Deb Higgins
Moose Jaw Wakamow

Hon. Laura Ross
Regina Qu'Appelle Valley

[The committee met at 17:55.]

The Chair: — Well good evening, ladies and gentlemen. This is the Standing Committee of Intergovernmental Affairs and Justice. Welcome to the meeting. My name is Warren Michelson; I am the Chair. And also on the committee is Greg Brkich, Michael Chisholm, Wayne Elhard, Laura Ross, Jim Reiter, Kim Trew, and Deb Higgins. Sitting in for Deb Higgins at this particular meeting is Frank Quennell, so that'll be a substitution.

The first item on the committee would be a response to questions raised on May 3rd. It's a document that needs to be tabled. I'll table it now. It was received in May, May 27th. Response to questions received May 3rd, 2010, please find attached information supplied by the Ministry of Tourism, Parks, Culture and Sport. So we will table that.

Bill No. 152 — *The Commissioners for Oaths Amendment Act, 2010*

Clause 1

The Chair: — And at this particular meeting, we are to go over the Bill No. 152, *The Commissioners for Oaths Amendment Act, 2010*. And I would like to welcome Minister Morgan. Minister Morgan, if you would like to introduce your officials and if you have any opening comments, you can do them now.

Hon. Mr. Morgan: — Thank you, Mr. Chair, and committee members. I'm pleased to be able to offer brief opening remarks concerning Bill No. 152, *The Commissioners for Oaths Amendment Act, 2010*.

I'm joined this evening by two officials from the Ministry of Justice, Mary Ellen Wellsch, senior crown counsel, legislative services branch; and Donna Mitchell, director of court operations south.

The Commissioners for Oaths Amendment Act, 2010 is intended to correct an inequity that is found in *The Commissioners for Oaths Act*. The current section 10 permits senior officers of Canada's permanent forces to be commissioners for oaths for the purpose of taking oaths for use in Saskatchewan. This section has remained unchanged in that regard since 1949 when the word permanent was added.

Although we can only speculate for the reason for that distinction being made in 1949, we know that any such difference in treatment is unnecessary and undesirable in modern times. Reservists were and are a critical part of our armed forces. Canada's military and emergency programs could not function without them. Bill 152 will permit senior reserve officers as well as senior officers of Canada's permanent Armed Forces to administer oaths for use in Saskatchewan. We are pleased to be able to assist Canada's reserve forces by making this small but important amendment.

[18:00]

As members are likely aware, when a person joins the military or becomes a reservist, they do not sever their ties completely

with private life. During the time that they are serving, they may well have occasion to purchase property, sell property, mortgage or deal with estates, or a variety of other things where documents are required to be commissioned, and it only be appropriate that reservists are treated the same as regular or permanent members.

So with those opening remarks, I welcome your questions regarding Bill 152, *The Commissioners for Oaths Amendment Act, 2010*.

The Chair: — Thank you, Mr. Minister. Is there any comments? Mr. Quennell.

Mr. Quennell: — First of all, I'd like to thank the officials for coming out on such a cold night for what will probably be, I expect, a rather short discussion. The difficulty with the word permanent, has that ever been judicially interpreted, or is that an interpretation of the Ministry of Justice that caused the distinction to exist?

Ms. Wellsch: — It's an interpretation that is used by the military in interpreting our legislation. They define permanent to mean members of the regular force.

Mr. Quennell: — I understand that, but the military doesn't issue the commissions. The Ministry of Justice issues the commissions. And I'm not opposing the amendment; for clarification purposes, I think it's worthwhile. But just so I understand the necessity for making it, if the ministry had decided to treat reserve forces as permanent forces, in other words, to interpret that word as if it wasn't there perhaps, the ministry could have just issued commissioner for oaths certificates. There was no judicial interpretation of the word permanent.

Hon. Mr. Morgan: — The intention would be to issue certificates. Those people would become commissioners without receiving certificates the same way that lawyers do. So it would require, if you chose to do it by way of a reinterpretation of the word, you would have to go through a process of notifying everybody and it would be a change in what was the apparent interpretation since before everybody in this room except Wayne Elhard was born.

Mr. Quennell: — So I guess a matter of practice and custom more than interpretation certainly in the judicial sense, right?

Hon. Mr. Morgan: — That would be correct.

Mr. Quennell: — Okay and I think a reasonable interpretation in any case.

Now I took it from the minister's remarks in second reading debate that this legislation hasn't been actually reviewed since 1949, which is a long time for everybody in this room whenever they might happen to have been born. And I understand the motivation for the one-off change here in respect to reserve officers. And we support it obviously. That was clear I think from my remarks in second reading debate.

But is there a review being done of this legislation now, or is

one anticipated in the near future?

Ms. Wellsch: — There is not currently one being done, but it is anticipated to be done as time permits, both this one and *The Notaries Public Act*. And I suspect it will be for consistency with other provinces as well as terminology which is really dated in the Act. As far as we know, nothing is really broken in the system, and so that kind of review will turn that up.

Mr. Quennell: — I think nothing else is broken besides this question about reserve and regular forces.

Hon. Mr. Morgan: — Yes. I think, as you are aware, this is a request that came through our Robert Stromberg who heads the reservists. And it wasn't something that anybody was aware was a situation and may not of have been a huge inconvenience for reservists. But to the extent that even if it helps one or two people, it's a small convenience for people that are making a major commitment and sometimes a very substantial sacrifice to our system, our way of life. So I think it was a small but reasonable request on their part.

Mr. Quennell: — I certainly agree with the minister about that. And I don't want to put words into the mouths of the officials, but it sounds to me like it may have been maybe even years to get this fixed if we were waiting for a review of the legislation as a whole. And if that's the case, then I'm certainly glad that we didn't wait. I don't think I have . . .

Hon. Mr. Morgan: — I hear both of my officials agreeing with you.

Mr. Quennell: — I don't have any other questions, Mr. Chair.

The Chair: — Thank you, Mr. Quennell. Is there any other questions or comments from any of the committee members? Seeing none, we'll proceed with the voting on the clauses. Clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[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. 152, *The Commissioners for Oaths 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. 152, *The Commissioners for Oaths Amendment Act, 2010* without amendment.

Mr. Brkich: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — Carried. That concludes the hearings that we needed to do this afternoon. I appreciate you coming out for the short meeting, thank you very much. Mr. Minister, is there any other comments you would like to make?

Hon. Mr. Morgan: — I'd just like to thank the officials for coming out on short notice and in rather inclement weather. I know there were some cancellations and some shuffling around. They accommodated our schedule. So on behalf of all of the members, I thank them.

The Chair: — Yes, we very much appreciate the co-operation and thank you for the committee members. Have a good evening. We need a motion to adjourn. Ms. Ross made the motion. Thank you.

[The committee adjourned at 18:07.]