



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

## **Hansard Verbatim Report**

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Ms. Lisa Lambert  
Saskatoon Churchill-Wildwood

Mr. Tim McLeod  
Moose Jaw North

Mr. Greg Ottenbreit  
Yorkton

[The committee met at 11:02.]

**The Chair:** — All right. Hello, everyone, and welcome to the Standing Committee on Intergovernmental Affairs and Justice. I'm Mark Docherty. I'm the Chair. With us today we've got Gary Grewal, Travis Keisig, Tim McLeod, Greg Ottenbreit. Substitutions for today, we've got Nicole Sarauer for Ms. Betty Nippi-Albright, and we've got Todd Goudy for Lisa Lambert.

Committee members, I'd like to advise you that the broadcast of the proceedings is not available, however the audio will be streamed on SaskTel Max and on the Legislative Assembly website. The *Hansard* verbatim will continue to be made available at the earliest opportunity.

I'd like to table the following document. Today our committee is also tabling a list from the Law Clerk of professional association bylaws filed with the Legislative Assembly between January 1st, 2020 and December 31st, 2020 which had been committed to the committee for review pursuant to rule 147(1). The Law Clerk will assist the committee in its review by submitting a subsequent report at a later date. However, in accordance with rule 147(3), committee members can also decide to review the bylaws of professional associations and amendments to bylaws to determine whether or not they're in any way prejudicial to the public interest. The document being tabled is IAJ 3-29, Law Clerk and Parliamentary Counsel: 2020 professional association bylaws filed.

Today we will be considering several bills with the Ministry of Justice and Attorney General. This includes . . . Yes, there's 14 total bills, so I don't think I need to read them all.

### **Bill No. 5 — *The Business Corporations Act, 2020***

#### **Clause 1-1**

**The Chair:** — We'll now begin our consideration of Bill No. 5, *The Business Corporations Act, 2020*. We'll begin our consideration of clause 1, short title. Minister Wyant is here with his official. Minister, please introduce your officials and make your opening comments.

**Hon. Mr. Wyant:** — Well thank you very much, Mr. Chair. First of all, before we begin, just let me thank the committee members for being here today. I thank Ms. Sarauer for her attendance, especially on a Saturday. Mr. McGovern, Darcy McGovern Q.C. [Queen's Counsel], will be with me for the day, Mr. Chair, so I'd like to thank him. I'd also like to thank my deputy minister, Glen Gardner, and the ministry personnel that are going to be supporting me here today who aren't in the room, as well as my office staff, in particular my chief of staff, Molly Waldman, and Kara Slobodzian and Alan Dedman Sr., ministerial assistants.

With that, Mr. Chair, I'll provide some opening comments with respect to Bill No. 5, *The Business Corporations Act, 2020*. Mr. Chair, this bill will replace the current business corporations Act with modernized corporate legislation. The current Act was originally passed in 1977, and although it has received ongoing changes since that time, the Ministry of Justice and Attorney General has determined it was appropriate to conduct a general review of the Act as part of the ongoing modernization of the

corporate registry.

Mr. Chair, some of the notable updates include removing the requirement that 25 per cent of directors be Canadian residents, which matches trends in other jurisdictions and increases business opportunities within the province. It will implement the second phase of updating respecting persons of significant control which is in accordance with the agreement of Canadian Finance ministers on owner transparency.

It will reduce red tape by removing requirements for corporations to provide notices and other documents to the registrar in matters focused solely on the internal business of the corporation. It will clarify that a corporation's name may be in Cree or Dene. It will expressly allow the use of electronic technologies and clarifying the current practices of filing entities not created through business legislation within the corporate registry, which are otherwise known as "other legislative entities."

Mr. Chair, my understanding is that the ministry officials have met with Ms. Sarauer to review these proposed changes and I'd like to thank her for taking the time to get a better understanding of the bill.

Mr. Chair, work on modernization of the corporate registry is ongoing. Justice officials plan to update additional pieces of business legislation in the future, including the non-profit business corporations Act of 1995.

As I mentioned, Mr. Speaker, this is really all about the intention of the new Act to implement not any dramatic changes but instead to modernize the Act's provisions to reflect current practices, replacing outdated rules and language, and creating efficiencies for businesses by emphasizing the use of modern technologies and reducing red tape.

So with that, Mr. Chair, I welcome any questions that anyone has with respect to Bill 5, *The Business Corporations Act, 2020*.

**The Chair:** — All right. Thank you, Minister. Are there any more questions or comments from the committee members? I recognize Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister, for your opening remarks. I also would like to thank your officials for giving me the opportunity to meet with them a few months ago virtually and answer some questions that I had about the bill. I do want to repeat a few of those questions here just to make sure that they're on the record for *Hansard*.

The first question I have for you, Minister, is about the consultation process with respect to the bill. Could you provide us a bit of an overview as to what consultation occurred?

**Hon. Mr. Wyant:** — Sure. Justice had provided a consultation paper and survey that was provided to organizations and individuals with respect to the expertise in corporate law, including the Law Society, the Canadian Bar Association, and the Chartered Professional Accountants of Saskatchewan.

It's not uncommon in this kind of legislation for the ministry to receive commentary, unsolicited commentary, from lawyers of

the bar with respect to some changes. And I know that the ministry took those into account when considering what the changes would be. But really the emphasis really on this was a modernization of the Act which was long overdue. And I know that we had received a number of comments from the corporate bar in that regard as well as from other corporations.

But generally speaking in terms of the consultation, there was a number of consultations including with the bar and with the bar association and the Law Society. And then I don't know if Mr. McGovern would like to just kind of comment on that.

**Mr. McGovern:** — I think the paper itself was a broad consultation paper, as the member will recall, that went on for a bit of a period. And in addition to the legal community that the minister had touched on, I'd note that the accounting committee through the Chartered Professional Accountants of Saskatchewan, Federation of Sovereign Indian Nations, the deans of the University of Regina Business Administration and the College of Law and Edwards School of Business. There was internal discussions of course with the Ministry of Finance and some of the other ministries that are specific to this, chamber of commerce representatives, and then of course anyone who self-identified through the consultation process.

But the member is well aware that the bill itself is a 150-page bill, so the number of private individuals who'd grind through that and make comments is perhaps limited.

**Ms. Sarauer:** — Thank you. I appreciate that. The consultations — and again knowing that you did quite an extensive survey on many different organizations — but broadly speaking, the feedback you got from those consultations, would you say are largely positive towards these changes?

**Mr. McGovern:** — Absolutely. The bill itself . . . Previous to this the existing Act was a 1977 Act, so the concept of doing a modernization of this legislation that recognizes modern business practices rather than the bits and pieces that . . . Of course there's been amendments over the years, but this was an opportunity to really take on directly one of the major business and legal infrastructure pieces as the foundation for, as the minister mentioned, moving forward over the next few years with some of the other pieces.

**Ms. Sarauer:** — Again understanding that there are a lot of changes in this legislation, could you provide, generally speaking, how this new Act fits in with other jurisdictions?

**Mr. McGovern:** — Generally speaking, Saskatchewan is, you know, in step of course with moving forward on some of these pieces. What the member may be referencing, Mr. Chair, is the one piece that has got some attention is with respect to the director residency requirements as being a new provision. And in fact the . . . Saskatchewan is coming to that very much along with a number of the other provinces. BC [British Columbia], Alberta, Ontario, Quebec, Prince Edward Island, New Brunswick, Nova Scotia, Nunavut, Northwest Territories, and the Yukon — so I guess we're missing Manitoba — have already done . . . are in the process of taking this step in coordination.

One of the issues with business legislation of this type of course is recognizing that we want in Canada to have capital and legal

advice flow freely between the provinces. And so I know OPRA [office of public registry administration], the office of public registry, is very conscious and very active in that regard to ensure that when they're moving forward in this regard they're not doing that as an outlier but rather in coordination with the other jurisdictions.

**Ms. Sarauer:** — Thank you. And that does segue into the next set of questions I had which was around that change, around the residency requirement for directors. Could you provide some information as to why Saskatchewan as well as other jurisdictions are making this change?

**Mr. McGovern:** — Concerns have been raised over this type of residency requirement, including that the rule inhibits or can inhibit investment in Saskatchewan or in other jurisdictions. Additionally, corporations can already circumvent this rule, incorporating in a Canadian jurisdiction that doesn't have the rule and then simply registering as an extraprovincial corporation or using the unanimous shareholder agreement to transfer corporate decision-making powers and duties.

So the reality is if people want to get around it, they can operationally do that. So instead what the proposed changes will do is get a balance on this by increasing the opportunities for businesses in terms of having these out-of-province . . . the residency requirement, but maintaining the requirement to have a Saskatchewan resident appointed as a power of attorney for the corporation if there are no directors or officers who are Saskatchewan residents. And they'll also be required to maintain a registered office within the province. So that is the anchor, if you will, in the Saskatchewan jurisdiction in that context.

**Ms. Sarauer:** — When I saw this change I thought specifically around the discussion — whether or not it applies directly — but the discussion that has happened over the years around PotashCorp and the public desire to ensure that a business like that was kept . . . the control of that business was kept within the province and the difficulty that maintaining that control has been over the years.

[11:15]

When I see this provision, I worry about what that means for maintaining Saskatchewan companies in the future and if we will have another situation like we had with PotashCorp. And I suppose the concern being that this won't necessarily strengthen that ability, understanding that yes, this is what other jurisdictions are seeing as well. I'm just wondering if you could speak to that concern a little.

**Hon. Mr. Wyant:** — Well I'll let Mr. McGovern kind of comment a little further on this too, but none of the provisions that are suggested in this legislation around this area are going to affect the golden-share provisions that have been in effect in a number of circumstances. Noting your concerns about that, but none of these changes are going to affect that. And to the extent that there are any other future arrangements that are made — and I don't know whether there will be or there won't be — where we decide that a golden share in some circumstance might be appropriate, this won't have any effect on that.

**Mr. McGovern:** — That's exactly right, and I think on the macro

policy level, I guess — I'll put it that way — it's important that these type of changes be modernized and amended so that we remain a jurisdiction where people want to come to incorporate. You know our preference is the businesses are here; their head offices are here; they're using this corporations Act. But of course we're coordinating with the other provinces in this process.

So in addition to the specific comments of the minister, I would note that the way this Act is being restructured will help us not be out of step or archaic and avoided by another corporation in any way.

**Hon. Mr. Wyant:** — And I think Mr. McGovern kind of highlights the point that in fact, that we want to try to be as consistent as possible with other jurisdictions so as to not to create any prejudice with respect to ongoing and future investments in Saskatchewan. And when we create these kind of differences, whether it's in corporate law, whether it's in securities law, or other law that creates that difference, it creates a disincentive.

And so I think that the fact that we're moving more or less lockstep with a number of jurisdictions, particularly ones that are responsible for . . . where significant investment comes from — Alberta, Ontario for instance — this makes it easier for those investments to take place.

**Ms. Sarauer:** — Thank you. I appreciate that. Do you anticipate any further changes to this legislation in the near future?

**Hon. Mr. Wyant:** — Well certainly there's always ongoing discussions about changes to the legislation. We think that this certainly brings the modernization of the Act up to date, but there's certainly nothing preventing ongoing conversations and considerations of any other changes that might be appropriate in terms of ensuring that we have, you know, one of the best corporate climates in Saskatchewan for people to invest in. So that's always an ongoing conversation when it comes to these important pieces of legislation.

**Mr. McGovern:** — And you know, that's absolutely the case. Though I am, you know, going to recognize the enormous amount of work that OPRA and some of the lawyers like Neil Karkut for example have done on this piece to create it as a modern template that we move forward then to non-profits, we move forward to partnerships with this as the template. So you know, we can always be better, but very much this becomes the piece and the template following the extensive consultations and the support that it's received.

**Hon. Mr. Wyant:** — I'll also just make one other comment. Mr. McGovern is part of the Uniform Law Conference as you know and provides some excellent advice to the Government of Saskatchewan with respect to unifying laws across the country that are important to the ongoing operation of a number of things. So just to thank him very much for his very hard work.

And so a lot of things had come forward as a result of the work that Mr. McGovern does on the Uniform Law Conference . . . always leads to more conversations about how we can be better at doing these things.

**Ms. Sarauer:** — Is the next step toward uniformity and a modernization then *The Non-profit Corporations Act*?

**Mr. McGovern:** — From the ministry's perspective, the next step would be bringing non-profit forward to coordinate with what's just being done now on biz corps.

**Ms. Sarauer:** — Thank you. No further questions.

**The Chair:** — Thank you. Is there any more comments or questions from the committee? Seeing none. This bill has over 300 clauses. Is leave granted to review the bill by parts and divisions?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. All right, bear with me. Part 1, preliminary matters, clause 1-1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1-1 agreed to.]

[Clauses 1-2 to 23-27 inclusive agreed to.]

[Schedules 1 and 2 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Business Corporations Act, 2020*.

I would ask a member to move that we report Bill No. 5, *The Business Corporations Act, 2020* without amendment.

**Mr. Ottenbreit:** — I move that we move the bill without amendment.

**The Chair:** — Mr. Ottenbreit moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 6 — *The Business Corporations Consequential Amendments Act, 2020/Loi de 2020 corrélative de la loi intitulée The Business Corporations Act, 2020***

**Clause 1**

**The Chair:** — All right. We'll now be considering Bill No. 6, *The Business Corporations Consequential Amendments Act, 2020*, a bilingual bill. We will begin our consideration of clause 1, short title. Minister Wyant, you can make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. I'll be very brief. This bill contains the consequential amendments to the bilingual legislation that are necessary to implement the new business corporations Act, 2020. These amendments are housekeeping in nature and will not have a substantive impact on the operation of the amended Act. So with that, Mr. Chair, we welcome any

further questions with respect to Bill 6.

**The Chair:** — Will there be questions asked? No questions from the committee? Excellent. Okay, so we'll move on. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 8 inclusive agreed to.]

[Schedule 1 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Business Corporations Consequential Amendments Act, 2020*.

I would ask a member to move that we report Bill No. 6, *The Business Corporations Consequential Amendments Act, 2020* without amendment.

[11:30]

**Mr. Keisig:** — I'll move that motion, Mr. Chair.

**The Chair:** — Mr. Keisig moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 7 — *The Marriage Act, 2020***  
***Loi de 2020 sur le mariage***

**Clause 1-1**

**The Chair:** — All right. We will now be considering Bill No. 7, *The Marriage Act, 2020*, a bilingual bill. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. Mr. Chair, this bill, Bill No. 7, *The Marriage Act, 2020*, repeals and replaces *The Marriage Act, 1995* with a new Act that will modernize the legislation.

In particular, Mr. Chair, this new Act will update the language to be neutral between religious and civil marriage ceremonies. Christian religious terms will be replaced by language that's inclusive of all religious officials. The Act will also update the marriage commissioner process to set terms for appointment. This will allow the marriage unit to keep better track of active commissioners.

The marriage unit will also be able to charge a fee for marriage commissioner applications. The marriage unit regularly receives applications from individuals who intend on solemnizing the marriage of a friend or family member. The fee will help alleviate the cost of reviewing and processing those applications. Finally,

Mr. Chair, the fines for contravening the Act have been increased. In most cases, the amounts have been in place since 1933 and were certainly in need of updating.

So with that, Mr. Chair, I welcome any questions with respect to Bill 7.

**The Chair:** — Thank you, Minister. Any questions from the committee? I recognize Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair. And thank you, Minister, for your opening remarks. Could you provide some further information as to why these changes were made, understanding that this bill was before us probably about a year or so ago?

**Mr. McGovern:** — Thank you for the question. Mr. Chair, through you to the member, as the member will recall, when we were looking at Bill 175, which was in the previous sitting of this Legislative Assembly, some specific things were being done at that time with respect to minors and with respect to the revocation of wills upon marriage. And at that time we did those changes — and the member was part of that process, of course — it was noted that a lot of the language in the other parts of the Act was dated, was perhaps inappropriate in that there were other provisions of the legislation that did require changes.

So what's being done in this legislation is, as the minister noted, taking a 1930s bill and updating significantly the legislation. And as well of course, we're able to do that in a bilingual fashion to make it as available as possible to members of the public.

Some of the general changes that are found would be to remove the specific references to one religion versus generalities, but also the marriage commissioner application process is updated. Currently there's indefinite terms in that regard, and this provides for a process to allow the marriage unit to be able to keep track, essentially, of who does have this ability to marry people. The member will remember Kara Moen was providing us with a briefing on this bill as well in January to the member.

One of the other areas was new rules for the marriage of minors so that removing the language indicating consent of only one parent sufficient where the minor's been living with that parent for the year immediately proceeding.

There's marriage rights of certain religious bodies that don't have religious officials that needed to be recognized, and that's largely the Doukhoboristi rights, but it's more inclusive of other religious bodies. The fine provisions.

So in general terms, what we were looking at is a restructuring of the Act, a recognition of what the practices were already to a large degree in the marriage unit, and to structure the bill so that moving forward we can have a more modern process under *The Marriage Act*, both substantive legally as well as the procedural process for who can conduct a marriage in Saskatchewan.

**Ms. Sarauer:** — Thank you for that. I appreciated having the opportunity to speak with Ms. Moen about this bill earlier. And I also appreciated having the opportunity to have a good discussion with Ms. Markatos, who worked on the previous marriage amendment Act that you had mentioned, and the discussion we had around some of the more problematic



language that was remaining in that bill. So I'd like to credit your office as well as the minister for taking the time to quite quickly bring this bill back to update the language to modernize the problematic pieces. Credit to the previous minister of Justice as well of course.

Just to confirm for the record, I don't see the specific sections that were problematic in this new legislation anymore, but I just want to confirm for the record. In particular, the old marriage Act had some problematic language in what was formerly section 25 around "validity" as well as section 32. I don't see that language in the new legislation, but I'm hoping you can just confirm that for me, Mr. McGovern.

**Mr. McGovern:** — I have to say I can't see it either and it is, I guess, the most I can do at this point, unless you need me to step out. But I think that's fair to say that the language has been changed universally within the legislation.

**Ms. Sarauer:** — No, thank you. I'm comfortable with that. I can't see it in the Act as well, so it looks like your office did a fantastic job getting that language updated.

Could you speak a little bit about section 2-3 of the new bill? I believe that's a new provision.

**Mr. McGovern:** — I'm looking at my notes here.

**Ms. Sarauer:** — It's with respect to the same-sex marriage reference.

**Mr. McGovern:** — Yes. And I think this section conforms with the wording in the federal marriage Act regarding not requiring religious officials to solemnize certain marriages, and as well, as the member knows, it's consistent with the reference re same-sex marriage case from the Supreme Court of Canada.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Any more questions of the committee? And welcome to the awesome guest. Clause 1-1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1-1 agreed to.]

[Clauses 1-2 to 11-6 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Marriage Act, 2020*, a bilingual bill.

I would ask that a member move that we report *The Marriage Act, 2020*, a bilingual bill, without amendment.

**Mr. Grewal:** — I will move the motion.

**The Chair:** — Mr. Grewal moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

## **Bill No. 8 — *The Marriage Consequential Amendment Act, 2020***

### **Clause 1**

**The Chair:** — All right. We will now be considering Bill No. 8, *The Marriage Consequential Amendment Act, 2020*. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. Again I'll be very brief with respect to *The Marriage Consequential Amendment Act*, Bill 8. This English bill accompanies Bill 7 of *The Marriage Act* to make a consequential amendment to *The Missing Persons and Presumption of Death Act*. It will also repeal the outdated references to *The Marriage Act, 1995* to ensure the legislation is up to date. Mr. Chair, there are no substantive changes, so we'd be happy to answer any questions.

**The Chair:** — Does the committee have any questions? Seeing none, clause 1, 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: *The Marriage Consequential Amendment Act, 2020*.

I would ask a member to move that we report Bill No. 8, *The Marriage Consequential Amendment Act, 2020*, without amendment.

**Mr. McLeod:** — I so move, Mr. Chair.

**The Chair:** — Mr. McLeod moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[11:45]

## **Bill No. 9 — *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020***

### **Clause 1**

**The Chair:** — We will now be considering Bill No. 9, *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020*. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. Mr. Chair, this bill and its companion bilingual bill will amend 30 Acts. These amendments will require that leave be obtained from the Court

of Appeal prior to pursuing an appeal under those Acts. Members of the Assembly may know that where an Act provides for an automatic right of appeal, a full panel of the court is required to prepare for and take part in a hearing to render a decision. Now that process can take a considerable amount of time and can be inefficient in cases where an appeal isn't warranted.

The proposed amendments will require that one judge review the merits of the appeal before a full panel is engaged. Mr. Speaker, the proposed change is a better use of the court's time and certainly promotes efficiency. It will also provide the Court of Appeal with greater control over which appeals are heard by a full panel of the court.

Over 15 Acts that permit an appeal to the Court of Appeal already require that leave to appeal first be granted by a judge of that court. Most recently, in the spring of 2020 an amendment to *The Automobile Accident Insurance Act* passed that required that leave be obtained prior to pursuing an appeal. These amendments are supported by the court and by the Ministry of Justice. Mr. Chair, the House amendment to this Act and to the companion Act are being presented to change the coming into force provision from Royal Assent to a date set by order in council that will better allow a set date to be communicated to the legal community for coming into force, Mr. Speaker.

So I'm pleased to move second reading of *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020*.

**The Chair:** — The committee have any questions? I recognize Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister, for your opening remarks. Just a quick question about the amendment. Is it the understanding that this will allow for further consultation with the bar prior to this bill coming into force?

**Mr. McGovern:** — Yes, with respect to the amendment, what's hoped to be done here is, rather than consultation, I'd say communication. As the member knows, for example, yesterday or the day before the LG [Lieutenant Governor] came in and read off, gave Royal Assent to certain bills. So instead of having it at an unsure date, what was discussed as being preferable would be to have a date that we can communicate to the bar, we can communicate with the court, and everyone knows; for example, that September 1st, 2021 may well be the date which these two Acts do come into force, and that procedural change can be well understood by the members of the bar.

**Ms. Sarauer:** — Thank you. Some may argue that adding a leave provision to these various statutes could be an impediment to access to justice because it does create a further step litigants must pursue while going through the court process, in that you have the leave application that you have to make and argue prior to actually having the appeal. Could you provide some commentary as to whether or not the ministry considered the access to justice implications to these changes?

**Mr. McGovern:** — Absolutely. Mr. Chair, to the member, that was very much one of the discussions that was had within the ministry as well as with the court itself. The intention with this provision, as mentioned, is to deal with those circumstances rather than having a full panel hearing matters that are

inappropriate to come before the court, that those be addressed rather than in any way preventing access to justice through the appeal process.

And I think it's something that should be noted, I think, for the member with respect to that concern, is that there are pieces of legislation where we have specifically chosen not to include them in the leave-to-appeal process. We took our direction in that regard from the Court of Appeal legislation. Legislation such as *The Adoption Act*, the adult guardianship Act, the mandatory testing legislation, *The Saskatchewan Human Rights Code*, the conclusion in those cases because of the nature of the appeal, those appeals in those circumstances were remained automatic. And that was part of the discussion that was had.

So we think this is a good balance that, you know, there's a number of pieces of legislation that had an automatic appeal that was hard to justify. Those that did have justification, either like *The Constitutional Questions Act*, where it's really a reference not an appeal, or as I mentioned, the human rights legislation, where we feel it's important to recognize it, we think the right balance on access to justice is here. And you know, it's always appropriate to indicate our full confidence that the Court of Appeal has no interest in denying legitimate appeals. And we'll certainly be careful in that regard. Thank you.

**Ms. Sarauer:** — Thank you.

**Hon. Mr. Wyant:** — I might just add just one comment. In conversations with the Chief Justice of the Court of Queen's Bench and the Court of Appeal, they continue to be very interested and engaged in the access-to-justice conversation. So just to let the member know that those conversations certainly continue in terms of our relationship with all three levels of court because all three of the chiefs have expressed their ongoing concern and intention to work with us on access to justice issues.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Any other questions from the committee? Okay. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried

[Clause 1 agreed to.]

[Clauses 2 to 30 inclusive agreed to.]

**Clause 31**

**The Chair:** — Clause 31, coming into force. I recognize Mr. Ottenbreit.

**Mr. Ottenbreit:** — Mr. Chair, I'd like to move that we:

Amend Clause 31 of the printed Bill by **striking out** "on assent" **and substituting** "by order of the Lieutenant Governor in Council".

I so move.

**The Chair:** — Mr. Ottenbreit has moved an amendment to clause 31. Do committee members agree with the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Is clause 31 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 31 as amended agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020*.

I'd ask a member to move that we report Bill No. 9, *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020* with amendment.

**Mr. Goudy:** — I so move, Mr. Chair.

**The Chair:** — Mr. Goudy moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 10 — *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020 (No. 2)/Loi corrective (dispositions d'appel) de 2020 (n° 2)***

#### Clause 1

**The Chair:** — Are we good to keep going? We will now be considering Bill No. 10, *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020 (No. 2)*, a bilingual bill. We'll begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. Mr. Chair, this is the previously referenced companion bilingual bill that will require leave be obtained from the Court of Appeal prior to pursuing an appeal under the list of bilingual Acts. As previously noted, the proposed amendments will require one judge review the merits of the appeal before a full panel is engaged. The proposed amendments, as with the bill before, will promote efficiency and will provide the Court of Appeal with greater control over the appeals, which ones they may want to hear.

Again, there's a House amendment to this bilingual bill to change the coming into force provisions from Royal Assent to the date set by order in council. And again, that will allow better ability to communicate with the legal community with respect to coming into force of those various provisions. So, Mr. Chair, with that, we're pleased to answer any questions.

**The Chair:** — Thank you, Minister. Committee, do we have any questions? Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair. As my concerns or questions about this bill were already answered in our discussion around Bill 9, I have no questions for this particular piece of legislation.

**The Chair:** — Okay, thank you all. Any other questions? Seeing none, all right, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

#### Clause 4

**The Chair:** — Clause 4, coming into force. I recognize Mr. Ottenbreit.

**Mr. Ottenbreit:** — Mr. Chair, I move to:

Amend Clause 4 of the printed Bill by **striking out** "on assent" **and substituting** "by order of the Lieutenant Governor in Council".

I so move.

**The Chair:** — Mr. Ottenbreit has moved an amendment to clause 4. Do committee members agree with the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Is clause 4 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 4 as amended agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020 (No. 2)*, a bilingual bill.

[12:00]

I would ask a member to move that we report Bill No. 10, *The Miscellaneous Statutes (Appeal Provisions) Amendment Act, 2020 (No. 2)*, a bilingual bill, with amendment.

**Mr. Ottenbreit:** — I'll make that motion.

**The Chair:** — Mr. Ottenbreit moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 11 — *The Statute Law Amendment Act, 2020 (No. 2)***

**Clause 1**

**The Chair:** — Okay, we'll now be considering Bill No. 11, *The Statute Law Amendment Act, 2020 (No. 2)*. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. Well I'm pleased to offer some opening remarks with respect to Bill 11, *The Statute Law Amendment Act (No. 2)*. The House will have seen similar legislation brought forward in this area in the past. This bill is going to make housekeeping updates to a various number of Acts for the purpose of modernizing provisions. In particular it's going to update the names of organizations to ensure that they are correctly named in the legislation, such as Saskatchewan Government Insurance; it'll remove references to repealed legislation such as *The Saskatchewan Development Fund Act*; and replace gendered language with gender-neutral language; and make other housekeeping updates to individual Acts.

Mr. Speaker, this bill fits with the government's policy of bringing forward statute revision pieces annually to ensure that statutory language is updated and modernized on an ongoing basis. I'd like to thank the ministry for all the work that they do in keeping an eye on this. So, Mr. Chair, those are my opening comments, and we certainly welcome any questions.

**The Chair:** — All right, committee, any further questions? I recognize Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair. Just to reiterate or confirm what you've said in your opening remarks, Minister, are there any provisions in this bill that would not be considered housekeeping?

**Mr. McGovern:** — No.

**Ms. Sarauer:** — Does that include the changes to the forms?

**Hon. Mr. Wyant:** — Yes.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Any other questions, committee? Seeing none. Clause no. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[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 as follows: *The Statute Law Amendment Act, 2020 (No. 2)*.

I would ask a member to move that we report Bill No. 11, *The Statute Law Amendment Act, 2020 (No. 2)*, without amendment.

**Mr. Keisig:** — I do so move, Mr. Chair.

**The Chair:** — Mr. Keisig moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 14 — *The Protection From Human Trafficking Act***

**Clause 1**

**The Chair:** — All right. We will now be considering Bill No. 14, *The Protection From Human Trafficking Act*. We'll begin our consideration of clause 1, short title. Mr. Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Well again I'm pleased to offer up some opening comments with respect to Bill 14. Mr. Chair, this is a new Act that will create civil remedies to assist victims and survivors of human trafficking. This includes a dedicated human trafficking protection order, provisions for search warrants to locate a victim, as well as a new tort of human trafficking so that victims can seek financial compensation from traffickers.

Protection order provisions in the bill will allow victims of human trafficking to apply for a specialized protection order, which may contain a number of conditions such as prohibiting the respondent from contacting the victim by any means, directly or indirectly; requiring the respondent to return property or documents to a victim; and declaring the visual recordings of the victim are unlawful. A list of specified individuals may assist a victim in obtaining an order, which includes shelter workers, medical service personnel, and social workers.

Mr. Chair, this bill will also create a slate of civil consequences to enforce the terms of protection orders, which may include fines, licence suspensions, and imprisonment. It includes civil search provisions to locate and assist victims and create a statutory cause of action to allow survivors to sue their perpetrators.

Mr. Chair, while human trafficking is already a serious offence under the Criminal Code, we think it's important to ensure that we are using all available legal measures to combat this terrible problem. Civil remedies provide options for victims and survivors who would like to seek assistance in addition to or outside the criminal justice system.

This bill has been developed following consultation with individuals and organizations working to assist victims and survivors of human trafficking, including community-based organizations, health care providers, and police.

Mr. Chair, those are my opening remarks, and I certainly welcome any questions with respect to Bill 14, *The Protection From Human Trafficking Act*.

**The Chair:** — Thank you, Minister. Are there any questions from the committee? I recognize Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister,

for your opening remarks. In your opening remarks you spoke briefly about the consultation that occurred with respect to this bill. Could you provide some more details about who was consulted on this legislation, specifically those who work with either sex workers or survivors of human trafficking or those with lived experience?

**Hon. Mr. Wyant:** — Sure. So the legislation was developed in collaboration with the inter-ministerial committee on interpersonal violence and abuse, human trafficking subcommittee, composed of the Human Services ministry as well as representatives from health, policing, and the education sector. The subcommittee is led and managed in partnership between the Ministry of Justice, the Status of Women office, and the RCMP [Royal Canadian Mounted Police]. The mandate of the subcommittee is focused on providing advice on how to address human trafficking using the 4P approach — prevention, protection, prosecution, and partnerships — as identified in the national strategy on human trafficking, 2019-2024.

In September of 2020 the ministry distributed a human trafficking discussion paper to targeted stakeholders by email and the general public by posting online on Saskatchewan.ca. Among the targeted stakeholder groups were the street workers' advocacy project, the Women's Secretariat of the FSIN [Federation of Sovereign Indigenous Nations], Hope Restored Canada, and the shelter community. And we received numerous responses from community-based organizations and police services, medical experts, and individuals interested in the impact of human trafficking in Saskatchewan. Do you want to add anything to this?

**Mr. McGovern:** — I think just to give a little framework to that for the member, the member will recall that on September 2nd there was an announcement that human trafficking legislation similar to that that had been passed in Alberta was being considered in Saskatchewan, and a discussion paper was placed online in that regard. In addition, our office, Kara Moen, had targeted specifically a series of particular groups that would be interested in this, we had hoped, and provide responses to us in that regard.

The minister's run through those, including the Archdiocese of Regina, the Asian Women Coalition Ending Prostitution, Canadian Centre to End Human Trafficking, the Hope Restored Canada, the SOFIA [Support Of Families In Affliction] House street workers advocacy project.

And I think in terms of that process, the message with respect to the legislation was relatively straightforward, that the people who are interested in protecting survivors of this horrible crime — which includes all of us — were all supportive of doing more. And I view the legislation as one step in that regard. And as the minister has indicated, it is a step. It is a tool in the toolbox.

The member's aware, of course, that when we do legislation like this, like Clare's Law, like the revenge porn piece in privacy, that people will naturally note for us that this won't end this problem. And we absolutely agree with that. This legislation is, however, can be a step to provide for an easier method to get protection orders for people who deserve and need protection. And it can also provide, in certain circumstances, with a new civil remedy tort for proceeding with that process.

So the consultation on this, I think all asked for an understanding that this is just one step in that direction. But we certainly didn't receive anyone who felt like it wasn't worth stepping forward in that regard.

**Ms. Sarauer:** — Thank you. You mentioned of course that this mirrors legislation in Alberta. Can you speak a bit to Alberta's experience with their legislation?

**Mr. McGovern:** — Manitoba, Ontario, and Alberta have legislation which include some of these similar elements: protection orders, a new tort, the idea that an offence for breaching the order is important. And so our legislation does track that in that regard.

And Ontario has I think, you know, the most experience in that. And as I mentioned, one of our lawyers has been in contact with their office in terms of seeing what best can be done to help facilitate that. And we're going, you know, this is the bill. Necessarily there will be . . . It doesn't come into force on Royal Assent. We're saying there's going to be more discussion in that regard in that.

[12:15]

But I think what we've done here that's new, if the member is interested in that, is probably most notable around the ability in the protection order and in the court for the court to specifically declare as unlawful the distribution of all visual recordings made of the victim that the respondent has made, in requiring the respondent to make any effort to destroy and return, and requiring any internet intermediary to — or other person or organization — to make every reasonable effort to remove or de-index all visual recordings of the victim.

Now this was something that the Uniform Law Conference had identified in some of its work. And the intention of this provision is, and what we're advised, is that rather than going to Cupertino and with these large organizations and indicating . . . fighting about whether consent was given or not, a statement of that it's unlawful by a court should get their attention more directly in that regard. So that's something that you'll see in our human trafficking legislation that hasn't been introduced in the other provinces, though we will be encouraging them to do so.

**Ms. Sarauer:** — Thank you. And I was wondering a bit about that provision in this legislation as well as some of the others in that whether or not these were remedies that were available to individuals already through various means. Protection orders can be obtained and there are certain provisions against photos or things online like you had just been speaking about, Mr. McGovern.

Can you speak a bit to what is particularly unique to this legislation that cannot be obtained otherwise? And I guess there could be an argument also that the civil remedy, that the new tort that's been created, that there were potentially some other ways that those sorts of claims could be made in a civil context. Some have argued that that's the case. I'm just wondering if you could provide some further discussion as to what is truly unique in this legislation that could not be pursued, that cannot be pursued now, but will be able to be pursued once this legislation is passed.

**Mr. McGovern:** — So there's a few things that we're doing here that are legally unique. Clearly I have a minister who's made it a priority to deal with these types of situations where we have survivors of terrible crimes within a sexual context particularly, or within a family context to be as imaginative as we can be. And you know, we're being challenged by our minister to do that, and we think that this helps in that regard.

In terms of the protection order, you know, you can make an argument that human trafficking already has criminal law and that you can get certain types of orders under the criminal law. With the criminal law, as all members of this committee will be aware, it's proof beyond a reasonable doubt is the starting principle for steps taken within the criminal context. In this civil context, as specifically mentioned in 4(1) for a protection order provides that "... if the court determines, on a balance of probabilities, that the respondent has engaged or may engage in the human trafficking of the victim" a protection order can be brought forward.

Now the member's correct of course in saying that a Court of Queen's Bench with inherent jurisdiction could incorporate some of these already in a particular order or tort. What this Act does though is very much bring front and centre each of these issues that are important. So things like requiring the respondent to return to the victim the original and any copies of any visual recordings, as well as any passport, driver's licence. It deals with aspects of coercion. It deals with indirect coercion with respect to attending, for example you know, the church or the school, or the parents or the children.

I would also note that what we are able to do with this Act is direct the court, which of course we're not usually in the business of, but section 4(3) for example allows the legislators in this building to direct the court that they shall consider the ongoing safety of the victim as one of the central elements in determining whether an order will move forward, and as well that they may consider a number of these other factors. So this is a way of reminding the court that immigration status, intellectual disabilities, relationships, positions of trust, as well as things like intimidation against a friend or a pet are all really important to understand. Not suggesting that a given judge may have all that information, but this provides a way for the legislators to make that directly.

So there is very much, in our view, in addition to the simple profile that sending the message to Saskatchewan that human trafficking is recognized as a heinous crime as well as being something that the province can provide support for. But, Mr. Minister, I don't know if there's anything else you want to mention.

**Hon. Mr. Wyant:** — No, just to add this, and this was really not directed to your question, but this continues to be a central issue that we will continue to raise with our federal and provincial counterparts because this is very much an issue not simply restricted to Saskatchewan. This is a national problem and an international problem, and so we continue to ensure that this is one of the items that's top of mind when we have our conversations with our counterparts.

And including, and you will know this too, that there's certainly a lot of ongoing conversations in the community with business

groups, particularly in the hospitality industry, who are taking some ongoing training in terms of identifying individuals that may be part of it. And so being able to provide this kind of additional suite of resources available to them to support what's happening with the Criminal Code, we think is important.

**Ms. Sarauer:** — Thank you. I appreciate both of your remarks in responding to that question. I'm not sure if you have this data available to you, but I'm curious to know, in the other jurisdictions where the civil tort is available, how many people have pursued that?

**Mr. McGovern:** — Mr. Chair, in response to the question, I don't have specific data in that regard and would acknowledge that this tort, you know, will have relatively narrow application in some circumstances. But I would welcome the opportunity, I guess, to point out two things.

One would be, our definition of human trafficking goes well beyond the criminal law in terms of its breadth, and so we have to think of human trafficking in the situation in addition to the horror show that we all have in mind when we think of human trafficking and sexual violence. Human trafficking also could encompass employment circumstances where individuals are working much longer hours than they have to, for example, and because of language skills, etc., they're not able to recognize that they're being abused in that circumstance. However if they were, once they do become aware, then you are dealing with a corporate structure where a tort action against a corporate body fits into a little more the natural consideration of what a tort might be in that circumstance.

But you know, we invite anybody who is in this horrible circumstance to recognize that just like getting, you know, assaulted physically, there can be a criminal consequence, but there also can and should in many cases be a civil consequence.

The final point that I would make, and it's a little bit back to your previous question, Ms. Sarauer, is that I should have mentioned as well that one of the unique things in this Act is that we're amending the victims of interpersonal violence legislation so that interpersonal violence as a definition will include human trafficking.

And what that means — and I know you're aware of that, but just for the record — it means that when an emergency intervention order is sought under the victims legislation, so when the police arrive at a doorstep, they can look to human trafficking as being one of the grounds now to seek an immediate order under that legislation. So that too is unique here. And I invite anyone who's reviewing this, and we'll be reviewing that with our shelter community and the police, that that is a new tool in their tool box as well. If it doesn't fit into one of the other categories, it may well fit into the human trafficking.

**Ms. Sarauer:** — Section 11 of this legislation speaks about arranging legal representation for a child. Has the ministry given any thought to who would be providing that representation? Would children's counsel expand to cover this, or would it be the private bar?

**Mr. McGovern:** — We have been discussing both of those options. And as you'll note, in terms of who can make an

application to assist, we have noted the director under *The Child and Family Services Act* as being potentially someone who, in that context, would be able to help out if they're already engaged in the process. This is another, you know, again we use the word, tool in the tool box. And so this language permits that to occur in certain circumstances.

**Ms. Sarauer:** — Thank you. I appreciate that. Similarly — and understanding the barriers to pursuing legal remedies or obtaining justice through the courts that already exist, and realizing that this particular legislation targets and provides supports to some of our most vulnerable citizens through the courts, through remedies through the courts — what ways will the processes within this legislation consider the known barriers to accessing these supports, or any civil remedies, frankly?

**Mr. McGovern:** — Thank you. That's a discussion that is ongoing and that we're very much aware of. The human trafficking subgroup which does have the police input, does have the social services input, is part of that education process. And in recognizing that, we do need to make this process as simple as possible. That's what the legislation does in part.

Ms. Moen has recently met with Carly Romanow at the pro bono project and did a presentation with The Listen Project that I know you're aware of, to make them aware of how this will work. Now you know, the reality is there will not be a flood of these; thank God, you know, that we're not expecting a whole lot of these. So we do need to have people who are aware of the legislation and how best they can help out.

And so that, I think, is a combination of on the street, so to speak, in terms of who would have the direct contact, as well as ensuring that key points within the existing framework for legal advice, that this is recognized as a new tool.

**Ms. Sarauer:** — Thank you. And just to clarify, Pro Bono Law Saskatchewan's mandate is to not provide services for any type of civil remedy where the applicant would be able to receive damages or financial compensation. So unless they change their mandate, there will be a barrier for them to provide services in assisting people in this area.

So my push to the ministry is this: while it's great to put forward this legislation, if it's not accessible then we're not going to be able to assist anybody. So ensuring that that legislation complements measures within the ministry to pursue access-to-justice initiatives through the system at large is a very important piece of this as well.

**Hon. Mr. Wyant:** — That will certainly be an ongoing consideration of the ministry in terms of our priorities, but a conversation that we'll continue to have. We appreciate the issue.

**Ms. Sarauer:** — What work is the ministry doing to be proactive on this issue, on the issue of human trafficking, understanding that this bill catches more around the reactive end of human trafficking?

**Hon. Mr. Wyant:** — Well I'll start this response by saying, as I mentioned before, there's certainly an ongoing conversation, and it's a priority of me as the Attorney General and the Minister of Justice to continue to highlight this issue with my federal and

provincial counterparts, to continue to work with them to address the problems. Certainly there's lots of interprovincial transportation of individuals. That's part of our concern. And we'll continue to have those conversations and that dialogue with our counterparts.

There are a number of programs and services that the ministry provides. I'm not sure whether or not that's probably a more appropriate question to go through those through estimates. But certainly there are some programs and some supports that are provided through the ministry.

**Ms. Sarauer:** — Thank you. I'm aware of them, and I appreciate you not necessarily listing them today, again just pushing that we need to make sure that we're always looking to expand accessibility in our justice system. Oh no, I was talking about . . . Right.

**A Member:** — I was just going to say . . .

**Ms. Sarauer:** — I was talking about the . . . [inaudible] . . . and then I switched back to the question I asked before. My apologies. It's very hot in here.

[12:30]

**Hon. Mr. Wyant:** — The fact of the matter is this is certainly an ongoing conversation. This legislation doesn't end the dialogue, right?

**Ms. Sarauer:** — Right. Both of these issues are ongoing conversations that are continuing to happen within the ministry. I could answer that question for you if you want. My apologies. Back to the questions that I have in front of me. I did want to ensure, because some of these provisions are a little new, that the ministry has gone through this legislation to ensure that none of it is ultra vires outside of provincial jurisdiction.

**Hon. Mr. Wyant:** — We're very comfortable, certainly, whenever we bring legislation forward, there is a review. There is a review of the legislation by our constitutional law branch to ensure that the legislation is constitutionally valid. We're not aware, and certainly the consultations that we've had to date, no one's raised any issues with respect to that particular issue.

But again, we're very conscious of these matters. And to the extent our constitutional law branch does review the legislation that comes forward to ensure that we have an opinion from them on the constitutionality, we very much believe that this legislation is well within our jurisdiction.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Okay. Any more questions from the committee? Seeing none, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 22 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Protection From Human Trafficking Act*.

I would ask a member to move that we report Bill No. 14, *The Protection From Human Trafficking Act* without amendment.

**Mr. Grewal:** — I so move.

**The Chair:** — Mr. Grewal moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 15 — *The Residential Tenancies  
Amendment Act, 2020***

**Clause 1**

**The Chair:** — We will now be considering Bill No. 15, *The Residential Tenancies Amendment Act, 2020*. We will begin our consideration of clause 1, short title. Mr. Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 15. Mr. Chair, this legislation amends *The Residential Tenancies Act* to allow victims of sexual violence to unilaterally breach a long-term lease. As the committee knows, the government's committed to providing a high degree of protection as possible to victims.

In 2017 the Act was amended to allow victims of interpersonal violence to unilaterally breach a long-term lease. Those amendments will extend the same process to victims of sexual violence. Sexual violence between people in the same home or in a relationship is a form or subset of interpersonal violence, while sexual violence between strangers is not interpersonal violence as defined in the Act. So to ensure this legislation covers all necessary scenarios, the scope of the Act is being expanded to capture sexual violence if it does not qualify as interpersonal violence. The amendments are consistent with recent amendments to *The Saskatchewan Employment Act* that extend interpersonal violence leave provisions for victims of sexual violence. Mr. Chair, survivors of sexual violence are often particularly vulnerable, and it's important that we take all available steps to make them feel safe in their living arrangements.

Mr. Chair, the bill also contains a number of other amendments. The bill will confirm that two application fees are non-refundable and will add one more non-refundable fee for applications respecting security deposits. The new fee amount will be set out in regulations. The Office of Residential Tenancies does not currently refund fees, so making fees non-refundable will conform with the current practice of the ORT [Office of Residential Tenancies]. All fees, Mr. Chair, payable under the Act are subject to *The Fee Waiver Act* which allows fees to be waived for those who have shown that paying the fees would cause them financial hardship.

The service provisions are being modernized to support

electronic service and to remove outdated and unused methods of service such as fax and registered mail. Amendments are also being made to certain time periods and limitation periods to increase clarity and to support timelier resolution of matters. The bill will also revise the rules around appeals for nonpayment of rent to require that rent be paid before an appeal is filed. This change is being made specifically to discourage the inappropriate use of appeal processes to delay an eviction.

Mr. Chair, we will be asking the committee to remove clause 5 from the bill when we reach the voting stage of the bill . . .

**A Member:** — 6.

**Hon. Mr. Wyant:** — Or 6, I'm sorry. Removing clause 6 from the bill will mean that the current 15-day notice period before a landlord can issue an eviction notice for nonpayment of rent in section 57 of the Act will remain unchanged. We've received some concerns about the proposed change during the recent pandemic period from a wide range of community stakeholders. The provision certainly wasn't intended to increase evictions in any manner, and removing the clause will remove the concern that it could have this impact and allow the ORT to focus on improving communications to solve disputes between tenants and landlords.

With that, Mr. Chair, we're certainly welcome to answer any questions that anyone has with respect to Bill 15.

**The Chair:** — Thank you, Minister. Committee, do we have any questions? Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister, for your opening remarks. I'd like to thank you for listening to the feedback and agreeing to remove clause 6 from this bill. Like you, I too received quite a bit of correspondence from stakeholders who had many concerns about this legislation, but the strongest concern was with respect to that clause. I was cc'd to most, I believe, of the correspondence — probably not all, but most of the correspondence that you too received — and I do hope that this, the removal of this provision will alleviate many of the concerns that you and I had both heard. And I do want to take this opportunity to also thank the stakeholders for reaching out to yourself, as well as me, to provide communication about this particular legislation and the concerns that they had. I know they're all very busy individuals working in their particular sectors and this was an extra piece of work that they had to do, and I thank them for that at this time.

I do have other concerns about the legislation that have been brought to me as well as yourself, Minister, about the bill, so I am going to go through some of them and get some response from you and Mr. McGovern. But to start off our conversation, I am curious to know what consultation was done prior to introducing this legislation in light of the fact that we did receive so much correspondence from individuals requesting that this bill be tabled because they did feel that adequate consultation was not done.

**Hon. Mr. Wyant:** — Well there was limited consultation that occurred with respect to the bill. Certainly the majority of, the vast majority of the changes that are being proposed were proposed by the office of the residential tenancy . . . by the ORT



including the clause which we're removing today. So there was some conversations between the ministry and the ORT with respect to those changes. I'll say a few further words about that in a second.

I mean the focus of this legislation, really, was around the issue of ensuring that sexual violence was included in the legislation. That was the focus and while the legislation was open, the ORT had made some suggestions with respect to the changes. In the interim period before the session, I took it upon myself, based on some advice that I'd received, including from you, to reach out to a number of groups in the community and have the conversations with them, including CLASSIC [Community Legal Assistance Services for Saskatoon Inner City Inc.] and Pro Bono Saskatchewan, among others, have the conversation about what their concerns were.

Certainly the majority of the comments that they raised were with respect to the section 6 of the bill. And taking some of their comments into account, that's why we made the change. But that's really where the vast majority of the conversations have been since the tabling of the legislation. There's reasons why there wasn't a great deal of conversation happening before but primarily because of the fact that the suggestions had been brought forward by the ORT. And that's where the consultations really took place, I think, essentially.

**Mr. McGovern:** — I think with respect to the sexual violence piece that was mentioned, Ontario and Manitoba had both identified that and changed their own legislation under their comparable legislation to include sexual violence. You know, this is a step that helps people who are in that circumstance. It goes beyond the definition of interpersonal violence. And so that was something that frankly was viewed as being unequivocally positive in terms of bringing it forward, as opposed to something that required debate. So that was something we can certainly say that the ministry and the minister were of the view that, oh yes, let's do that, as opposed to being particularly concerned about how it landed.

**Ms. Sarauer:** — Now with respect exclusively to the provisions around sexual violence, there was feedback from those who work in this field. SASS [Sexual Assault Services of Saskatchewan] and the sexual assault centres in Regina, Saskatoon, and North Battleford in particular, do have some what I would describe as constructive feedback with respect to the legislation that they would like to speak with the minister about. Understanding that this bill will come into force at a later date, can the minister commit to meeting with these organizations and having that dialogue with them prior to implementing or giving assent to this . . . or bringing this bill into force?

**Hon. Mr. Wyant:** — Yes, you bet. You'll know that the issues of domestic violence . . . Interpersonal violence has always been one of the issues which has been very important to me as the minister, and we continue to have those conversations. And I am not shy about meeting with any group that wants to have a conversation around this very important issue. So we will take the note and we will reach out to have the conversations. Again we did have a number of conversations during the interim period here before this committee meeting about this, and so I find those conversations to be very, very constructive. And so I'm not shy about meeting with any of those groups and certainly you have

my undertaking.

**Ms. Sarauer:** — Thank you. Some of the stakeholders had some concerns about other portions of the legislation — not the sexual violence piece and not clause 6 — that I do want to bring to the minister's attention and see if there's any feedback on that. In particular, there's some concerns about amending section 32(5), 33(2), and 71.1 and the implications that will have negatively on tenants. Does the minister have any comments on that?

[12:45]

**Mr. McGovern:** — Thank you. And I will have to ask the member to repeat the section numbers particularly.

**Ms. Sarauer:** — Sure. It's 32(5) with respect to security deposits, and 33(2) which moves from two years to a 60-day limitation period for making a claim on the return of security deposits, and 71.1 which reduces the time limit for bringing an application from two years to one year. So I think in your opening remarks, some of these changes you've described as increasing expediency or efficiency within the ORT. However, these concerns are about the negative implication that can have on tenants when these time frames are shortened. So I'm wondering if the minister has any comments or Mr. McGovern has any comments on that issue.

**Mr. McGovern:** — Mr. Chair, I can start with respect to the member's question. The ORT of course is tasked with the responsibility and the challenge of striking a balance between the landlord community and the tenant community and applying the legislation in that regard. And one of the things that I think this reflects is the ORT's view that they have learned is that timely resolution is beneficial to all parties concerned, particularly, for example, with respect to a security deposit which isn't an enormous amount of money. I'm not saying it's irrelevant by any means. But in that context, the ability to bring forward relevant evidence and witness statements and that sort of process, I think the view from the ORT perspective is that timeliness is very beneficial in that regard, and that having a much longer period of time isn't shedding any light on their ability to try and resolve these disputes.

And of course, you know, part of the reason to have administrative tribunals or administrative bodies able to make a decision in this context is to avoid a full court process for timeliness as well expertise. So I think the ORT, who is of course also getting the input or the reaction in this regard, has to, as part of their challenge, I think, with this type of legislation, you know, meet that challenge to say this is for timeliness, this is to help out, this is not intended to obtain a particular result, as opposed to let's get the best information forward to allow us to make decisions.

**Ms. Sarauer:** — I suppose my question to the ministry moving forward is that when changes are made to *The Residential Tenancies Act*, that consultation with the ORT is balanced with consultation with tenants' rights organizations, recognizing that most of the letters that I've received are from housing organizations and tenants' rights organizations. So to ensure that there's balance in legislation and there's no situation in the future like having to remove clause 6, that consultation is being done from a bit of a more balanced scale than perhaps was done in this

particular instance.

**Hon. Mr. Wyant:** — I guess it's fair to say that certainly all input is important when we're making changes to these pieces of legislation, particularly this one. I have some great confidence in the ORT when it comes to balancing the interests of landlords and tenants. We didn't, you know . . . and I'm confident that those conversations happen with the ORT in terms of everyone that's participating in this process, and I think the ORT does a pretty good job of balancing those rights. But certainly that ongoing dialogue with respect to that balance, I think it continues to be important, and I think we can count on the ORT to continue to do that.

**Ms. Sarauer:** — Just to clarify, I believe you already answered this question, Minister, in your opening remarks, but I just want to ensure that expanding the provision to include sexual violence is catching situations that weren't already included in the original definition.

**Hon. Mr. Wyant:** — Yes.

**Mr. McGovern:** — And I think just for the record in that regard, in case this is someday read by the judiciary in terms of what was the intention here, interpersonal violence operates within a framework of a previous relationship. So obviously sexual violence in a personal relationship is interpersonal violence. However, where you have sexual violence that occurs between strangers, it does not fall within the circle or the Venn diagram of what constitutes interpersonal violence.

So what we're doing here is adding to the protection sexual violence that would occur perhaps between strangers in a circumstance that doesn't fit within the interpersonal violence. So absolutely this is an expansion of the existing protection and would allow those individuals who feel unsafe in their circumstance to unilaterally breach a long-term lease for that purpose.

**Ms. Sarauer:** — Thank you. I appreciate that. In closing — and I know I already received a commitment from you, Minister, to reach out to organizations that work with survivors of sexual violence — I do want to highlight in particular the letter that was received by yourself and myself from SASS, that in that letter it has very specific recommendations for how section 64.2 can be improved, as well as some specifics around who can authorize certificates and how those certificates can be more accessible.

I'm not going to go into them in detail here. But I did want to, just for the record, highlight that to you, Minister, and when you're having your ongoing dialogues, to encourage you and your officials to consider their thoughts.

**Hon. Mr. Wyant:** — Just in addition to the other groups that I had mentioned, I have met with the Saskatchewan association . . . with SASS already. But certainly that doesn't preclude any further conversations, and I'm happy to have them.

**Ms. Sarauer:** — Thank you. In that meeting, did you have a discussion about those particular changes that they were looking for in this bill?

**Hon. Mr. Wyant:** — We did have a general conversation about

the bill. But certainly, as I said, there's certainly nothing preventing any further ongoing discussions about what further we can do. As I'd mentioned before, this continues to be a priority of mine as the minister.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Thank you all, committee. Any other further questions? Seeing none, clause no. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

#### Clause 6

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

**Some Hon. Members:** — No.

**The Chair:** — No. This clause is defeated.

[Clause 6 not agreed to.]

[Clauses 7 to 21 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Residential Tenancies Amendment Act, 2020*.

I would ask a member to move that we report Bill No. 15, *The Residential Tenancies Amendment Act, 2020* with amendment.

**Mr. McLeod:** — I do so move, Mr. Chair.

**The Chair:** — Mr. McLeod moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would suggest and request that we take a recess for five minutes as Hansard switches up. All right, so five-minute break, everyone. Thank you so much.

[The committee recessed for a period of time.]

#### **Bill No. 16 — *The Pawned Property (Recording) Amendment Act, 2020***

#### Clause 1

**The Chair:** — All right folks, we're going to continue. We've had our Hansard switch. That is awesome. We are now considering Bill No. 16, *The Pawned Property (Recording) Amendment Act, 2020*. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. First of all, let me just state at the beginning that we have no doubt, Mr.

Chair, that the vast majority of scrap metal transactions in this province are perfectly legal and made by honest entrepreneurs. It's not these transactions we're seeking to address with Bill 16. The bill will instead learn from the existing pawned property reporting legislation to use transactional transparency to allow our honest dealers to demonstrate their good business practices while deterring, if not removing, those dealers who cannot or fail to do so.

Mr. Chair, this bill extends the reporting requirements for pawnbrokers under the Act to scrap metal dealers or recyclers. They will be required to obtain and record identification and transaction information from their clients before purchasing or otherwise receiving any scrap metal. As with pawn transactions, that information would then be transmitted by computer to local police services to facilitate the identification of any stolen property and those seeking to fence stolen goods.

Mr. Chair, the Act would also introduce an age limit of not less than 18 years of age for scrap metal transactions, as well as a requirement that scrap metal transactions over a prescribed amount must be conducted with a traceable currency, something other than cash. With this legislative framework in place, we will be conducting further discussions regarding the implementation with stakeholders including municipalities, police services, and scrap metal dealers to determine how best to roll out these requirements. Mr. Chair, this initiative is intended to reduce rural crime and prevent environmental hazards created by melting metal by removing the ability to easily fence stolen copper wire and other metals.

So with that, Mr. Chair, we're certainly happy to answer any questions with respect to *The Pawned Property (Recording) Amendment Act, 2020*.

**The Chair:** — Thank you, Minister. Any questions from the committee? Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. I'm curious to know how this legislation aligns with other jurisdictions. Could you provide some details?

**Hon. Mr. Wyant:** — So I'll start by saying the legislation is informed by legislation in British Columbia and Alberta in that area. With this legislative framework in place we'll be conducting further discussions, as I mentioned in my opening remarks, regarding implementation with stakeholders and municipalities. So there is some, there is . . . This legislation was somewhat informed by what's happened in BC and Alberta.

**Ms. Sarauer:** — Thank you. I have seen a bit of criticism about this bill that this Act may be too onerous for scrap metal dealers. Can you provide some commentary on that concern?

**Hon. Mr. Wyant:** — Well we have a consultation paper that outlined both implementation regulations. We sent that out to over 20 scrap dealers in the province for comments and the industry and other stakeholders such as SACP [Saskatchewan Association of Chiefs of Police]. We'll continue to have consultations as we move forward, particularly around the regulations.

It did indicate that business-to-business transactions and

low-dollar transactions for specific items like washers and dryers and things like that will likely be exempted and weren't of particular concern. But certainly there have been a number of incidences, not just recently but over time, we've had significant theft of metal products. You know, you may know that catalytic converters are a big item for people to steal off cars for the precious metals that they contain; copper wire specifically out in rural Saskatchewan when we've talked to a number of officials with the Crown corporations, particularly SaskPower, with respect to the theft of those kinds of things.

So really the intention here is to ensure that there is a recording of those transactions so that those transactions can be traced and a disincentive for people to come to scrap metal dealers with stolen merchandise. And providing, you know, an onus on scrap metal dealers to provide those records, which will again be a disincentive for that kind of thing to happen.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Any further questions, committee? Seeing none, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

[13:15]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Pawned Property (Recording) Amendment Act, 2020*.

I would ask a member to move that we report *The Pawned Property (Recording) Amendment Act, 2020* without amendment. Mr. Goudy moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

## **Bill No. 22 — *The Credit Union Amendment Act, 2020***

### **Clause 1**

**The Chair:** — We will now be considering Bill No. 22, *The Credit Union Amendment Act, 2020*. We will begin a consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Mr. Chair, I'm pleased to offer some opening comments with respect to Bill 22. Mr. Chair, this bill amends *The Credit Union Act, 1998* to support electronic meetings and electronic voting by the members, directors, and shareholders of credit unions.

During the COVID-19 pandemic, credit unions, like many other organizations, have had to consider electronic methods of conducting business, so this bill will revise the current

requirements in the Act respecting in-person meetings and in-person voting methods to support electronic meetings and electronic voting methods. Regulations to support these new electronic meeting and voting provisions are in development, and officials will be consulting with stakeholders on the drafts of regulations this spring.

Mr. Chair, this legislation also confirms that when a credit union leaves Saskatchewan, that the credit union will not have any claim to the deposit union . . . Deposit Guarantee fund. All Saskatchewan credit unions pay into the Credit Union Deposit Guarantee fund, Mr. Speaker. If a credit union ceases to be a Saskatchewan credit union and continues as a federal credit union, the deposits of the credit union will no longer be insured by the Saskatchewan Deposit Guarantee Fund. So, Mr. Chair, this bill expressly confirms that any credit union that leaves Saskatchewan will not have the ability to make a claim on the fund.

So, Mr. Chair, those are my opening remarks. I certainly welcome any questions with respect to this bill.

**The Chair:** — Thank you, Minister. Committee, do we have any questions? I recognize Ms. Sarauer. The floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. Could you provide some information, Minister, as to the consultation that occurred with respect to this bill?

**Hon. Mr. Wyant:** — Yes. The Credit Union Association and the Credit Union Deposit Guarantee Corporation were consulted on the changes and they are supportive. The changes promote safe business practices for credit unions, allowing them to hold electronic meetings and the like. So there was consultation that went on with the relative associations.

**Ms. Sarauer:** — Thank you so much. Were there any recommendations that CCUA [Canadian Credit Union Association] had made that are not a part of this bill?

**Mr. McGovern:** — Mr. Chair, and to the member, this piece is relatively specific to the two issues. And so I think in terms of the next session or maybe the session after that, there may be credit union pieces that are more broadly drawn than this. But with respect to these items, meaning the electronic side and the CUDGC [Credit Union Deposit Guarantee Corporation] side, no, this is the package.

**Ms. Sarauer:** — Thank you. But more broadly speaking, is there any work ongoing to implement future changes with respect to this legislation, not just about these two particular issues?

**Mr. McGovern:** — Yes. No, I think FCAA [Financial and Consumer Affairs Authority of Saskatchewan] as well as Jane Chapco in my shop are working to identify some broader changes moving forward, but that's very much at a nascent stage as opposed to these more specific, immediate changes.

**Hon. Mr. Wyant:** — Just to confirm, I have regular meetings, the ministers of Justice and my predecessor as well, have regular meetings with officials of these organizations just to keep up to speed on where they're at, issues that are confronting the credit union sector in Saskatchewan. So we keep a very, very close eye

on this, noting the importance of credit unions to the economy of the province.

**Ms. Sarauer:** — Thank you, Minister. From what I understand, I do believe there is some interest in further amending, further modernizing this particular legislation with the stakeholders. Understanding that, as Mr. McGovern had just indicated, that you're in the beginning stages of any future changes to this legislation, I am still interested to know whether or not the ministry can provide any timelines for future consultations and future changes with respect to this legislation.

**Hon. Mr. Wyant:** — As I mentioned before, there's certainly ongoing conversations with the sector, and I would welcome any commentary from anyone associated with the sector in that regard. I can't give you any time frames of what future amendments would look like or what those amendments would be. Suffice it to say we're certainly open to continuing to have conversations.

As I say, we know how important the credit union sector is to the economy of this province and to many people who are members of credit unions, so it's important to us, especially given the regulation that comes through the Financial and Consumer Affairs Authority, to keep a very close eye on the issues that arise within the sector. So as I say, we're more than willing to have any conversations with members of the sector that want to have those conversations.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Thank you. Any further questions? Seeing none, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 11 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Credit Union Amendment Act, 2020*.

I would ask a member to move that we report Bill No. 22, *The Credit Union Amendment Act, 2020* without amendment.

**Mr. Ottenbreit:** — I'll make that motion.

**The Chair:** — Mr. Ottenbreit moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

### Bill No. 23 — *The Emergency Planning Amendment Act, 2020*

#### Clause 1

**The Chair:** — We will now be considering Bill No. 23, *The*

*Emergency Planning Amendment Act, 2020*. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. I'm pleased to offer some opening remarks with respect to Bill 23. Mr. Chair, the province of Saskatchewan as well as the rest of the world has faced an unprecedented time with the current COVID-19 pandemic. Saskatchewan continues to make progress against COVID-19 including the ongoing rollout of vaccines. However the government knows that there's an ongoing work to ensure the health, safety, and economic recovery of the province.

The bill will update provisions of *The Emergency Planning Act* to ensure that it can address issues and challenges that arise in an emergency of this scale. While a number of the changes are specific to the current emergency bill, this bill will also make general updates to the Act to better address future emergencies, Mr. Chair.

Mr. Chair, with that I'm certainly welcoming any questions that the committee has with respect to the bill.

**The Chair:** — Thank you, Minister. Any questions from the committee? I recognize Ms. Sarauer. The floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Speaker . . . or Mr. Chair, sorry.

**A Member:** — Yes, rub it in.

**Ms. Sarauer:** — Former Mr. Speaker, Mr. Chair. Yes, sorry. Understanding that there are many provisions in this bill, I'm wondering if you could provide an overview as to what this bill intends to do that isn't already available.

**Mr. McGovern:** — Sure. To the member, so in general terms what this bill is doing is updating *The Emergency Planning Act*, both with response to some of the COVID issues that exposed certain issues within the Act . . . And as a background I could just, would say to the Chair and to the member that, you know, when the minister mentions in his opening remarks that this was unprecedented, that's absolutely fair. The structure in Saskatchewan had been that *The Emergency Planning Act* was a Government Relations piece of legislation that, you know, to be fair was largely designed for floods and fires and heavy winds.

*The Public Health Act*, however of course, is more specifically designed to address health issues. But now what we've learned in terms of what can be addressed in this Act, we've identified changes that include, you know, increasing the maximum fees for persons who are guilty of an offence under the EPA [*The Emergency Planning Act*] because the EPA, unlike *The Public Health Act*, didn't have a secondary higher level of offences — the tickets are the same, but that's a little higher; updating the general immunity provisions to ensure adequate protections provided for individuals who are acting pursuant to the Act or an order under the Act; updating the minister's powers during the emergency period to coordinate essential services such as law enforcement and collect, use, or disclose necessary information to address the emergency, allowing a minister's order to remain in force for 30 days after the conclusion of the emergency period to address eventual transition issues.

I think when we started to look at the . . . When the legislation came from GR [Government Relations] over to the Premier and our offices, we recognized that there wasn't much in way of transition at the end of the process. And so this will help us with trying to address transition issues, clarifying authority of police with respect to emergency declarations and related orders, interaction between provincial emergency declarations and local declarations. When we think again of a forest fire circumstance or other situations, there is a need for local emergencies and a coordination with the provincial. This emergency, of course, it turns out to be a worldwide issue but . . . So the province-wide is there.

In terms of the structure, the second portion of the bill implements some specific COVID provisions including those who have sought to comply specifically with the orders under the emergency protection Act or under *The Public Health Act*, and ensuring that in so doing that they're not made victim of compliance.

**Ms. Sarauer:** — Thank you, Mr. McGovern. Could you provide some more information about the immunity provisions and why they are necessary?

**Mr. McGovern:** — Well as the member well knows, there's a number of pieces of legislation that come before this House that provide for good faith liability protection for compliance with the legislation for it, and those would include a broader variety of, you know, public health Act, public safety Act, environment management, res ten [residential tenancies], employment Act, teachers' federation, traffic safety — just some examples of where, if we ask people to act in a particular manner or authorize them to under legislation and they do so in good faith, their liability should be . . . they should be protected from liability.

[13:30]

If, however, they're acting outside the scope of their employment, or if there's gross negligence in terms of how they act, that starts to be a different conversation. But what's different here in terms of Saskatchewan versus, say, Alberta, BC, Ontario, some of the other provinces on how they structure their liability protection, in Saskatchewan our response to the emergency wasn't restricted to the emergency protection Act. As a lawyer, the member will know, for example, under *The Wills Act*, *The Electronic Information and Documents Act*, powers of attorney, there's a number of pieces of legislation where regulations under those Acts were passed but for COVID purposes. And so that's why here, in addition to the general Act, supporting the Act, you have liability protection for actions taken in furtherance of orders under the COVID process.

**Ms. Sarauer:** — I believe you've touched on this issue already somewhat but just to clarify, can you provide examples as to how this bill will strengthen public health enforcement measures for the pandemic we're currently experiencing?

**Mr. McGovern:** — In terms of what's currently being . . . the current process, what this is with respect to those matters, there is authority already of course for the actions taken under the public health legislation. What this does is clarify some of that, you know, some of the, for example, essential services. We view policing, law enforcement as an obvious essential service, but in

the clause 8(1)(b), we'll say, well why don't we specifically name law enforcement so that's not an explanation we have to make. We don't have to say . . . We can say that is a type of essential services, for example.

And so in part III, in terms of what's an emergency period, these are clarifications that are made that we feel in many cases simply clarify what's already occurring. With respect to the COVID process itself, when we talk about the public health order, 24.2(1) for example, that's a broad scope definition of what's a public health order, recognizing that we have a few fronts.

And so clearly that does help us with respect to the cross-referencing to *The Public Health Act* and the chief medical health officer or a public health official from the Government of Canada by defining them into our public health order. We've found ourselves in a situation where we need to mesh our emergency protection Act and *The Public Health Act* in recognition of these unique circumstances. This helps us recognize it.

**Ms. Sarauer:** — Thank you for that. Now as you're aware, Minister, we intend to table an amendment to your bill. I think now is probably just the best time to talk about it. I won't obviously make the motion at this point in time because it's not the appropriate point in time. But we're hoping to table an amendment that we're hoping the committee will be interested in passing that would in fact create a new contravention around those who organize demonstrations that ultimately violate public health orders, and that anyone who contravenes this section would be liable on summary conviction to a fine of not less than \$10,000.

We will be putting forward this amendment in light of the recent growing number of rallies we've seen throughout the province and the concerns we've heard from the public about, number one, the lack of enforcing the measures that we already have in place against these sorts of public health contraventions, but targeting those who very specifically are the ones who are organizing these sorts of protests that are obviously in contravention, and creating a penalty that is more substantial than we've seen in an effort to hear the concerns that we've heard from the public about these gatherings.

Largely they're the anti-mask rallies that we all know and have seen growing. In particular, there was one recently in Saskatoon where they actually encouraged and targeted children to gather where there were a few hundred people who attended. I don't see a reason to beat around the bush and talk about the specific problems we've seen in the province recently.

So we're hoping that the committee will be interested and willing to pass this in a show of solidarity that these sorts of actions are not only inappropriate and wrong and, frankly, stupid at this time but that they will be met with enforcement of a penalty that is greater than the penalties we currently have under the legislation.

**Hon. Mr. Wyant:** — Thanks very much for this. First of all let me just say, thank you very much for preparing the House amendment. I know you've given lots of thought to it, and we agree with the sentiment behind the proposal.

As a government we're not going to support the amendment that

you've tabled. And Mr. McGovern can go into a little bit more detail about this, but we think that . . . We don't view it as necessary given the provisions that address this, not only in the Criminal Code but *The Summary Offences Procedure Act*, *The Emergency Planning Act*, and *The Public Health Act*.

So I can go into a little detail about why we think that's the case. Under section 21 and 22 of the Criminal Code, it's an offence to aid and abet in breaking the law. Those Criminal Code provisions are adopted by section 4 of *The Summary Offences Procedure Act* with the prosecution of all offences under the summary offences procedures legislation. So accordingly, the counselling and abetting and aiding provisions of the Criminal Code apply to any provincial offence, including those under *The Emergency Planning Act* or under *The Public Health Act*, and we can note that section 61 of *The Public Health Act*, which already reads to that effect.

So while certainly it's within the domain of the police to determine whether to lay charges based on the evidence, we certainly want to continue to ensure that people are aware that counselling the breach of an order is equally subject to enforcement as committing the breach of the order itself.

And so you'll note that the majority of charges that have been laid recently through the history of the pandemic have been with respect to organizers. And while we appreciate the fact that you've given a lot of thought to this, we just think that it's unnecessary given the existing legal provisions that exist today. And I don't know if Mr. McGovern wants to go into any more detail about that.

**Mr. McGovern:** — Sure. In general terms I think the . . . And it is a bit of a technical piece of course. It's a bit of a lawyer's piece in the extent that, under section 4 of SOPA [*The Summary Offences Procedure Act*], it picks up a number of provisions from the Criminal Code and adopts them into the summary offence process. And that includes 21 and 22, as the minister has noticed.

And in fact that is why members of the committee will be aware, or should be aware that that's why all the different pieces of legislation like the ones we brought in today that may have an offence provision don't also have an aiding, abetting, or counselling provision. So rather than amending every piece of legislation to say, "or encouraging someone to commit the offence or counselling the offence," abetting it, you know, is of course defined to include countenancing or assisting in any manner, which in that context includes the organizational component. It would be the strong argument here that if you have someone who's stepping forward in that regard . . . And so technically speaking, we do have the Criminal Code provisions that would apply. They are picked up by SOPA. We do have a body of jurisprudence with respect to those and how they would move forward.

With respect to the particular behaviour under *The Public Health Act*, as the member's I'm sure aware but I'll just for the record . . . Under *The Summary Offences Procedure Act*, section 61 of *The Public Health Act*, and the offence provision under the Act we're considering today, the emergency planning legislation provides for tickets for individuals and corporations, in both cases, under public health now and under SOPA, it's 2,000 and 10,000 for the tickets.

We're amending today, we're proposing to amend today that with the emergency planning legislation there would be a significant increase in the penalties. On the public health side, it already provides that for a first offence, separate from tickets, \$75,000 fine is the maximum with respect to that process, \$100 for each day during which the offence continues. For a second or subsequent offence to a fine of not more than \$100,000, and to a further fine of not more than 200. That's for individuals. The corresponding corporate penalties are \$100,000 for first offence, a quarter of a million dollars for second offences.

So I think in terms of the advice from the ministry to the minister would be to note that there are already tremendously high penalties available. We also have the ticketing process. And to remind I guess everyone that there are aiding and abetting and counselling provisions that already apply that send strongly the message that the minister has stated, that organizers in this process have no free ride in Saskatchewan.

**Ms. Sarauer:** — Thank you. And I don't disagree with anything that's been indicated by yourself, Mr. McGovern, or the minister. And I too want to be respectful of, and I am respectful of the independence of the police to decide what charges to lay. But the truth of the matter is that what we have seen so far is that the police aren't using, for whatever reason, the tools that you have described, Mr. McGovern, under the Criminal Code or some of the other public health Act provisions, including these larger fine penalties. And what's been clear now is that \$2,800 fines aren't providing a deterrence to this. I believe we have a duty to not just craft laws as legislators, but also send a signal to the public in situations like this when these unacceptable contraventions continue to occur.

We even had a situation recently where a public health inspector was photographed welcoming one of the organizers of one of the anti-mask rallies. So if what I'm hearing is that the ministry and the committee are not supportive of this amendment and not supportive of moving this into law, what is the ministry willing to do to ensure that those who are organizing these rallies are held to account, and to ensure that the public knows that these actions are incredibly dangerous and unacceptable?

**Hon. Mr. Wyant:** — Let me just say again that we certainly share your concern with respect to this. And I know there's a number of people and the great majority of people in this province who are being respectful of the public health rules. I think it's fair to say that the ministry continues to and will ensure that law enforcement is aware of what the scope of their authority is with respect to the law in certain circumstances.

I want to be very careful in my role as the Attorney General. As you know, I don't direct and we don't direct law enforcement. We respect the independence of law enforcement in terms of bringing that forward as well as the independence of the judiciary, etc. You know all that. But to ensure that law enforcement knows what the scope of their authority is with respect to enforcing the law, I think is important. And I think if there's anything that you can take from this conversation is this is a very complicated area, for sure, when it comes to enforcing public health laws or laws under the emergency Act or otherwise.

[13:45]

And so to the extent we can continue to keep, or at least make sure law enforcement is aware of what the scope of their authority is in respect to this, without offering any direction to them, I think that would be fair.

**Ms. Sarauer:** — Thank you. And just to further reiterate, I just want to make it very clear that I also don't believe in directing law enforcement and respect their independence, as well as the independence of the judiciary, which is why this is such a complicated and difficult conversation to have. But again I think there is a responsibility to put up a legal framework that represents what people expect for penalties, but also represents what our signal is as legislators as to what is appropriate and inappropriate conduct, especially at this time.

**Hon. Mr. Wyant:** — Well we know we can count, you know . . . You know you can count on the government. We know we can count on members of the opposition to continue to enforce that message with members of the public. So thank you very much for that.

**Ms. Sarauer:** — Thank you. I have no further questions.

**The Chair:** — Any further questions from the rest of the committee? Seeing none, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

### Clause 13

**The Chair:** — Clause 13, is that agreed? I recognize Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Mr. Chair. Further to what we — the minister and I — had just discussed, I'd like to:

Amend Clause 13 of the Printed Bill by adding the following after section 24.6:

#### **“Organizing, demonstration contrary to public health order prohibited**

24.7 (1) No person shall organize a demonstration that fails to comply with the requirements of any current public health order relating to the COVID-19 public health emergency.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$10,000”.

**The Chair:** — Ms. Sarauer has moved an amendment to clause 13. Do committee members agree with the amendment?

**An Hon. Member:** — Yes.

**Some Hon. Members:** — No.

**The Chair:** — Can I hear it again?

**An Hon. Member:** — Yes.

**Some Hon. Members:** — No.

**The Chair:** — Nay. The amendment is defeated . . . [inaudible interjection] . . . Is a recorded division requested?

**Ms. Sarauer:** — Yes.

**The Chair:** — All those in favour, please raise your hand . . . So I'm asking leave of the committee to go back to the amendment. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Okay, so now we're going to get the recorded division on the amendment. So all those in favour of the amendment, please raise your hand. Ms. Sarauer. We have one. All those opposed, raise your hands. I've got five. Okay, so the amendment is defeated. The amendment's defeated.

Okay, so we're going to move on to clause 13 . . . back to 13. Clause 13, is that agreed to?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 13 agreed to.]

[Clause 14 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Emergency Planning Amendment Act, 2020*.

I'd ask a member to move that we report *The Emergency Planning Amendment Act, 2020* without amendment.

**Mr. Keisig:** — I move that amendment, Mr. Chair . . . without amendment.

**The Chair:** — Mr. Keisig moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. We'll take a quick recess as we switch everyone around . . . [inaudible interjection] . . . I recognize the minister.

**Hon. Mr. Wyant:** — Can I just make one quick comment before the critic leaves? I just want to thank her for being here today and for her very respectful questions today. So thank you very much for that.

**The Chair:** — I recognize Ms. Sarauer.

[Applause]

**Ms. Sarauer:** — Thank you. I definitely don't need applause, but I do want to put it on record that the committee members started

applauding my work today because there is no video necessarily of the committee members doing that, and I wanted to make sure that was in *Hansard* so I can use that for later. Thank you.

I want to join with the minister in thanking everyone for being here today, to the minister and Mr. McGovern for answering my questions this afternoon, and the committee members as well as all of the staff, including *Hansard*, for being here on this very wonderful, warm Saturday afternoon.

But in particular I do want to thank who is the real superstar of this afternoon, which is my mother-in-law, Bonnie, who helped me watch my baby this afternoon so I could be here and I could put on a blazer and act like a real human for a few hours. So I did want to put it on record that I'm very grateful to her for her time this afternoon as well. So thank you very much.

**The Chair:** — Okay. Committee stands in a recess for a few . . . well let's make it five minutes tops. Okay?

[The committee recessed for a period of time.]

#### **Bill No. 26 — *The Police (Serious Incident Response Team) Amendment Act, 2021***

##### **Clause 1**

**The Chair:** — All right, everyone. Welcome back. I would like to begin by welcoming Ms. Conway who is here substituting for Ms. Betty Nippi-Albright. And with that, we're good to go. So we'll now be considering Bill No. 26, *The Police (Serious Incident Response Team) Amendment Act, 2021*. We'll begin our consideration of clause 1, short title. Minister Wyant, would you like to make some opening comments?

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. First I too would like to welcome Ms. Conway to the Chamber today. Mr. Chair, I'd like to offer some opening remarks on Bill 26, *The Police (Serious Incident Response Team) Amendment Act, 2021*.

This budget bill, Mr. Chair, will implement a new civilian-led independent serious response team, or SIRT [serious incident response team] to investigate cases of sexual assault, serious injury, death, or spousal violence arising from police actions. Mr. Chair, the new SIRT will be led by a civilian executive director, who reports directly to the Chair of the Public Complaints Commission. With the assistance of SIRT-appointed investigators, the director will be responsible for investigating serious police incidents within the province.

Mr. Chair, the government also recognizes how essential it is to ensure that our province's Indigenous community is represented within the SIRT process. Therefore the bill will require the director to appoint a community liaison who is First Nations or Métis ancestry to assist the director with completing an investigation if the victim is of First Nations or Métis ancestry. The community liaison may fulfill a number of different roles, Mr. Chair, such as assisting the director with identifying community members who may be of assistance in an investigation, or providing resources and information to the family members of a victim.

Mr. Chair, the government has committed new resources in the



budget to fund SIRT, which is in addition to the resources the Public Complaints Commission received in the previous budget. Mr. Chair, the government recognizes the importance of maintaining transparency and accountability with regard to police oversight. The passage of this bill and the implementation of SIRT will be a significant step forward in achieving that goal.

So with that, Mr. Chair, I welcome any further questions with respect to Bill 26, *The Police (Serious Incident Response Team) Amendment Act, 2021*.

**The Chair:** — Thank you, Minister. Committee, any questions? I recognize Ms. Conway.

**Ms. Conway:** — Thank you, Mr. Chair. And my thanks to the minister for his opening comments, and I'd like to also thank all of the officials that are here today on this beautiful, sunny Saturday afternoon. With respect to this bill, I do have just a couple of preliminary questions to lay some groundwork, just so I understand this new process that has been created.

I guess my first question is whether the serious incident response team provisions were based on any existing legislation elsewhere. Was there a particular jurisdiction, province, that you looked to and thought this was a superior model and adopted it with, of course, likely some tweaks?

**Hon. Mr. Wyant:** — Well we certainly looked at . . . when we do these, review, do the scans across the country with respect to what other provinces are doing, particularly Nova Scotia and Manitoba. We paid some particular attention to how the process worked and how it was set up in Nova Scotia. So while it's not exactly the same, it certainly follows a similar model.

So in answer to your question, yes we certainly do look at other jurisdictions in terms of ensuring that we're building, you know, a good process for these investigations to ensure transparency and accountability with our police services, noting, of course, that we have a tremendous amount of confidence in our police services to enforce the law and protect the citizens of this province. But accountability and transparency has certainly been an issue and we've seen that in other provinces.

And so moving in this direction, I think it's fair to say that we're moving in step with a number of other jurisdictions to make sure that we have this transparency and accountability that I think the people of Saskatchewan would like to see.

**Ms. Conway:** — Thank you, Minister. There were amendments in 2020 and I understand that section 91, the now repealed section, process under section 91.01 was created — the investigation observer. And that's the main section that's now been replaced by this serious incident report team. Is that correct?

**Mr. McGovern:** — Yes.

**Ms. Conway:** — Okay.

**Mr. McGovern:** — Essentially this is the . . . this process has now overtaken those previous proposals, particularly now that the budget funding's been secured in that regard.

**Ms. Conway:** — Thank you. Now I just want to ask a few

questions about that previous process. And I guess what I'm getting at is, why did you decide that that process wasn't working, wasn't sufficient? My understanding is prior to that amendment, serious incidents of police conduct were dealt with by sort of an informal process where the host police force would make their own determination about how serious the conduct was. They would contact another police force and ask them to appoint an observer to watch them investigate themselves. And then that's what prompted the introduction of the now-repealed 91.01.

So I guess I'm just wondering, over the last year since that's been in place, how many cases made use of that process? Were there issues? Were there resources spent establishing that process? Was this always the plan or was that not working? Just wanting to get a bit at, you know, because this was a fairly recent change, why it's now been kind of superseded by this new serious incident response team. Which, for the record, we do support. We think this is a superior system. I'm just trying to get a lay of the land here.

**Hon. Mr. Wyant:** — Yes. I mean those particular sections were never proclaimed, and I think the thinking at the time was — and Mr. McGovern can provide a further comment on this — that they really didn't go far enough when it came to ensuring the transparency and accountability of police services with respect to these serious incidents. So some significant work was done by the ministry, not just in consultation with me as the Minister of Justice but with the former minister of Justice, who recognized that there needed to be more and that Saskatchewan was really out of step with what was happening in the rest of the province and with the rest of the country.

So that's really the kind of history behind it. Certainly the whole concept, and you'll be well aware of this, that the whole issue of police investigating police is a challenge. And it's certainly been a challenge, especially among a number of groups in the province that just don't see that that's kind of a fair way or get a fair result as a result of those investigations. And so the changes that were introduced around the independent observer just weren't seen as going far enough.

So to thank the ministry for recognizing that and the former minister of Justice for recognizing that and then bringing forward some discussions around this. Certainly the conversations that we've had with stakeholders, including the Saskatchewan Association of Chiefs of Police, FSIN, have indicated they'd all be very supportive of moving down this road or at least getting their foot in the door with respect to how we're going to deal with it. So that's a little bit of the history. I'm not sure if that answered your questions, but that's really kind of the history of it.

**Ms. Conway:** — It does answer my question, Minister. And again this is certainly a change that the opposition welcomes. Of course we want to have further discussions about the details, whether it goes far enough, but I did just want to clarify that this new system was a sort of response to calls for this to go a bit further. So I thank you for that.

**Hon. Mr. Wyant:** — These conversations have been going on for some time with the Chair of the Public Complaints Commission, and so we're very thankful for your support on it and we do see that this is a significant step forward.

**Ms. Conway:** — Thank you, Minister. I want to look at some of the specifics of this new regime. Now of course one of the most significant aspects of this is the creation of the civilian executive director who I understand reports to the Chair of the PCC [Public Complaints Commission]. Is that fair?

**Mr. McGovern:** — That's correct. Though it's contemplated as the unit that deals with these types of SIRT related issues. But within that structure, rather than reporting to, for example, the minister, the CED [civilian executive director] reports to the Chair of the police commission who is of course herself a civilian.

**Ms. Conway:** — In terms of that position, which I believe is created under section 91.01(4), the ED [executive director] has to meet criteria outlined under that section. And of course we welcome the fact that the civilian ED cannot be a current or former police officer. Was there any thought given to imposing further requirements on that ED such as . . . I note that that person has to be a lawyer. Was there any consideration or discussions around ensuring that that ED wasn't, for example, a former prosecutor or a government lawyer? Any discussions along that line?

[14:15]

**Hon. Mr. Wyant:** — There wasn't really any specifics apart from what's in the legislation. Our expectation and my expectation would be that it would be, you know, certainly somebody legally trained, someone who's well versed in issues around *The Police Act*, someone who has some significant experience in administrative law, understands the rules of natural justice, those kinds of things.

And so it would be our expectation, and certainly a lot of this will kind of work itself out through the engagement process, because there will be an independent engagement process in terms of trying to find the right individual, but the primary focus of their qualifications are the ones that are set out in the legislation. But we will rely on the engagement process in terms of . . . so that we can ensure that, you know, we get the right person. But apart from that, there was really no kind of restrictions put on that. It would be our expectation, and I'm not going to set the rules here, but it would be our expectation that it would be a private bar lawyer who had some significant experience in these areas.

**Ms. Conway:** — Thank you, Minister. I do think that having a truly outside voice would contribute to the sense that this was an accountable and transparent process, and that is . . . I want to clearly state that I am by no means suggesting that current or former prosecutors aren't fair-handed. It's that, you know, of course prosecutors and police are separate but related. You know, they're two sides of the same coin when it comes to some of the work that's being done here. So I would hope that your mind would turn to that at the very least.

**Hon. Mr. Wyant:** — Yes, I won't have any direct role in that engagement. That will be completely independent. But again, the issue of the independence of that person is going to be critically important so that we can underscore the whole issues of transparency and accountability. And if you don't have that independence, then you may well tend to fail on those other points, right. And that's the whole point of putting this together.

**Ms. Conway:** — Thank you, Minister. Of course that process is very important and I would just reinforce that the clear parameters set down by the letter of the law, the legislation, are also key to ensuring that.

I want to turn to the investigators. My understanding is that this team will be comprised of the executive director; and then investigators appointed by the ED; and I heard in your introduction, any other resources that they come to find that they need to rely on; and then the community liaison — that's what this team will consist of. Can you just clarify that? Am I missing anyone?

**Mr. McGovern:** — Sure, 91.01(2) sets out that the SIRT consists of the CED; any investigators appointed by the CED pursuant to 91.03; any community liaison appointed by the CED pursuant to 91.12; and then any other employees appointed in accordance to *The Public Service Act* necessary to carry out responsibilities of the CED and SIRT.

So that's a staffing office when we refer to *The Public Service Act* there.

**Ms. Conway:** — Administrative issues, that sort of thing?

**Mr. McGovern:** — Yes, so I mean clearly you need to be able to establish an office and run an office under that process.

**Ms. Conway:** — Of course, I'm just clarifying. So I think I want to turn to the investigators and the community liaison who will be doing the sort of substantive work on this team. And I understand that under 91.04 provides that any investigators that are assigned have to be released from any police duties that they're undertaking at the time. So it's clear that the Act is sort of envisioning that the investigators will likely be current or retired police officers. Can you speak to that?

**Hon. Mr. Wyant:** — It's our expectation that the investigators that will be retained will be former police officers. What we really want to make sure is that we have investigators that have a high degree of training into serious incidents and serious crimes and so those tend to be, you know, senior police officers. It's our expectation, and we're not going to close the door on anything else, but it would be our expectation that we would need to retain investigators that have that high degree of expertise when it comes to investigations.

**Ms. Conway:** — So in terms of how this would work on the ground — 91.04 — I read that and I think of a temporary release from duties, that an officer will come in to serve as an investigator then potentially go back to the wherever they were released from. Or are we envisioning sort of staff investigators that are employed through this response team, their salary comes out of this branch of the ministry? Could you speak to that?

**Hon. Mr. Wyant:** — We would be looking for staff investigators who would be doing that work. We wouldn't be looking for investigators that would be released from a police service, for instance, to come in and do some work. We really want to see the, to the fullest extent that we can ensure, independence. I'm not sure that taking seasoned police officers and kind of taking them on a secondment would really satisfy I think our end goals around independence.

And so that's really I think where we're going, to make sure that we have those investigators on staff on a moment's notice. Because really what you need to have is, if there's a serious incident response, you need to have those guys or women on the ground right away to start the investigation. You can't really have very much of a delay in getting that work done, so it's important that they're available immediately. So we see them as being staff investigators as a part of the SIRT.

**Mr. McGovern:** — You'll notice in the Act, it does have to contemplate certain circumstances where you may need to borrow existing police services. And for the purposes of our conversation, if we think of those as dive-team members or dog-team members, for example, where . . . You know, when we looked at Nova Scotia and Manitoba, which have similar populations, similar budgets, you know, the reality of course is that you can't have a standing police service with all that expertise as your SIRT. These are public funds.

So that's why there is some ability within the Act to recognize that, you know, if there's somebody under the ice and you need to have a dive team go in, those are special skills. But as you'll notice underneath the way the legislation is set up, the CED is able to direct the police service or the detachment to provide those resources, and during that period they're under the sole direction of the CED. So that's how, when you say, on the ground, you know, there has to be some recognition of those sorts of practicalities.

**Ms. Conway:** — Thank you for that. And I was going to touch on that, because that seems to make a lot of sense that you may need to sort of contract these police services to offer some specialized skills in the course of the investigation. And I understand when we're talking about police oversight, one of the challenges is that investigators, the people that have those skills, are often police officers, right. I mean, I can imagine scenarios where we can build those capacities in non-police officers, but the reality is that that is a challenge for every jurisdiction that is attempting to create oversight of police.

So I certainly appreciate that. I would just really like to see that these investigators are . . . former police officers are on staff, are really truly separate and apart from the folks that they may end up investigating. I think I can't emphasize enough the importance of that if we're going to go with a model where the investigators are police officers.

**Hon. Mr. Wyant:** — I think that that's a fair comment, and I think we all recognize that fact that they're going to be reporting to a civilian executive director helps with that oversight. We also know that this is generally the model that is employed across the country and there would be . . . We haven't seen a great deal of difficulty with this particular model in other parts of the country, so we're not expecting any difficulty. But certainly the fact that there's the intermediary, for lack of a better term, being the executive director — a civilian — I think provides for that. We've certainly seen some great success with respect to the civilian oversight on Public Complaints and so I think we can, you know, we can piggyback on that or at least look to the success the Public Complaints Commission has had in terms of ensuring that there's that independence.

**Ms. Conway:** — Thank you, Minister. I think that I agree with

you, this is the model we generally see. I do think that there are a lot of criticisms on the record across the country with the problems that can come about when you have even, you know, former police officers investigating officers. So I would just again return to my comment that I think it's really important that we do everything we can to make these well-resourced staff positions for all of the reasons that I've touched on, I think.

Now in terms of how the investigation plays out, I'm looking now to section 91.08. I guess first of all I just want to touch on a jurisdictional issue, and I think this is probably that I just don't know enough about the area, but there are references in here to the RCMP. Does this Act apply to . . . do these amendments apply to RCMP officers within Saskatchewan or only those that are under police agreements with the province? Is that even a distinction? Can you just speak to that? I don't even know if my question is clear. So if it's not, just let me know and I can maybe direct you to a certain place that I'm wondering about.

**Mr. McGovern:** — I'll choose an answer and we'll see if it fits. I think . . . but it's a fair question. I mean one of the jurisdictional issues obviously with the federal, the federally constituted police service with the RCMP, and the member knows, is that they have their own complaints process. And they have a process under there.

This is a layering on with respect to the investigation of the incident. So the . . . and as you know the precursor to this was the investigation observer. And similarly a police detachment where a police detachment's providing police services within the municipality, the RCMP participated fully in identifying those and asking a third-party police service to start that investigation observing process.

This is what this is built on as well, that the RCMP in the context of the investigation, of the investigation of the incident under 91.08 would be part of and covered by this process.

**Ms. Conway:** — So when you say layering on, could there be multiple investigations of a single incident?

**Mr. McGovern:** — That is a good question that I'm glad to get on the record because the answer in any of these circumstances is yes. And so if what we're talking about in this particular provision, the investigation of an incident is where there's been a person in contact with the police service member, who suffered the criteria set out in (2)(c). Now so that's at the time of the incident. As the member will be aware in *The Police Act*, for example, you also have a complaint process set out in part IV of that Act. So this process, part of the access to justice and part of the protection that is provided, is that this starts automatically if there's an incident with respect to police service. It's not contingent on a complaint being made.

So you can have an incident, for example, with, between myself and the Minister of Justice, for example as we're classmates. I'll use him as my example. You can have a circumstance where we've had a contact. One of us is a police service member. That could lead to . . . If it involves a police officer and it's a serious offence, we have the automatic provision on the investigation of the incident that we're discussing today. It could subsequently lead to a criminal charge, separate and apart from that. It could also be the subject of a complaint that is made by anybody who

happens to see it or hear about it.

[14:30]

So when I talk about layering on, these are all important steps in accountability and transparency within the process. And they have to be aware of each other and careful of each other so that they don't cross different lines. And the member's aware of some of the provisions here referring matters where there's criminal conduct.

But sometimes an incident in this scenario, where there's been an initial contact between Officer Darcy and the minister, and that may well be the subject of an investigation here because of the automatic process, but there may never be a complaint. There may never be a complaint with respect to that matter, and there may never be a criminal charge. I've just done something heroic, but because it fits this category where a person had a serious injury as a result, it will trigger this process. But that heroic act, nobody's complained about it, so that process might not apply. And there's certainly no criminal charge for my heroic rescue in my example.

So it's important to understand that there are certain tracks. There always has been in this Act. But that's why some of the cross-referencing here occurs, because this needs to fit in at the front end of that process but not preclude a complaint and not preclude a criminal process. Does that help?

**Ms. Conway:** — It does help. And notwithstanding — I'm just going to carry forward the example, and apologies for this — notwithstanding the heroic act, if Officer Darcy was unfortunately charged criminally, would this process be put on hold until the outcome of that, the criminal matter? Or would it continue parallel to it?

**Mr. McGovern:** — The Act allows for the minister responsible for policing, in this case the minister under the Act, to hold disciplinary proceedings pending the outcome of a criminal act. That's not what we're talking about right now, of course. This process is investigation at the front end, not an investigation after the complaint.

So as you know from looking at the piece, where there's been a report to the CED following an investigation under subsection (10), the CED is statutorily empowered there to refer the matter for criminal consideration if it's a possible Criminal Code perspective, to kick it over as a complaint process, or to start an internal discipline. For example, you know, if this all occurred within the police locker room, so that it doesn't involve a member of the public.

So you know, as someone who comes new to the Act reading through, you know, there are these different layers. But I think they're important, and it's good questions in terms of how they interact, but they definitely do interact. And as you know as a lawyer, you know, the Supreme Court's indicated that a single action may well have a number of consequences.

**Ms. Conway:** — It's a complicated Act and I'm just wrestling with it a little bit, so I just want to make sure I understand. And one of the ways I'm hoping to understand is by looking to one of the more recent disciplinary cases. I was reading the decision

involving Constable Magee, which makes reference to the police complaints commission. Is the interaction there with a complaint, like a complaint that came in through the public? Sorry, I don't know that I'm being clear. I'm struggling to understand how this process would speak with potential discipline of an officer. Does that make sense?

**Mr. McGovern:** — I think I can speak to that this way. And I will not be speaking to specific cases, of course, on the floor of the Assembly. But if we look at what we're talking about today, this isn't the public complaint process. This is that front-end investigation that I've discussed, though there is an ability for the CED — I'll call it the civilian executive director — once they receive the report to say this should be a matter of public complaint. And I will refer it to that process, which is part IV of the Act, to move forward.

Since you've asked a more general question, the way the structure of the Act is set out is that the Public Complaints Commission can receive complaints from any member of the public to a number of different locations statutorily under the Act. And that's intended to have a broad waterfront so that people who have a complaint with respect to a police service can bring that complaint forward. It is then provided to the PCC, which is the Public Complaints Commission, and it triggers the statutory time frames and reporting requirements set out in part IV of the Act.

I would note that, just like this process with the CED, there's a self-starting component to that. If the PCC feels that matter, whatever it was — I haven't received a public complaint but I might start one — but it's linked into the discipline process. So if I'm not wearing my hat, which is a minor disciplinary offence under the regulations, in a particular police service, that's not involving a public complaint. That's not involving a criminal matter. That is uniquely in police process, is a discipline matter. So what we're dealing with today is very much on the initial investigation where there's a police service involved. The public complaint progress continues to be very important but it continues to apply.

**Ms. Conway:** — Would we see situations potentially where this serious incident response team process carries out an investigation parallel to a PCC [Public Complaints Commission] complaint investigation?

**Mr. McGovern:** — Well remember this would start . . . This is intended to be at the moment it occurs. A public complaint could happen six months later. And so, to the extent that they are looking at the same incident or aspects of the same incident, that's something to look at. But I guess I would invite the member to consider that with respect to this provision that we're talking about today. This is very focused on the interaction between the police member and someone else. So that's why this is triggered and that's the whole situation. As I mentioned, perhaps no criminal proceedings at all, perhaps no complaint, but it's with respect to the police member.

A public complaint has a lot broader scope and it can deal with a lot of other matters. Similarly, a criminal investigation into an incident might end up with charges to Gord, to the Minister of Justice might end up with . . . Well that's a bad example and I won't even say that aloud. In my example of the Gord and Darcy

example, you know, you could end up with different consequences in different situations. But you know, what we want to do here is to make clear that when we're dealing with the police, this is the process that occurs automatically. Public complaints runs the gamut from public . . . Why aren't the police doing a better job of helping out with the crowd control of the parade in front of my house? That's a legitimate public complaint. It does not have much to do with what we're talking about today.

**Ms. Conway:** — And in terms of the . . . So at the end of one of these investigations, a confidential report is generated, correct? And I'm sorry, I'm just struggling to find that provision. I wanted to ask about who . . .

**Mr. McGovern:** — That's subsection (9) is perhaps what the member's looking for, under 91.08. It provides that:

On the conclusion of an investigation pursuant to this section or as otherwise requested by the Civilian Executive Director, a confidential report must be submitted to the Civilian Executive Director in the form determined by the Civilian Executive Director.

So the CED receives the report and in subsection (10) responds to the report. And if I can jump ahead for a moment, the 91.091, which is if you look on page . . . I don't know what page I guess your version is, but where it says "investigation summary." This is the provision that provides as after that report's provided to the CED, it starts a three-month clock in which a public summary of that report is to be made public.

Now the member will be of course cognizant that a criminal investigation or an investigation in this context may well touch on confidential matters, whether that's informants or, you know, a process. So the report that's made public is of course never going to be the full police file because in a legal community, of course, we understand that's not how that works. But there's a statutory requirement that that report be reported on, and that's where the CED has a statutory requirement as well as an opportunity to indicate very publicly, here's what I recommended and here's what I thought should happen.

**Ms. Conway:** — Thank you. Can you speak to the decision not to make the investigative file and, I believe, the report not subject to a freedom of information request?

**Hon. Mr. Wyant:** — I'll just open that up, and I know that Mr. McGovern will make another comment. But certainly I think he's kind of touched on a little bit of this in terms of some of the confidential information that would be in there, whether they were, you know, whether they were investigative techniques, those kinds of things.

And the fact of the matter is that at the end of the day there is a summary of the report that is made public. But there would be some things in the investigation file which we would want to remain confidential, only from the perspective of the police protecting informants, protecting other people that may be participating in the investigation. So it would be no different really than the protections that are currently provided with respect to police investigations and making those public.

**Ms. Conway:** — Would there not be other existing legal mechanisms to ensure that those aspects of the documents weren't disclosed? Or did you feel that those perhaps didn't apply to FOIPs [freedom of information and protection of privacy]?

**Mr. McGovern:** — I think the argument here is to create that confidence in the players in this process that they can contribute to this process and be part of this process without them being subject to a debate about whether or not that particular information should be made, could be redacted in a particular context, recognizing that we have provincial bodies under the FOI [freedom of information] engaging with local authorities in this regard.

And so given that we all share, you know, a real commitment here to saying, well let's make this work. Let's make this a cooperative process in which people and police services understand their responsibilities and are bringing this forward. If it becomes a matter of jeopardizing other police process because of this, that jeopardizes what we're trying to do here. So I think that's the reason that decision was made.

**Ms. Conway:** — Thank you. Turning to the community liaison position, what kinds of consultations did you undertake in arriving at the creation of that position?

**Hon. Mr. Wyant:** — Consultations in terms of that process? Or how we're going to engage? Or both?

**Ms. Conway:** — I guess all of it. I mean, I'm hearing that this liaison is being created. My understanding is that it will mainly be for any Indigenous victims, that a member of their community will be appointed. So I'm just wondering what discussions took place, how you decided to create this position, who you consulted. And I heard a bit about what the liaison is, but I'm not clear on how the liaison will be selected case to case.

**Hon. Mr. Wyant:** — Well let me just start by saying that I think it goes without saying that where there's a serious incident involving a First Nations member or a person of Métis ancestry, that's important to get that cultural perspective with respect to the investigation and to provide some confidence, I think, in the investigation. So there was certainly some conversations that were going on with the Federation of Sovereign Indigenous Nations and our plan to move that forward.

You may know that the Ministry of Justice enjoys a relationship with the special investigations unit of the FSIN, which we provide some funding to. And so we very much believe, without kind of prejudging what this process will look like, that they will be engaged, certainly from the First Nations perspective, in helping us ensure that we have that community liaison that can establish the trust between the investigators and the community that's involved in the particular incident.

[14:45]

So we just didn't kind of decide we were going to do this. There was some conversations that were going on, and I very much believe that the ongoing relationship, the good relationship we have with the special investigations unit is going to be quite helpful in terms of ensuring that we have the right representation from that community.

Certainly without that, I mean, there's certainly a lot of historical prejudice in those kinds of things that I think they need to come to bear when it comes to these investigations, and they'll provide a very, very useful link, I think, between the community, between family members, and those that are doing the investigation. And there's certainly, I'll say this too, there's certainly nothing preventing the engagement of retired police officers who may be of First Nations or Métis ancestry as part of the SIRT.

So those are certainly things that we'll be thinking about as we go through the process, but the engagement of a community liaison person is vitally important to ensure the . . . well, as you can imagine, from an accountability and from a transparency perspective to give confidence to the community, give confidence to the family that the investigation is a fair one.

**Ms. Conway:** — Is the community liaison like a paid position?

**Mr. McGovern:** — So as you notice under 91.12 there in terms of an appointment, clearly we're not expecting anybody to be out of pocket in this process and that there would be a per diem typically for services with respect to government work. The member will note that it's mandatory in certain circumstances that the community liaison be appointed.

But there's also discussion for the CED, in other cases than the one described in clause (a), to appoint a community liaison to provide assistance. So you know, how that works is going to depend a little bit in terms of case-by-case what's being done. If it's, you know, if it's a representative of a particular community that's able to help with identifying who's a good person to talk to or how do I talk to, identify particular groups, that may not be in the nature of a full-time per diem.

We think community liaison is a key aspect here. It's a way to invite cultural specificity to the process that we're trying to make as public as possible. So you know, we think this is a good way to do it but, that being said, it's going to be developing as we move forward.

**Ms. Conway:** — Thank you.

**Hon. Mr. Wyant:** — Certainly not restricted, I think this is what Mr. McGovern was saying, to First Nations and Métis groups. There's other cultural groups and groups within our community that may well require that level of support.

**Ms. Conway:** — Yes, and I see here that the amendments specifically provide for liaison where there's an Indigenous element, but of course under 91.12(1)(b), a liaison can be appointed in other scenarios as well. So thank you for clarifying that.

My understanding is the special investigative unit that you mention, Minister, I don't know that much about it, but I understand it's mainly former First Nations police officers. And I would hope that they would be considered not just under the community liaison role, but as a proper investigator as well.

**Hon. Mr. Wyant:** — If they want to make applications, certainly, and they meet the qualifications, there's nothing preventing them from being considered for the position currently. A member over at the special investigations unit, Jason

Stonechild, former deputy chief of the city of Prince Albert, we have a tremendous amount of respect for.

**Ms. Conway:** — Thank you. And I guess I should clarify that the community liaison then could also be a former police officer? I guess it wouldn't be.

**Mr. McGovern:** — So this role for the community liaison isn't the opportunity to bring in specific investigative skills. The skills that are being sought here are knowledge of the community and the ability to contact with the community.

And so in (a), it reflects how apparent it is with our consult group and with the policy intent that where there's a First Nations or Métis individual, it's going to happen. It's mandatory in that case and it's appropriate to do it.

But what (b) recognizes as well, there might be other circumstances, in particular religious groups or particular cultural groups or particular areas where it makes sense to have a community liaison who can say, if you're going to talk to this person, you should also be talking to this person because that's really who is most involved. Or, don't forget when you're speaking to someone in this community that they're not likely to respond to this type of an approach. So that's what's being contemplated, you know, in this regard. And that isn't necessarily a former police officer.

When the minister quite rightly refers to the SIU [special investigative unit], that's a body of the FSIN in Saskatchewan, unlike Ontario for example where there's a separate policing unit as such. But we view them as a wealth of information, and in clause (a) certainly aren't taken out. But this isn't particularly where we want to be, where we're expecting investigation expertise. It's the cultural component that we're looking at there.

**Ms. Conway:** — Thank you for the verification. I guess my comments on this, I think this is a welcome development to sort of specifically identify the need for this. I'm just unclear as to the process for selecting that person.

And I just want to emphasize, you know, I mean usually when this process is triggered, it's usually a family dealing with a tragedy. And I think it would be important for them to have some input into who that liaison is, that it be someone they trust, that it be someone that they feel can guide them through what can often be, well what will likely be a very difficult process.

**Hon. Mr. Wyant:** — These investigations need to be viewed as legitimate for those that are directly involved, and so that's a point well taken. And we appreciate your recognizing the importance of that. But certainly we do.

**Ms. Conway:** — Thank you, Minister. I just want to understand the report itself. Can you just sort of outline in broad strokes, where does it go? Like what are the teeth? Will there be recommendations? Who is then tasked with addressing those recommendations? Yes, I think the question's clear.

**Hon. Mr. Wyant:** — Well I'll start. So after the executive director, after the final report, they have to refer the report to the Attorney General either of Saskatchewan or Canada, depending on the circumstances. They can refer it to the PCC for

consideration as a public complaint, or they could refer it to the chief, the police board, or the RCMP as the case may be, for potential internal discipline. I think Mr. McGovern had commented on that.

Certainly to underscore the legitimacy of it, there needs to be some formal reporting. And I think the fact that this will be handed to the Attorney General for consideration and public prosecutions if necessary, I think that's the process that we're going to follow. Hope that answers your question.

**Mr. McGovern:** — I mean, I think I would say in the structure of the Act, this is all the teeth. This is exactly what we need. This is where we have a report that's provided, and if CED is able to say in (a) as the minister stated, if it looks like a criminal charge is required, it goes to the AG [Attorney General] Canada or AG provincial, depending on the nature of the thing. So there is no opportunity there to choose not to if it looks like there's an offence. It's mandatory.

After that it's the complaint process. The complaint process, as the member knows from looking at part IV, can result in the dismissal of an officer, can result in fines, can result in penalties. That's how the complaint process is structured in part IV.

And then when you continue on, you have an internal discipline process: my example previously of where it's an internal matter and it's doesn't involve a member of the public. But that doesn't mean that it shouldn't result in discipline. And that's what the CED is able to do here. So at each level in this process, what the CED has with this report is a direct line into those procedures. So that's the teeth. It's the direct . . . and I'm mixing my metaphor, but that's the teeth. And I guess they're absolutely applicable in these circumstances.

**Ms. Conway:** — Thank you. Just one or one or two follow-up questions. I see the provisions and the difference between the shall and the may, and I want to make sure I understand it. Is the report more of a fact-finding report, or will it actually make explicit recommendations to the various bodies that it will or may be referred to, if that makes sense?

**Mr. McGovern:** — I think it depends on the case, you know. And as I said, I mean, we are dealing with circumstances that are very broad in reach. And so if the report, you know, if part of the report is the argument that is some sort of argument as to staffing or scheduling or you know, that led to a problem, then we're into a different level of engagement. And what the report would say is going to say is going to be very different.

So what's done here both, you know, in this context and with respect to what we had just talked about about the community liaison, is an effort to make sure the CED has all those tools, is protected from being specifically influenced in that regard, which includes for example the ministry. The CED has the tools to operate independently and make good decisions in that regard and publicly report them. And so that's what's being done here.

**Ms. Conway:** — That's clear. Thank you. If you'll just bear with me, I'd like to review my notes to see if there's anything I've missed. Thank you.

Just two final lines of questioning. In terms of resourcing, I don't

have the budget in front of me, but I do remember noting that the amount being allotted to the serious incident response team was rather low. I was wondering what the plan was, if that was just sort of an amount to kind of get the office up and running? And can you speak to what resources you're going to devote to the serious incident response team going forward?

**Hon. Mr. Wyant:** — The funding that was provided in the budget, I think, was about \$286,000, which is intended to get the organization up and running. Certainly to the extent that additional resources are required in future budget years, those will be conversations that I'll have with my cabinet colleagues based on recommendations that come up from the ministry. But it's a mid-year implementation, so that has some effect on what the number is going to be next year, obviously, because it's only a portion of the year.

But again, to the extent that additional resources are needed, based on recommendations that come from the ministry and from the Public Complaints Commission and the SIRT, those are conversations I'll have to have with my treasury board and cabinet colleagues.

**Ms. Conway:** — Thank you, Minister. Do you have any idea at this time what the operating budget of the serious incident response team will be?

**Hon. Mr. Wyant:** — Well we very much hope that they'll operate within the budget that we've given them. But certainly this is a process now. And so engaging the executive director and the investigators, we're fully confident that they'll be able to operate within the budgets that have been given. But we don't have a budget. That will be up to the office to establish their budget.

**Ms. Conway:** — Thank you, Minister. There's just one more area that I want to touch on. And of course, one can't lose sight of the fact that the steps that this government is taking now with this new serious incident response team is really in response to some of the concerns that have been raised, both here and abroad, with transparent and accountable oversight of police. And, although this was a budget bill and things move quickly, I did undertake to do as extensive consultation as I could.

One of the things that was identified as being a weakness when it comes to police accountability in Saskatchewan is — and I know we shouldn't touch on specific cases — but you know, we see situations where an officer might do something that would likely fill the criteria of something that the serious incident response team might look into. They might be, for example, terminated by a police chief and then reinstated under the Saskatchewan complaints commission process.

I'm just wondering if that process is something that yourself as the minister in this area . . . Well I guess that's under Policing and Corrections, I don't know. But I'm bringing this today because this is the forum I can bring it, and it has been a common theme with the consultations I've done in the community, whether there's been any thoughts to addressing that in the efforts to ensure accountable and transparent oversight of police.

**Mr. McGovern:** — And I think the issue here, because of what we described earlier in terms of the different layers, is that we

have a process where we are demonstrating accountability and transparency with respect to members of the public. We also then at a certain point in this operation need to understand that these are employees of an organization who are facing, for example, a public complaint. They go through a process which under the legislation allows for a hearing process. They can be defended in that hearing process. And it allows them to conduct appeals. They also have, with the Saskatchewan Federation of Police Officers, they're in a collective bargaining process. They're able to grieve particular issues.

And so as the member mentioned before that we are dealing with some complexities here, that's something else that we need to keep in mind in a policing environment. That while there is every effort made here to run a public process and run a fair process in that regard, to remove the ability of an appellate body to reverse a hearing officer decision heard in an open court process with adjudication on both sides — which itself can be appealed within the process — at that point it becomes a due process issue for people like us, for lawyers like us where you have to say sometimes on the appeal we might prefer that they hadn't overturned or instead of saying you're fired, they said you have been demoted and you have been fined a certain amount.

You know, if you think of it in an employment environment, those are catastrophic results from an employment context. But there tends to be a perception here that you view it from a criminal context. But you know, these hard-working police members are employees as well, so it is a balance. And so I hear what you're saying that sometimes, you know, members can be . . . that someone from the public can be disappointed of an appeal, just like in the court process where you've got a big, you know, you had a larger settlement of a tort claim and the Court of Appeal overturned it. That can seem unfair if you're involved in the situation, but it is an important aspect of due process. So it's hard for us to step away from that, I think, from that perspective.

**Ms. Conway:** — And I appreciate the Labour Relations context does add some complexities. I just wanted to see if it was a subject of reflection in the ministry, if there were any, I don't know, changes or reflections on that. But I know I'm sort of going beyond the purview of this particular bill, so I will rein myself in. And I do appreciate you addressing the question. And I think . . . Sorry.

**Hon. Mr. Wyant:** — You're nothing if not reflective.

**Ms. Conway:** — With that, I believe I have no more questions, and I would like to thank you very much for answering the questions that I had today.

**The Chair:** — Okay, thank you. Committee, do we have any more questions? Seeing none, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 16 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Police (Serious Incident Response Team) Amendment Act, 2021*.

I would ask a member to move that we report Bill No. 26, *The Police (Serious Incident Response Team) Amendment Act, 2021* without amendment.

**Mr. McLeod:** — I so move, Mr. Chair.

**The Chair:** — Mr. McLeod moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. All right, we can move on to the last bill.

### **Bill No. 27 — *The Summary Offences Procedure Amendment Act, 2021***

#### **Clause 1**

**The Chair:** — We are now considering Bill No. 27, *The Summary Offences Procedure Amendment Act, 2021*. We will begin our consideration of clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Mr. Chair, I am pleased to offer opening remarks with respect to Bill 27. This legislation amends *The Summary Offences Procedure Act, 1990* to implement the first phase of the provincial offences project. This project is part of the multi-year, e-justice initiative that will modernize court procedures and improve access to justice for all citizens. The Act contains multiple, significant procedural changes that are all aimed at improving the experience of defendants.

Mr. Chair, the initial phase of this project will focus primarily on traffic safety offences. A new part will be added to the Act to set out a new online procedure for a specific subset of tickets. The amendments will establish a new online system that will allow many eligible tickets to be resolved outside of court in a manner that is simpler and more convenient for defendants.

Mr. Chair, one of the changes will involve a new step. It will require a defendant to have an early resolution discussion with a prosecutor before entering a plea. These discussions will allow defendants to make more informed decisions before they do enter that plea. Defendants often come to court just to ask prosecutors questions about their tickets. That will no longer be necessary if the defendant has a chance to formally engage a prosecutor outside of the court to learn about their options before they enter a plea.

If a summary offence ticket matter proceeds to trial after an early resolution discussion, it is now possible to conduct that trial online. Moving trials online will allow for more efficient scheduling of limited court resources and will reduce in-person court volumes.

Mr. Chair, these amendments will also implement a new application process for an automatic extension of time to pay a fine. Defendants will be able to apply to automatically be granted



one extension of time to pay a fine, and they'll no longer have to come to court in person to request that extension.

These amendments will also allow easier and earlier registration in the fine option program. Defendants will no longer have to attend court to obtain the required paperwork to register in the program and they will be able to begin working off their fines much sooner than is currently possible.

Mr. Chair, these amendments will modify the in-person reconsideration hearing process during COVID-19. In the pandemic, the court has modified this process to require written submissions instead of in-person appearances. These amendments will codify that simplified written process which will permanently move those reconsideration hearings out of court and will further contribute to reducing court volume.

Mr. Chair, this Act also includes some changes to ensure continued consistency with the federal Criminal Code. Terminology and section references are being revised to better match the code and to continue to support efficient prosecutions. Finally, Mr. Chair, the changes in this Act will replace previously unproclaimed amendments from 2016 and '17 so that those earlier amended Acts will be repealed.

In summary, Mr. Chair, these changes will transform multiple provincial offence processes to make them simpler and more effective. The changes will provide defendants with new options for navigating the court system and will support the ministry's ongoing commitment to improving access to justice for all citizens. Mr. Chair, with those opening comments I'm happy to answer any questions with respect to Bill 27.

**The Chair:** — Thank you, Minister. Ms. Conway, you have the floor.

**Ms. Conway:** — And I want to thank the minister for his opening comments. I don't have a lot to say about this bill. I'm loath to admit to having sat through traffic court but I have, and I certainly welcome these changes. I did want to just touch on, you know, who the minister consulted with. I understand this is part of a multi-year e-justice initiative. If you could just touch on that briefly.

**Hon. Mr. Wyant:** — Sure. Well the budget this year includes about 500 or \$5.35 million to advance the accelerated use of technology within the justice system. That's through the e-justice video conferencing. That's another thing that they do. I do really want to compliment the ministry for all the work they're doing with respect to court modernizations and the initiatives that are going on, certainly the conversations that have been going on with the ministry — and Mr. McGovern can comment a little further on this — with court officials, with the officials at the various levels of court to ensure that we can increase access to justice.

I can tell you that while the pandemic has accelerated a little bit of this work, it certainly didn't start with the pandemic. This work has been going on for a considerable period of time, noting that improving access to justice by using technology benefits everyone, including the defendants in particular, reducing court time, and creates more efficiencies within the court. But certainly there have been some conversations that have been going on to

make sure that this works properly and it's going to be as efficient and as effective as possible for the people that are using it.

But there are, as I say, a number of other initiatives that are going on. This will be an ongoing development of a number of other initiatives just including this one. And this is just phase 1. I think it's year two of a seven-year engagement when it comes to court modernization.

**Ms. Conway:** — Thank you, Minister.

**Mr. McGovern:** — I think that touches on it. You know, it's an ongoing process. The member has undoubtedly probably bumped into it in a few different fora, the discussion of improving technology with respect to this process.

And to drill down a little further with respect to this traffic safety offences part of it, certainly, you know, the Provincial Court, SGI [Saskatchewan Government Insurance], SACP were all important components on that technical aspect of it.

But it's understood as well in terms of the rollout on the regulations, that we're expecting to share information with . . . the program changes with CLASSIC, Pro Bono, Public Legal Education, and the public libraries, for example, to ensure that once we're farther into implementation and the development of regulations, that the people who we want to benefit from this — because it is an access-to-justice initiative — that they are able to access that information and be able to participate.

**Ms. Conway:** — Thank you, Mr. Montgomery. And I particularly welcome the change to automatically extend the fine-option program fines. I think that's a very smart move. And I would just say, you know, COVID has sort of forced the courts to modernize a bit, and I can't say that that's a bad thing. So I really don't have very many questions about the bill. And I know it's 3:15 and a beautiful day out there. So I think with that I'll close my comments.

**The Chair:** — All right. Any more questions? Seeing none, clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 37 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Summary Offences Procedure Amendment Act, 2021*.

I would ask a member to move that we report Bill No. 27, *The Summary Offences Procedure Amendment Act, 2021* without amendment.

**Mr. McLeod:** — I'll so move, Mr. Chair.

**The Chair:** — Mr. McLeod moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you all. All right, everyone. Thank you all for your attention. This concludes . . . [inaudible interjection] . . . Oh, sorry. We'll get there. . . . [inaudible] . . . We'll get there. Hang on. Holy smokes. This concludes our business today and, Minister Wyant, do you have any closing comments?

**Hon. Mr. Wyant:** — I just wanted to thank you for your leadership today and the committee. I wanted to thank the Clerks for their attendance. We can't get this done without them. I want to thank Ms. Conway for her very respectful questions today. I want to thank my officials who supported me here today, especially Mr. McGovern, who sits to my left. And I want to thank Hansard for being here today.

And I know everybody's anxious to get back to enjoy their Saturday, so thank you very much for all the work that you've done to support me, support the ministry, and the important work we do. So thank you very much.

**The Chair:** — Thank you, Minister. Ms. Conway, do you have any closing remarks?

**Ms. Conway:** — I would just like to also express my thanks to the Chair of course, the minister, Mr. Montgomery, and the other officials that are tuning in — of course the members and Hansard as well. So thank you, thank you all.

**The Chair:** — Awesome. I'd also like to thank Hansard, the LAS [Legislative Assembly Service] — certainly the procedural aspects of this, keeping it together — the committee itself, thank you for all of that . . . Minister, your officials. So you're all awesome. Thank you.

I'd ask a member to move a motion of adjournment. Mr. Grewal has moved. All agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. This committee stands adjourned to the call of the Chair.

[The committee adjourned at 15:19.]