



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

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

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Ms. Lisa Lambert  
Saskatoon Churchill-Wildwood

Mr. Tim McLeod  
Moose Jaw North

Mr. Greg Ottenbreit  
Yorkton



[The committee met at 19:00.]

**The Chair:** — Welcome, everyone, to the Intergovernmental Affairs and Justice meeting. This is March the 9th, 2022. It is 7 p.m. I'm Mark Docherty, the Chair of the committee. Substituting for Deputy Chair Betty Nippi-Albright is Matt Love. The committee is made up of Gary Grewal, Travis Keisig, Lisa Lambert, Tim McLeod, and Greg Ottenbreit. And a little later, Nicole Sarauer is going to substitute for Betty Nippi-Albright as well.

So before we begin our business today, I'd like to table two documents: IAJ 6-29, Ministry of Government Relations: Responses to questions raised at the December 1st, 2021 meeting; and IAJ 7-29, Ministry of Justice and Attorney General: Responses to questions raised at the December 1st, 2021 meeting.

Okay, tonight we'll be considering 11 bills. That's right, Minister, 11 bills. Nobody told you, did they? We're considering 11 bills: one with the Ministry of Parks, Culture and Sport, and 10 with the Ministry of Justice and Attorney General.

**Bill No. 43 — *The Royal Saskatchewan Museum Amendment Act, 2021***

**Clause 1**

**The Chair:** — We'll begin with Bill No. 43, *The Royal Saskatchewan Museum Amendment Act, 2021*. Minister Ross is here with her officials from the Ministry of Parks, Culture and Sport.

I would ask that if officials who are not seated at the table wish to speak, they take a place at the table prior to doing so, and state your name for the record before speaking. Also please do not touch the microphones; the Hansard operator will turn them on for you when you speak. While officials may speak from a place at the table, a stand-up microphone podium is also available for your ... [inaudible interjection] ... Maybe not. All right, apparently not.

So we're going to begin our consideration with clause 1, short title. Minister Ross, please make your opening comments and introduce your officials.

**Hon. Ms. L. Ross:** — Well thank you very much, Mr. Chair. I'm pleased to be here to answer your questions related to Bill 43, *The Royal Saskatchewan Museum Amendment Act, 2021*. First I would like to start by introducing the officials joining me this evening. On my right is Peter Menzies, executive director of the Royal Saskatchewan Museum, and to my left is Molly Waldman, my chief of staff. On the far right is Jaxen Dufour, my senior ministerial assistant.

The Royal Saskatchewan Museum is one of our province's oldest cultural and scientific institutions. It reveals, preserves, and studies our natural history and the traditional cultures of our Indigenous people. It discovers, studies, cares for, and tells the story of Saskatchewan. Over the years millions of people have visited our world-class dioramas and take pride in the work its scientists have done to have Saskatchewan recognized as an

international centre of excellence for research in fields such as paleontology, ornithology, and pollinators.

Most recently it drew international attention to the province when it unveiled the new CN T.rex Gallery and the presentation of Scotty, the world's largest T.rex, uncovered by museum scientists in the Frenchman River Valley just south of Eastend. Prior to the pandemic, the museum was on track to welcome over 200,000 visitors in the 12 months following the opening of the CN T.rex Gallery. The museum also operates the T.rex Discovery Centre at Eastend, the original home of Scotty. In the summer of 2021 the centre attracted a record visitation of over 12,250 people. The centre is open to the public each year from the long weekend in May to Labour Day weekend.

*The Royal Saskatchewan Museum Amendment Act, 2021* will grant the museum the tools it needs to build on its success and reinvest in research fields vital to Saskatchewan's economic health, such as pollinators and the health of ecosystem. It also allows the museum to continue building dynamic, new exhibits so that it remains one of the province's leading public attractions. Specifically, subsection 4.1 of this Act adds, "the museum may generate revenue through admissions, scholarships, facility rentals, programming fees or any other activities it may create that may be approved by the minister."

This amendment empowers the museum with the resources it needs to continue to expand its entrepreneurial spirit and better serve the people of Saskatchewan. Through these amendments the government is modernizing the structure of the Royal Saskatchewan Museum, bringing it in line with similar institutions such as the Royal Alberta Museum, the Royal British Columbia Museum, the Manitoba Museum, and Royal Ontario Museum and others across the country within the province.

The museum has no plans at this time to change its current admission-by-donation policy. Currently visitors are encouraged to offer a suggested \$5 donation and \$10 at the T.rex Discovery Centre. This system ensures no one is unable to enjoy the museum or the centre due to economic disadvantage. The museum has a strong relationship with its non-profit partner, the Friends of the Royal Saskatchewan Museum, which supports this amendment. The Friends operate the gift shop at the museum and support the work of the Royal Saskatchewan Museum through fundraising, the collection of donations, and the sale of sponsorships.

With that, I will turn it over to the Chair for any questions from the committee. Thank you very much.

**The Chair:** — Thank you, Minister. Mr. Love, the floor is yours.

**Mr. Love:** — Thank you, Mr. Chair. I want to thank Minister Ross and also thanks to Peter and Molly and Jaxen for being here. It's great to have such a great crew for the one bill that we have to discuss tonight.

I'll start just with a couple comments coming out of adjourned debate, how much I enjoyed hearing my colleagues in opposition share positive story after positive story of visiting the RSM [Royal Saskatchewan Museum] and bringing their children the joy and the wonder that comes with that.

And one of the things that I did in response during fall session, my youngest child was with me here for a week and I was pulling double duty. Usually when I'm here I'm just working, but I was parenting as well. And he's four years old and we absolutely made time to go visit the museum. And it was on par or better than all the stories that were heard in here. It's just wonderful. You can check out my Instagram if you want to see the proof. And how much fun it was that he had pressing the button for Scotty and then running away as the roar came in from overhead. And it was a wonderful experience, and you know, I think it was an enjoyable time in here to listen to those stories and something that we all share in. So I appreciated that.

I also appreciate hearing today something that, you know . . . [inaudible] . . . the minister, we didn't hear during second reading of this bill that there are no plans to change admission by donation. And so many of the questions that I had were in response to that. I'll still maybe get into some of those questions about that, but that is good to have that cleared up during your comments. And I thank you for that.

So I guess that my first question is just simply, who initiated these changes to the legislation? Was this brought forward by the RSM, Friends of the RSM, by the ministry? But I'm just curious if you can give me a little information on the process, how these changes were initiated.

**Hon. Ms. L. Ross:** — I'll let Peter . . .

**Mr. Menzies:** — Peter Menzies, the executive director of the RSM. Actually I initiated it, so it was from us. It was an opportunity we identified to modernize the structure of the museum and give it future opportunities.

**Mr. Love:** — Yeah, that's certainly been a trend that you're probably not privy to, but much of the legislation that we discuss in lengthy adjourned debates, a lot of it has to do with modernizing and bringing Saskatchewan into line with other jurisdictions. So I did a little looking back at previous annual reports and such, and I can see that the actuals from 2020-21 were — of provincial investment there, somewhere — roughly \$2.9 million.

And I'm just, I guess, maybe a double, two-sided question here: do you know how much these amendments give the museum the opportunity to generate income to — yeah, I'll stop there — to generate income? Do you have any speculation or commitment to how that might impact their provincial funding, whether that will continue to stay at 2.9 million as the museum generates more of its own earnings, or whether that will be adjusted in the future?

**Mr. Menzies:** — Well I don't have a big role in developing the provincial budget, so you can forgive me on that. There's really no change to the current financial structure that's occurring here. There's revenue that flows to the Friends right now with our current admissions-by-donation policy. We don't plan to change that now. This just gives us an additional tool that we could use in the future should we need it.

**Mr. Love:** — So I understand from the changes that there's a few different possibilities for how the museum could generate income, one of them being changing admission by donation to a fee. And you're saying that's not happening now, but there's

other possibilities laid out in the legislation, whether that's rental income or other such income.

But do you have any sense of projected revenues in the short term? Or are these changes simply to make that possible in the long term? Really my question is about projected revenues that this change will initiate.

**Hon. Ms. L. Ross:** — Well at this point in time, we don't know because we have just come through a very, you know, difficult time with COVID. And so of course we can't specifically say, you know, what the revenue is going to be.

But one of the things we have noticed is that people are excited. They're excited to be back at our museum. And also too are the use and rental of the auditorium. This is a good opportunity because — I don't know if when you were there and toured the museum, if you stepped in and looked at the auditorium — it's a really good size. It holds about 250 people, so it's kind of that just the right fit for a presentation, small gathering, things like that.

And so this rental of that facility will also add to the ability to make some long-term plans for being able to really kind of beef up our displays at the museum. Because that's what this is all about, is modernizing the legislation, and to ensure that in fact our exhibits can be refreshed because the museum is the go-to place in Regina — but in Saskatchewan too — but in Regina specifically. Anybody like yourself when you come to Regina, where do you want to go? Where do you want to take your friends? Where do you want to take visitors? It's to the museum.

But we have to make sure that it stays current and that we provide the museum with these kind of tools. So that's why this was undertaken to also bring it in line with other museums across the country.

**Mr. Love:** — Yeah, we did check out the auditorium and all the spaces there. And I guess, not to belabour the point, but I just want to make sure my understanding is clear. There is really no change other than updating the legislation to provide for potential for future . . . so in terms of no changes to current revenues generated.

**Mr. Menzies:** — There's no reason to anticipate there would be any significant change at this time in our current revenue structure.

**Mr. Love:** — Okay, so I guess then my question is, if there's no change in revenue — and I'm looking at the minister's comments — how will that enable the museum to expand its role, reputation, and contribution to the economy? If there are not any changes?

**Ms. L. Ross:** — Well the changes that would take place is that at this point in time, the museum does not have the ability to directly charge for the use of the auditorium, say, right. So it's the Friends. So in fact, that's a separate entity. They work together, but it doesn't have the direct impact that it would have on the museum.

So that's why we're bringing this in, making it really relevant and useful for the museum to be able to, like I say, do long-term

planning too.

[19:15]

**Mr. Love:** — So what would be the process if the museum was going to move away from admission by donation, which... I appreciate your comments and we heard some of that concern in here about maintaining accessibility for folks of all income levels. I think that's something that we value for the RSM.

Because this legislation enables this change, what would be the process of actually moving away from admission by donation to a fee structure?

**Mr. Menzies:** — Our thoughts on that are that we would have to engage in a very broad public consultation, including a separate consultation with Indigenous communities in terms of that. Like I said, we don't anticipate doing that because previous... This was looked at maybe 20 years ago previously, and it didn't look like it was a popular move in the marketplace. And we like being popular.

**Mr. Love:** — That's good to hear. And I'm thinking about this a little bit through the lens of, as a Saskatoon resident and, you know, the Mendel to Remai shift. I mean, we love the Remai in Saskatoon. But there was that discussion in our community when, you know, the ease of walking to the Mendel, paying by donation was always appreciated. And there's a little bit more of a barrier there. And we found a few ways around that, and there's been some creative ways to make sure it continues to be accessible to all.

**Hon. Ms. L. Ross:** — Yeah, I think you can be reassured the museum has a totally different place. And because of that we're committed to ensuring that we're as open and accessible to as many people as possible. And so I think that's something that I think we hold very dear because we're so proud of that museum.

But we also want to be able to ensure that we can do some really good long-term plans for the museum to make sure that it's always... it has the ability to make you wanting to come back for more. And that's what we have to do.

**Mr. Love:** — Great. Well that concludes the questions that I have this evening. Thanks for the work that you do at the museum and what you offer to the public. It sure is appreciated by, I think, all members in the Assembly.

**Hon. Ms. L. Ross:** — Well thank you so much.

**The Chair:** — All right. Thank you, Mr. Love. Seeing no more questions, we'll proceed to vote on the clauses.

So clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

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

I would ask a member to move that we report Bill No. 43, *The Royal Saskatchewan Museum Amendment Act, 2021* without amendment.

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

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Okay, we're going to take a quick recess while we switch up the officials for the next round.

**Hon. Ms. L. Ross:** — I would just like to thank all the committee members for coming out this evening. Thank you to Mr. Love for his very relevant and very well... you know, your questions. Because it shows your concern and I appreciate it because we're here to serve. We're here to serve and ensure that the museum is as open and accessible as possible to everyone. So thank you so much for your questions. And thank you for the members for attending this evening.

**The Chair:** — Thank you, Minister. Now let's start moving lawyers in.

[The committee recessed for a period of time.]

### **Bill No. 38 — *The Seizure of Criminal Property Amendment Act, 2021***

#### **Clause 1**

**The Chair:** — Welcome back, everyone. We will now consider Bill No. 38, *The Seizure of Criminal Property Amendment Act, 2021*. Mr. Wyant is here with his officials from the Ministry of Justice and Attorney General. I would ask if officials who are not seated at the table wish to speak, they take a place at the table prior to doing so and state your name for the record before you speak. Also, officials, please do not touch the microphones; the Hansard operator will turn them on for you when you speak.

We'll begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments, introduce your officials, and I'll introduce Ms. Sarauer once you're finished introductions.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair, and thanks to the committee for giving consideration to these bills tonight. With me to my left, Tammy Pryznysk, director of civil forfeiture from the Ministry of Corrections and Policing. And to my right, Neil Karkut, senior Crown counsel from legislative services branch of the Ministry of Justice.

So with that, Mr. Chair, I will provide my opening remarks for Bill No. 38, *The Seizure of Criminal Property Amendment Act, 2021*.

*The Seizure of Criminal Property Act, 2009* establishes a process for civil forfeiture of property which is acquired through or used to commit unlawful activity. Forfeited property becomes part of the Criminal Property Forfeiture Fund, which is used to support

victims of crime, police operations, and community programming. The focus of these proposed amendments is to enhance the civil forfeiture unit's ability to combat money laundering in the province of Saskatchewan.

First, the proposed changes allow the director to pursue a preliminary preservation order to preserve property that is suspected to be criminal property. Second, the changes allow the director to pursue a preliminary disclosure order to obtain information respecting property that is suspected of being criminal property. With these orders, the civil forfeiture unit can take steps to identify laundered assets prior to commencing the civil forfeiture process. These new preliminary steps remain subject to judicial oversight, and a preliminary order granted by the court may be appealed under the Act.

Third, the proposed changes require financial institutions to disclose certain information to the director respecting a person's property and accounts if it's suspected that the property is criminal property.

Finally, the proposed amendments make several general updates to the Act, including revised provisions respecting investigation orders, new offence provisions for persons who fail to disclose information or disclose false or misleading information in contravention of the Act, clarified rules respecting the sealing of court applications, and new provisions that allow the director to settle disputed administrative forfeiture proceedings.

So with that, Mr. Chair, we're happy to answer any questions that the committee has.

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. And thank you, Minister, for your opening remarks. I've noticed that this — and as you've described, Minister, in your remarks — this bill includes increasing powers for the ministry and the director in terms of seizure of criminal property. I was just wondering what sort of advice has been provided to the ministry with respect to any sort of Charter implications for these changes?

**Hon. Mr. Wyant:** — There had been some questions about the constitutionality provisions. We're fairly confident that the new provisions will sustain a Charter challenge, and that advice has come to us from very competent counsel at the Ministry of Justice.

**Ms. Sarauer:** — Are there any similar powers to these available in other jurisdictions?

**Hon. Mr. Wyant:** — British Columbia has power to compel disclosure from the banks, but a lot of the provisions that you see before you today are modelled after some changes that came into effect in the province of Manitoba.

**Ms. Sarauer:** — Does that include the preliminary disclosure order provisions that are created?

**Hon. Mr. Wyant:** — That's correct, yes.

**Ms. Sarauer:** — And how long have the Manitoba provisions been in place?

**Hon. Mr. Wyant:** — Their bill was assented to in May of 2021.

**Ms. Sarauer:** — Have there been any Charter challenges to those provisions at this time?

**Hon. Mr. Wyant:** — There's been no applications that have been brought in Manitoba under their legislation as of yet.

**Ms. Sarauer:** — Could the minister explain why these new powers were deemed necessary?

**Hon. Mr. Wyant:** — So the bill is going to provide the civil forfeiture unit with further tools in order to combat money laundering within the province. The changes are going to be able to allow the unit to get more information with respect to laundered assets with respect to other proceeds of crime. So that's primarily why the legislation has been amended in this way, to give more tools to allow proceeds of crime or assets that are used in the . . . proceeds of crime to be seized.

[19:30]

And as I mentioned in my opening comments, there's a number of procedural protections contained in the Act to protect people, including judicial oversight of the changes and the protection orders that are granted.

**Ms. Sarauer:** — I suppose my question is, then, has the unit determined that there . . . Has the unit been having difficulty obtaining this information prior to this bill being drafted?

**Hon. Mr. Wyant:** — These tools are just going to allow more opportunity to identify assets. I'm not sure if that answers your question or not, but up until now, there's certainly been some challenges with respect to the unit in terms of resources that are available for them to do the research in order to determine what may be proceeds of crime.

So this is going to be able to provide those tools to the unit to be able to make those determinations. We're quite confident that there's proceeds of crime that we haven't been able to get because we have needed additional resources. So this is going to provide the resources and the additional tools to be able to make the determination in terms of what are proceeds of crime, and be able to get the orders in place to be able to secure those in advance of forfeiture.

**Ms. Sarauer:** — You've mentioned, Minister, that money laundering is a specific target for these provisions. Has there been difficulty in being able to chase those assets to date and has money laundering been deemed a particular problem in Saskatchewan?

**Hon. Mr. Wyant:** — I'll ask Ms. Pryzyk to answer the question.

**Ms. Pryzyk:** — Tammy Pryzyk. I'm sorry, could you repeat it? I think there was two parts to your question.

**Ms. Sarauer:** — Sure. I'll start with my last question and that is, has money laundering been seen as a particular issue that needs to be addressed in Saskatchewan?



**Ms. Pryznyk:** — Tammy Pryznyk. What we have found, primarily with our work with the police agencies over the years that the civil forfeiture program has been operating, is that we need a dedicated, coordinated approach to money laundering investigations. And what we're finding is that, because money launderers tend to hide the assets, it's difficult to identify them right off the bat. And so these additional tools that these amendments will bring in will assist us in identifying those assets and being able to find the evidence that can establish that they are, in fact, laundered or illicit assets. And then . . .

**Ms. Sarauer:** — That actually answered my first question as well, so thank you so much. I was wondering if you had available for the committee tonight, statistics on amount of assets obtained by the unit on a yearly basis.

**Hon. Mr. Wyant:** — I can certainly give you some numbers with respect to the distribution of funds that have come into the civil forfeiture unit that have been distributed out of that fund. In '21-22 there was \$755,774 that was distributed. The year prior to that it was 504,674, and the year prior to that 793,659. And to date, overall, it's been approximately \$6.3 million.

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

**The Chair:** — Thank you for that. Seeing no more questions, we're going to proceed to vote on the clauses.

**Mr. Keisig:** — Point of order, Mr. Chair.

**The Chair:** — Okay, what's your point of order?

**Mr. Keisig:** — The Minister of Justice mispronounced Neil's last name. It's pronounced Karkut, not Karkut. I just want the record to show that, Mr. Chair.

**The Chair:** — Okay, now it's very important that Mr. Keisig is escorted out of this Chamber.

**A Member:** — No, that's what he wants.

**The Chair:** — I know that's what he wants. You have to stay . . . [inaudible interjection] . . . Yeah, that's true.

Okay, Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 31 inclusive agreed to.]

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

I would ask a member to move that we report Bill No. 38, *The Seizure of Criminal Property Amendment Act, 2021* without amendment. Mr. McLeod moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

## **Bill No. 39 — *The Queen's Printer's Amendment Act, 2021***

### **Clause 1**

**The Chair:** — Next one. All right. Next is Bill No. 39, *The Queen's Printer's Amendment Act, 2021*. We'll begin in our consideration of clause 1, short title. Minister Wyant, please make your opening comments and introduce any additional officials.

**Hon. Mr. Wyant:** — Thanks very much, Mr. Chair. Thanks to the committee. To my left, Darcy McGovern, Q.C. [Queen's Counsel], director of legislative services. To my far left, Rachel Haack, Crown council from legislative services.

Mr. Chair, I'm pleased to offer opening remarks with respect to Bill No. 39, *The Queen's Printer's Amendment Act, 2021*. This bill will make changes to *The Queen's Printer's Act*, which sets out the rules respecting the publication of *The Saskatchewan Gazette* by the Queen's Printer. The *Gazette* contains government and public notices and changes in regulations resulting from legislation. The current Act requires the *Gazette* to be paper published not less than twice per month. The publication is currently produced weekly and posted on Fridays.

Now, Mr. Chair, the *Gazette* is frequently referenced in legal proceedings. The current legislation recognizes the paper version of the *Gazette* as the official record. The online version is not an official record. Therefore, only the paper version of the *Gazette* can be used as evidence in trials and in legal proceedings. The bill will establish both the print and the online version of *The Saskatchewan Gazette* as official records. Mr. Chair, these amendments will remove any delays that may arise from those who need to reference the *Gazette* in legal proceedings. Currently, printing and mailing hard copies of the *Gazette* can take up to a week from the date that it is first posted online. This change will allow citizens to officially reference the online copy in their legal proceedings or trials as soon as it is posted.

So, Mr. Chair, those are my opening remarks, and I welcome questions respecting Bill No. 39.

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister, for your opening remarks. Minister, could you advise the committee as to whether other jurisdictions also allow for the digital *Gazette* to be the *Gazette* of record? Thank you.

**Mr. McGovern:** — Yes, it's fair to say that Saskatchewan is one of the later provinces in bringing this forward. It's something that, you know, we've been able to identify and felt that it was simply time to bring it forward even though there wasn't a bunch of changes being made to the Act. But this was a priority so we treated it as an isolated item that we wanted to address.

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

**The Chair:** — Thank you for that. Seeing no more questions, we'll proceed to vote on the clauses. Clause no. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 7 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Queen's Printer's Amendment Act, 2021*.

I would ask a member to move that we report Bill No. 39, *The Queen's Printer's Amendment Act, 2021* without amendment.

**Mr. Ottenbreit:** — I so move.

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

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

#### **Bill No. 40 — *The Trespass to Property Amendment Act, 2021***

##### **Clause 1**

**The Chair:** — All right. Moving on to Bill No. 40, *The Trespass to Property Amendment Act, 2021*. We'll begin our consideration with clause 1, short title. Mr. Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair, and thanks to the committee. With me again to my left, Darcy McGovern, Q.C., director of legislative services; and to my far left, Rachel Haack, Crown counsel from legislative services.

Mr. Chair, I'm pleased to be able to offer some opening remarks with respect to Bill 40, *The Trespass to Property Amendment Act, 2021*. This government is committed to addressing rural crime, including those who would repeatedly victimize Saskatchewan landowners through trespass.

For this reason *The Trespass to Property Act* is being further amended with this bill to, first, provide that the recently increased maximum penalty set out in the Act — 2,000 to \$5,000 — be increased to \$25,000 for repeat offenders on the same property; provide that imprisonment for a term not exceeding six months be added as an available penalty for the first or subsequent trespass offence; introduce a \$200,000 maximum penalty for a corporation that counsels or aids and abets in the commission of that offence, including directors' liability; and provide for an express statutory tort of trespass in the Act to be brought by landowners or occupiers against a trespasser.

Mr. Chair, increasing penalties for repeat offenders and providing for specific penalties for corporate offenders is intended to send a strong message that trespass will be taken seriously in Saskatchewan. Establishing a statutory tort of trespass will codify that simple trespass is actionable and that an action may be commenced without proof of damages. It will also create an onus on the trespasser to justify why they are on the property, rather than on the owner to prove the trespasser is not

entitled to be on the property.

These procedural advantages and the express authority to impose pecuniary damages are intended to make successful tort action by Saskatchewan landowners more likely. I've noted previously that the vast majority of recreationalists in Saskatchewan follow the best practice of seeking permission for access to property and, once on the land, behave respectfully. These changes will support and hopefully extend that prevailing ethic.

So with that, Mr. Chair, pleased to answer any questions that the members have regarding *The Trespass to Property Act*.

[19:45]

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. And thank you, Minister, for your opening remarks. Minister, could you explain why the ministry deemed necessary increasing the penalties to this legislation before it had even come into force?

**Mr. McGovern:** — In terms of coming into force, the member is well aware that on January 1st the bills from the previous session did in fact come into force, and that was the \$5,000 amount that it was increased. The changes with respect to penalties that are brought in on this legislation are intended to provide a strong message that where there's repeat offenders or where there's a circumstance where you have a corporate involvement with respect to the trespassing, that it's important to demonstrate that that's going to be taken very seriously.

Similarly with the provision of imprisonment as an option, right now *The Snowmobile Act*, *The All Terrain Vehicles Act*, and *The Wildlife Act* all have provisions that note that there's imprisonment as an option. We're not saying that there's going to be a lot of imprisonment coming with this, but it was a gap to have those pieces of legislation with their elements of trespass not have similar penalties.

And so those are some of the reasons why the changes were made.

**Ms. Sarauer:** — I suppose just to clarify my question, Mr. McGovern, this bill was introduced prior to the trespass Act coming into force because this bill was introduced last sitting. Why wasn't this provision . . . Why was it increased now? Why wasn't it \$25,000 in the original piece of legislation that was introduced?

**Hon. Mr. Wyant:** — It certainly became aware that repeat offenders and corporations weren't covered by the original legislation or the changes that were made to it. And so, as Mr. McGovern has said, the stated purpose really is to ensure that that can happen and that a clear message is sent that trespass won't be tolerated in the province.

So I think that that's primarily the reasons why the changes were made: to recognize the seriousness of offence, especially when it comes to the issues of rural crime.

**Ms. Sarauer:** — Was this change suggested through consultation with outside stakeholders? Or was it through some

ministry work that had occurred within officials?

**Mr. McGovern:** — We had done some comparison work within the ministries and we were aware that in, for example, in Alberta and Ontario there were provisions that dealt with the corporate penalties as well as provisions that were dealing with repeat offenders.

And that, combined with the letters that were continuing to be received within the ministry regarding circumstances where repeat offenders were identified that the . . . You had people who were treating it as a scoff law potentially. And of course that's something that we take very seriously and at that point would bring forward and identify as a concern.

**Ms. Sarauer:** — Thank you. Can the minister explain why a statutory tort of trespass is being introduced here when there's already a common-law tort?

**Hon. Mr. Wyant:** — It was our view that establishing a statutory tort to codify the simple trespass as actionable, it can be commenced without proof of damages, right? And so there's a number of circumstances where we choose to bring forward, codify, what would otherwise be in the common law.

There is a number of examples of that, which don't come to mind presently, but there are a number. So it's really kind of to provide procedural advantages and some express authority, right? So codifying it makes it clear when codified from the common law.

**Ms. Sarauer:** — Some of your legislation around intimate images might be another example of codifying common law. Are there other jurisdictions that have a statutory tort of trespass already? And is it the same as what's being introduced here in Saskatchewan?

**Mr. McGovern:** — Thank you for the question. This would be unique in Canada in terms of the process. And when we looked at your example you gave, for example with privacy, with human trafficking, these are recent statutory torts which, you know, we've heard the arguments that people say, well you know, there is a common-law tort here. But as the minister has outlined, here's a circumstance where procedurally one of the main advantages that we're able to do by statute is put the onus on the individual who has been allegedly trespassing to show that they had a legitimate legal reason to be there.

As you know, with the tort action, ordinarily it's the claimant who is having to prove each stage of that. And what this does is create that statutory advantage as well. And so through the lens of having recently considered statutory torts in a few of these other areas, it became apparent that this was something that might be an option.

And once it was identified, it was viewed as something that certainly my minister identified as being a priority, what we can do to help out people in this circumstance to address this. Because as you know, proving damages previously is difficult in a trespass context, and having to start with an onus of proving that an individual had no legal right to be there just seems backwards in that context. And this will address both of those issues.

**Ms. Sarauer:** — So this will be novel in Canada, is what you're saying? This will be the first jurisdiction?

**Mr. McGovern:** — That's correct.

**Ms. Sarauer:** — What consultation has been done with respect to the changes in this amendment bill?

**Mr. McGovern:** — Well, as previously mentioned, the provisions of the legislation addressing increased penalties, this is something that was called for by a number of people in terms of the letters that they've sent in and suggesting that the idea of . . . that it wasn't being taken seriously enough in that context. There wasn't a specific consultation on the tort. Of course, as you're well aware, it's very much a legal issue in terms of establishing for lawyers that there'll be a statutory basis on which an action can be brought in tort. And it would often be combined, as you would be aware, with other tortious claims at the same time within an intentional tort context.

But the hope is, as mentioned, that by taking away those procedural humps it can smooth, I guess, to continue the analogy, make it a little smoother to bring those actions.

**Ms. Sarauer:** — Were any Indigenous groups or leaders consulted with respect to these changes?

**Mr. McGovern:** — With respect to these specific changes, it wasn't a broad consultation in terms of the process. As the member's aware, the legislation itself isn't going to affect treaty rights or the rights of First Nations in that regard.

And I thank you for the question, because this has been raised and, as the member's aware and the members of the committee are aware, that in Saskatchewan under *The Legislation Act*, which we're going to consider this evening, provision 2-43 provides that "No enactment abrogates or derogates from the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act*."

And as you're also aware, 35(1) provides that — of the *Constitution Act* — which we can't override, provides that the existing Aboriginal treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.

And so what 2-43 does under *The Legislation Act*, for those people at home who may not be aware of the process under that Act, it acts as general legislation that applies to every Act that is passed in this Assembly, so that instead of repeatedly having to say "Criminal Code means Criminal Code of Canada" passed under this statute, for example, or that different provisions mean that, what we've done is instead say that no enactment, any Act, or regulation that's passed in this House, abrogates or derogates from existing Aboriginal treaty rights. And so those treaty rights are determined under the treaties as interpreted by the courts, and that will continue in this regard.

**Ms. Sarauer:** — When the trespass Act initially came before committee, there was a fairly passionate exchange between then minister of Justice, Minister Morgan, and my colleague, Mr. Wotherspoon, about this specific issue — consultation and how the trespass Act may or may not affect treaty rights. My other

colleague, Ms. Nippi-Albright, has been hearing from many Indigenous leaders throughout the province who are still expressing their concerns about the trespass Act and how the provisions in the legislation either legally or practically speaking are impacting their rights.

Ms. Nippi-Albright had received some communication that had been sent to your government, Minister, and I'm happy to table it with the committee after I'm done reading it into the record. But it is incumbent on us to ensure that the minister understands that the concerns that were expressed to us by Indigenous leaders and groups during the debate around the trespass Act in its initial stages seems to have not dissipated, and that the concerns are still there.

And so at this time I'm going to read a few things into the record, and then, Minister, if you'd like to respond after that, that would be appreciated. The first letter I have is from the Office of the Treaty Commissioner, and this was sent to the Minister of Agriculture, Mr. Marit, on February 15th, 2022. It touches on a few different issues. I'm going to read it in its entirety into the record though.

Dear Minister Marit,

As Treaty Commissioner for Saskatchewan I have fielded a number of complaints about the Province of Saskatchewan's increased dispersal of Crown Lands. As you may know, the Office of the Treaty Commissioner negotiated Treaty Land Entitlement . . . with the Government of Canada, Federation of Sovereign Indigenous Nations and the Province of Saskatchewan in 1992. Under section 4.06 of the Saskatchewan TLE Framework Agreement the Province of Saskatchewan "agrees to give favourable consideration from Entitlement Bands to purchase federal or provincial Crown Land."

Unfortunately, some entitlement First Nations have been unable to purchase their shortfall acres allotted under the TLE process. They expect the province to honour the TLE agreement by providing advanced notice of Crown land sales and giving First Nations right of first refusal for lands in their traditional territories. The increasing rate of Crown land sales is also concerning as these place limits on where First Nations peoples can exercise their Treaty rights and the land available for exercise of those rights and the overall Crown holdings. Lands that were meant to be protected and shared are now being literally sold off from the people of this land to the highest private bidders.

As Treaty Commissioner, it is my responsibility to ensure that Treaties benefit both Indigenous and non-Indigenous peoples throughout these Treaty territories where the province of Saskatchewan was created after the conclusion of negotiated Treaties that were meant to share the land with newcomers for settlement. TLE helped Saskatchewan achieve the first of its 7 balanced budgets . . . with the investment of over 312 million dollars from the Federal Government. These funds went to Saskatchewan landholders and were then absorbed into the provincial economy. The province must now work with Saskatchewan entitlement First Nations to ensure they fulfill the shortfall acres that were promised under TLE and to halt immediately

the sale of any other Crown lands. Stating that the FSIN is given notice is not good enough and does nothing to protect the legal obligations of which the Crowns have undertaken. Fulfillment of TLE is not the only land availability issues behind claims being fulfilled either; there are also the Nations which have Specific Claims being honoured wherein they wish to create reserve status lands within their traditional territory from their compensation.

The Trespass to Property Act is another example of how drastic the implications are from ignoring the obligations and principles of the Treaty relationship that we all inherited. The impacts it can have to Treaty rights are drastic and protection of property does not have paramountcy over Treaty rights nor will it have impact on property protection when agencies cannot investigate due to lack of resources and interest.

It is my duty to inform you and your government that these are interpreted as direct breaches of Treaty and limits the exercise of the rights of not only Treaty rights holders but the citizens in this province. Parties to these Treaties have stated unequivocally that they will take these breaches to task and how these acts and legislations affect them. To avoid litigation and senseless expense of dollars and resources the Treaty relationship simply needs to be understood and applied. Parties to this agreement have stated they will take this course if these acts and legislation are not ceased.

If there is anything the Office of the Treaty Commissioner can do to assist in elevating this understanding and how these acts and legislation are breaching the Treaty obligations set out by our ancestor's intentions please do not hesitate to contact me to mitigate these drastic damages.

Yours in service,

Mary Culbertson.

[20:00]

Then I have a press release from the Onion Lake Cree Nation dated February 16th, 2022 that I've committed to reading into the record. And it states:

Onion Lake Cree Nation has always taken action to protect our Treaty rights and we will continue to, especially with the passing of Bill No. 40, An Act to amend *The Trespass to Property Act* on January 1, 2022. Okimaw Lewis of Onion Lake Cree Nation stated "The amendments to the trespass law are a direct attack to our Treaty right to livelihood by the Government of Saskatchewan. We remind the Saskatchewan Government that Treaty 6 is an international Treaty that guaranteed we would continue to practice our way of life forever without interference."

When enforced, the new law will result in band members being fined up to \$25,000 or incarcerated for up to 6 months for carrying out activities they have always done and activities guaranteed under Treaty. "Our peoples understand what their treaty rights are and they will continue to carry out activities essential to their livelihood, guaranteed by the

Crown in our Treaty,” said Okimaw Lewis.

The Government of Saskatchewan’s re-writing of the law of trespass is a clear and direct effort to get around the recognition that treaty rights can be exercised throughout the Province on all lands that are not put to a visible and incompatible use. Not only is the government’s course of action dishonourable, but it is also unconstitutional and inconsistent with international law and Truth and Reconciliation Commission of Canada’s Calls to Action.

The commonality of the Government of Saskatchewan’s Bill 40 and the Government of Alberta’s Bill 1 is an attack on our Nations Treaty rights. As a reminder, our Treaty existed before the provinces did and there is a legal obligation by the Crown to uphold our Treaty. Onion Lake Cree Nation attended the Government of Saskatchewan Legislative Assembly on December ... [1st], 2021 to express our disapproval of the Government’s blatant violation of our Treaty rights, through their legislation without our free, prior and informed consent.

Onion Lake Cree Nation stands with all Treaty First Nations in the defence of our treaty rights and we call on the Government of Saskatchewan to immediately repeal these amendments to *The Trespass to Property Act*.

And I can table these.

**The Chair:** — Okay. So I’m going to need to table IAJ 8-29, Office of the Treaty Commissioner: Correspondence referring to treaty land agreement, dated February 15th, 2022; and IAJ 9-29, Onion Lake Cree Nation: Press release, dated February the 16th, 2022. These documents will be posted on the website within a couple of minutes. Does any member require a hard copy immediately? I recognize the minister.

**Hon. Mr. Wyant:** — Thanks very much, Mr. Chair. I won’t make any comments with respect to the issues raised by the Treaty Commissioner on the public tender land process. I understand the Minister of Agriculture is in the process of responding to that letter with that directly.

I think Mr. McGovern has been pretty clear with respect to section 35(1) of the Constitution and that the amendments to the trespass Act, in our view, don’t affect treaty rights and they continue to exist as they did before the amendments. And I think that that’s been confirmed, Mr. Speaker, at least with respect to traditional hunting and fishing rights in the Badger decision at the Supreme Court, which I know that you’re well aware of. And I won’t read that case into the record tonight, but I’m certainly prepared to table a copy of the decision.

But I think it needs to be stated though that the treaties don’t give First Nations hunters a right to go on private property or owned land to exercise their hunting and fishing and trapping rights without permission of the landowner except in some narrow circumstances. And I don’t think that . . . It’s our opinion that the Act that’s been passed and the amendments don’t affect that.

So I think we’ve been very, very clear on this. Certainly we’ve received the same correspondence that you have referred to. I have received correspondence from the FSIN [Federation of

Sovereign Indigenous Nations] who have asked for us as to whether or not we’re prepared to sit down and have a conversation. And of course we’re always prepared to sit down and have conversations with our stakeholders on issues that are of concern to them, and we will make that clear to the FSIN in response when we respond to their letter.

But I appreciate your reading this into the record. But I do want to state for the record that nothing in this legislation, based on our opinion, based on the advice and the decisions that have come from the Supreme Court, in any way materially affect hunting and trapping and fishing rights of First Nations on privately owned land.

**Ms. Sarauer:** — Thank you, Minister. And to be clear for the record, the concerns around consultation that my colleague made during the deliberation on the initial piece of legislation still stand. And I am grateful to hear that the minister is willing to meet with any folks who may have — well specifically the FSIN — on any sort of issues they may have with respect to this legislation. And I hope the minister is willing to expand that invitation to other stakeholders as well, including the folks whose communication I just read into the record.

**Hon. Mr. Wyant:** — To the extent that our legislation affects any individuals in this province, that conversation is always available to us, and so we’re more than happy to sit down and have that conversation. And I think we’re in the process of responding to the letter from the FSIN directly.

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

**The Chair:** — Great. Seeing no more questions, we’ll proceed to vote on the clauses. 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.]

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

I would ask a member to move that we report Bill No. 40, *The Trespass to Property Amendment Act, 2021* without amendment. Mr. Keisig. He moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

#### **Bill No. 41 — *The Legislation Amendment Act, 2021* *Loi modificative de 2021 sur la législation***

##### **Clause 1**

**The Chair:** — We will now consider Bill No. 41, *The Legislation Amendment Act, 2021*, a bilingual bill. We’ll begin our consideration with clause 1, short title. Minister Wyant,

please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. And thank you to the committee. To my left again, Darcy McGovern, Q.C., director of legislative services; and Jane Chapco, to my very far left, senior Crown counsel, legislative services.

Mr. Chair, I'm pleased to offer some opening comments with respect to Bill 41, *The Legislation Amendment Act, 2021*. The bill amends *The Legislation Act* to maintain consistency with other jurisdictions and to continue ongoing modernization of Saskatchewan's legislation. Mr. Chair, the Act provides the rules for how Saskatchewan's laws are drafted, interpreted, published, and revised.

The Act is based on the *Model Interpretation Act* of the Uniform Law Conference of Canada. While not all Canadian jurisdictions have adopted the model Act, they all have similar legislation governing these matters. The Act came into force in 2019 and, since then, some provinces have updated their Acts and several other minor improvements to the Act have been internally identified.

The bill contains several changes to maintain consistency with other jurisdictions, including changes to interpreting how enactments apply to one another, how to refer to entities that have both French and English names, and how to define commonly used terms. Mr. Chair, standard definitions of the terms "Criminal Code" and "rules of court" will also be added to the Act. Those definitions will now apply in all Saskatchewan Acts without having to be defined each time in those Acts.

One of the amendments will provide additional powers to permit more comprehensive consequential amendments where several regulations need to be amended at once. Currently a separate regulation package is required for each regulation that requires minor consequential changes, such as changing a reference to the title of an Act. The new provision will allow all of those amendments to instead be grouped together in one package, which will certainly be more efficient.

Mr. Chair, this series of minor changes will ensure that Saskatchewan Acts remain as consistent as possible with other jurisdictions, and that it will continue to reflect current best practices respecting interpretation, drafting, and revision of Saskatchewan's laws. And with that, Mr. Chair, we're happy to answer any questions that the committee has.

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister. If I'm reading right, there's a provision in this legislation that deals with a change in sovereign. Can you speak to that piece of the legislation?

**Hon. Mr. Wyant:** — I will ask Ms. Chapco to answer your questions.

**Ms. Chapco:** — I'm Jane Chapco from legislative services. I believe the member is referring to the amendment to section 2-21, and that's adding another subsection to that section. From a legal perspective, the transfer of the position of the monarch is automatic and all laws continue in force, all provincial officials

continue in their positions, and all court matters will continue. There will be some change to terminology within government and in the courts, but no legal issues.

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

**The Chair:** — Okay. Seeing no more questions, we'll proceed to vote on the clauses.

Clause No. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 11 inclusive agreed to.]

Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Legislation Amendment Act, 2021*, a bilingual bill.

I'd ask a member to move that we report Bill No. 41, *The Legislation Amendment Act, 2021*, a bilingual bill, without amendment. Ms. Lambert moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 42 — *The Statute Law Amendment Act, 2021* (No. 2)**

**Clause 1**

**The Chair:** — Okay. We're going to move on to Bill No. 42, *The Statute Law Amendment Act, 2021* (No. 2). We'll begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. With me, Darcy McGovern, Q.C., director of legislative services; and Rachel Haack, Crown counsel from legislative services.

Mr. Chair, I'm pleased to offer opening remarks with respect to Bill 42, *The Statute Law Amendment Act, 2021* (No. 2). This bill will make housekeeping changes to numerous pieces of legislation to update and modernize their provisions. These changes include replacing references to the "Minister of Community Resources and Employment" with the "Minister of Social Services;" removing references to repealed . . . Just give me half a second, Mr. Chair. I seem to have gotten ahead of myself, Mr. Chair. I think we're okay now, Mr. Chair.

So I'll just maybe start again, Mr. Chair, if that's all right. So I'm pleased to offer opening comments with respect to Bill 42, *The Statute Law Amendment Act, (No. 2)*. The bill makes housekeeping changes to a number of pieces of legislation to update and modernize the provisions.

[20:15]

They include replace the references to the "Minister of

Community Resources and Employment” with the “Minister of Social Services,” removing reference to repealed legislation, correcting section references, implementing gender-neutral language in a number of instances, and making additional housekeeping updates to modernize the standardized language used in the legislation. Mr. Speaker, these are all housekeeping in nature and will not have any substantive impact on the provisions of the legislation that’s being amended.

So with that, Mr. Speaker, pleased to answer any questions with respect to Bill 42.

**The Chair:** — Thank you. Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. And thank you, Minister, for your opening remarks. Could the minister explain the changes to *The Agriculture Administration Act*? I see references to two revolving funds are being removed: the Agricultural Supplies Revolving Fund and the livestock supplies revolving fund.

**Ms. Haack:** — Rachel Haack, legislative services. So the agricultural supplies advance account and Agricultural Supplies Revolving Fund programs are no longer in existence, so those provisions of the Act are being repealed. And then section 17.1 of that Act, which is also being repealed, deals with the Livestock Services Revolving Fund, which again, that program no longer exists.

**Ms. Sarauer:** — When were those programs terminated?

**A Member:** — Some time ago.

**Mr. McGovern:** — That’s a 1978 Act, *The Agriculture Administration Act*. When we go through the process for the consultations on these, that’s typically part of the process, is to ensure that they’re extant and they have no longer any provisions, or else they’re not part of the process.

**Ms. Sarauer:** — 1978, is what you said?

**Mr. McGovern:** — Sorry, 1978 Act that’s being repealed. So it can be some time ago.

**Ms. Sarauer:** — Got you.

**Mr. McGovern:** — Though I’m not exactly sure when this fund is . . . [inaudible].

**Ms. Sarauer:** — Okay, thank you. Could the minister explain why there’s an amendment to section 36 of *The Global Transportation Hub Authority Act*?

**Ms. Haack:** — Rachel Haack, legislative services. The change to the Global Transportation Hub Act is to update the reference to the new construction codes Act which came into force January 1st, 2022. So there’s currently reference to the old piece of legislation which has now been repealed by *The Construction Codes Act*.

**Ms. Sarauer:** — Thank you. Is there any construction planned in the future with respect to the Global Transportation Hub?

**Mr. McGovern:** — We wouldn’t be aware of that. So this is a

statutory update. It previously was amended, so we would decline, I guess, to speculate on that.

**Hon. Mr. Wyant:** — That would be properly a question for the minister responsible for Global Transportation Hub.

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

**The Chair:** — Seeing no more questions, we will proceed to vote on the clauses.

[Clause 1 agreed to.]

[Clauses 2 to 20 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, 2021* (No. 2), without amendment.

I would ask a member to move that we report Bill No. 42, *The Statute Law Amendment Act, 2021* (No. 2), without amendment.

**Mr. Grewal:** — I so move.

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

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Okay, we’ll continue on.

#### Bill No. 46 — *The Legal Aid Amendment Act, 2021*

##### Clause 1

**The Chair:** — Our next bill is Bill No. 46, *The Legal Aid Amendment Act, 2021*. We’ll begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thanks very much, Mr. Chair. To my right, Jane Chapco, senior Crown counsel, legislative services; to my left, Darcy McGovern, Q.C., director legislative services; and to my far left, Jayne Mallin, the chief executive officer of Saskatchewan Legal Aid Commission.

Mr. Chair, I’m pleased to offer some opening comments with respect to Bill 46. This bill amends *The Legal Aid Act* to provide the Saskatchewan Legal Aid Commission with more authority in determining who can sit on the panel of lawyers who provide legal aid in the province. Mr. Chair, at the request of the Legal Aid Commission, these amendments will clarify the panel provisions in the Act and make it clear how a lawyer can withdraw or be removed from the panel.

These amendments will explicitly confirm that an employee who leaves the commission does not automatically continue as a panel member. That lawyer would be eligible to reapply for admission as a private bar member of the panel, but his or her membership on the panel would not automatically continue.

Mr. Chair, these amendments will also give the commission specific powers to make terms and conditions respecting the

appointment and removal of lawyers from the panel. Examples of other reasons for removal would include the departure of a solicitor from Saskatchewan or the movement of a solicitor to a new position or practice area.

The bill also includes amendments to revise the process for a Legal Aid lawyer to withdraw from a file. Before withdrawing, the lawyer will now need to make an application to the CEO [chief executive officer] or designate.

Mr. Chair, the Government of Saskatchewan is committed to supporting the Legal Aid Commission in its role for providing legal services for persons who are financially unable to pursue or defend their legal rights in civil or criminal matters. These modifications to the Act will ensure that the legal aid system in Saskatchewan can continue to serve its clients as efficiently and as effectively as possible.

So with that, Mr. Chair, we're pleased to answer any questions that the committee has with respect to Bill 46.

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. Minister, I understand that the “just cause” wording for removing a lawyer was recently considered in a court decision. Could you please comment on that and these resulting changes in legislation?

**Ms. Mallin:** — I believe you're referring to the Harvey decision. The court determined that the only way for us to remove a lawyer from our panel was for just cause. And as a result of that, we've had a look at what we saw as a gap in our process, and we've tried to resolve that through amendment, through a legislative amendment.

**Ms. Sarauer:** — Thank you. Does this align with other jurisdictions' legal aid powers for their farm-out list?

**Ms. Mallin:** — Yes it does. In fact, effective panel management's a cornerstone of many of the legal aid plans across the country. Legal Aid Ontario, Legal Aid BC have substantial panel management rules and processes in place in order to effectively manage their panel and to ensure effective, efficient, and high-quality services for their clients.

**Ms. Sarauer:** — I understand that the Harvey decision came out of some conflict between lawyers on the panel and the former CEO. What provisions are in place to ensure that there is no retaliation against any lawyers for speaking out about concerns that they may have with respect to Legal Aid's functioning in the province?

**Mr. McGovern:** — Thank you for the question. I think certainly using words like “retaliation” is the farthest thing from what I think was just referenced in terms of having a process whereby effective and responsive management can be done in a demonstrably transparent way. And I think communication is one of the issues that underlies what you've done, and I think what has been identified as a priority with the new CEO, for example, in terms of moving forward. So we would hope that through communication a lot of that conflict can be addressed from the start.

**Ms. Sarauer:** — Thank you. Could you speak a bit as to the need for a process for a lawyer who wishes to withdraw from a file to have the extra step now of applying to the CEO for that leave?

**Ms. Mallin:** — It's important for us that our clients are provided with the service that they are entitled to. And we want to ensure that if a lawyer who has been working with one of our clients is going to withdraw, that there's good reason for that. It's not for us to assert the jurisdiction of the court. It's not for us to assert the jurisdiction of the Law Society and their professional rules of conduct.

It is however important for us to understand why our lawyers would be removing themselves and to perhaps look at, you know, what are some of the reasons for the breakdown in relationship and whether or not we can then provide another solution for that client. We don't want our clients to fall through the cracks. We don't want them to leave that lawyer's office and not come back to us. So it's a way for us to stay engaged with the client.

**Ms. Sarauer:** — Thank you. And thank you for all the work that you, Ms. Mallin, do and all of your staff lawyers as well as lawyers on the farm-out file in helping, serving Saskatchewan's most vulnerable populations. I have no further questions.

**The Chair:** — Seeing no more questions, we'll proceed to vote on the clauses. Clause no. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Legal Aid Amendment Act, 2021* without amendment.

[20:30]

I would ask a member to move that we report Bill No. 46, *The Legal Aid Amendment Act, 2021* without amendment. Mr. McLeod moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

### **Bill No. 51 — *The Privacy (Intimate Images — Additional Remedies) Amendment Act, 2021***

#### **Clause 1**

**The Chair:** — Okay. We can move on to . . . Next on our agenda is Bill No. 51, *The Privacy (Intimate Images — Additional Remedies) Amendment Act, 2021*. We'll begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thank you, Mr. Chair. With me again to my left, Darcy McGovern, Q.C., director of legislative services



branch; and to my far left, Maria Markatos, senior Crown counsel from legislative services.

Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 51, *The Privacy (Intimate Images — Additional Remedies) Amendment Act, 2021*. Mr. Chair, this bill expands the civil remedies available in *The Privacy Act* and confirms this government's commitment to protecting Saskatchewan residents against non-consensual distribution of intimate images.

In 2019 *The Privacy Act* was amended to create a tort for the non-consensual distribution of intimate images. Saskatchewan was one of the first jurisdictions in Canada to implement this type of legislation. Since then, the Uniform Law Conference of Canada has recommended including remedies in revenge porn legislation to declare images unlawful and require defendants and internet intermediaries to remove online images. The ULCC [Uniform Law Conference of Canada] recommendations are reflected in this bill.

Mr. Chair, this bill also broadens the protections in the Act by expanding the scope of the tort to include the threat of posting, which can be as emotionally damaging to victims. The amendments will also add depictions to the scope of protected images to address modern concerns of fakes or altered images rather than just original visual recordings.

Mr. Chair, it is my hope and the government's hope and intent that these amendments will reinforce the strong message that distributing or sharing intimate images without consent is never appropriate, that it will have consequences, and that the Government of Saskatchewan will stand with victims of such attacks.

Mr. Chair, with those opening remarks I am pleased to answer any questions with respect to Bill 51.

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair. And thank you, Minister, for your opening remarks. Please know that we are very happy to see this legislation expand and feel that these provisions are incredibly important in such a vulnerable situation.

What's really important is to ensure that this legislation is also accessible, so my question is about whether or not these provisions have actually been used by anybody . . . not the amendment, my apologies, but the actual substantive legislation.

**Ms. Markatos:** — Thank you. Maria Markatos, legislative services. We are aware of one action that was commenced in the Court of Queen's Bench. We're not aware of its current status. It may still be proceeding. It may have settled. But this isn't unusual looking at the legislation across the country. There are not a lot of reported decisions to date.

**Mr. McGovern:** — One thing, Mr. Chair, that we've done in Saskatchewan to try and facilitate actions being brought forward, because it is, you know, it's a tort action, so that's one thing we're aware of and we want to make this as easy as possible. And so you know, by reversing the onus, those sorts of steps.

But the unique thing that we've done here that isn't included in

the Uniform Law Conference is to permit the action to be brought in small claims. And part of that decision was to say, as opposed to a huge number, if the individual wants to say — there's a \$30,000 limit, as the member's aware, in small claims — I think an appropriate response in this case might be that this individual who was cavalier with respect to these images lose the truck, you know. And that's a really tangible, much more remediate approach. And so that's something we felt was important to include in the Act in addition to the alternative of proceeding by Queen's Bench.

And you know, we are aware that in Ontario there have been decisions that have been for reasonable amounts, for larger amounts of money. But we felt that by including that we might make this as accessible as possible.

**Ms. Sarauer:** — Yes, and thank you for that note. Obviously, the concern is that access to legal services is an impediment to being able to utilize the provisions in this legislation. So the hope is that the ability to pursue a claim through small claims court as opposed to Queen's Bench would potentially allow for someone who perhaps wants to represent themselves or utilize other means can do so.

You mentioned, Ms. Markatos, that there has been one case through Queen's Bench. Have there been any cases through small claims court?

**Mr. McGovern:** — We're not specifically able to track that right now. But we're not aware of whether that comes forward in that context. And I think what we can do . . . And you know, I have a minister, for example, who's stated that this is very much a priority. And you know, that's part of why we're here is to . . . when we're extending these provisions to deal with issues like a simple statement of unlawfulness and making that clear as an option.

What the Uniform Law Conference recommendation indicated was that a statement by a court of unlawfulness was much more likely, practically speaking, to get the attention of internet intermediaries. So rather than having someone say, I didn't give you consent for these horrible images to be up, you're able to say, here is a statement by a court of law that it's unlawful.

And in Cupertino or, you know, some other far-off jurisdiction, it was far more likely to catch the attention of a statement of lawfulness. And that could also be done at a . . . That's different from injunctive relief. That's simple statement of the lawful effect. That could be done in small claims as well. And so, you know, what the challenge from the minister was was to do as much as we could try and do.

**Ms. Sarauer:** — Thank you for that. And as has been indicated, I'm sure the ministry is watching to ensure that these provisions, while important, are also accessible to folks. So my challenge is to continue that monitoring and ensuring that the ministry is doing everything in its power to ensure not only that this legislation exists but that those who need it can access it in an affordable way. And unless there are other comments, I have no other questions.

**Hon. Mr. Wyant:** — No, I mean, so it's important, it's important that people understand what their remedies are. And we do what

we can to make sure that people understand that.

**The Chair:** — Seeing no more questions, we'll proceed to vote on the clauses. Clause no. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 10 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Privacy (Intimate Images — Additional Remedies) Amendment Act, 2021*.

I now ask a member to move that we report Bill No. 51, *The Privacy (Intimate Images — Additional Remedies) Amendment Act, 2021* 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. 53 — *The Miscellaneous Statutes Repeal Act, 2021***

##### **Clause 1**

**The Chair:** — We're going to move to Bill No. 53, *The Miscellaneous Statutes Repeal Act, 2021*. We'll begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thanks very much, Mr. Chair. With me, Darcy McGovern, Q.C., director of legislative services. I'm pleased to offer some opening comments with respect to Bill 53, *The Miscellaneous Statutes Repeal Act*.

The committee members will know that statute repeal legislation is used from time to time to address legislation that's become outdated or obsolete, including older Acts that are no longer in use, Acts that have been replaced by new legislation, and private Acts where non-profit organizations have ceased operations or continued under incorporation.

*The Miscellaneous Statutes Repeal Act, 2021* as proposed this year will replace *The Agricultural Safety Net Act*; *The Pastures Act*; *An Act to incorporate Additional Municipal Hail, Limited*; and *An Act to incorporate Sisters of St. Martha*.

In preparing this bill, Justice officials have worked with officials from other ministries to confirm that the proposed repeal of the legislation is suitable and will not have any undue impacts on stakeholders. As part of the government's ongoing commitment to ensure that our province's laws remain modernized and up to date, Justice officials will continue to work with other ministries to identify any other pieces of legislation that may become

suitable for repeal in the future.

So with that, Mr. Chair, I would certainly welcome any questions with respect to Bill 63 . . . 53.

**The Chair:** — 53. Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister for your opening remarks. Just to clarify, are there any provisions in this legislation that would not be considered housekeeping in nature?

**Hon. Mr. Wyant:** — No. There's no longer any operating reason to have this legislation in place, and so the answer would be no.

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

**The Chair:** — Seeing no more questions, we'll proceed to vote on the clauses. Clause no. 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 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 Miscellaneous Statutes Repeal Act, 2021*.

I would ask a member to move that we report Bill No. 53, *The Miscellaneous Statutes Repeal Act, 2021* without amendment. Ms. Lambert moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

#### **Bill No. 54 — *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021* *Projet de loi no 54 — Loi modificative diverse (attestation instrumentaire à distance) de 2021***

##### **Clause 1**

**The Chair:** — We now move on to Bill No. 54, *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021*, 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. With me again, to my left, Darcy McGovern, Q.C., and to my far left, Rachel Haack, Crown counsel from legislative services.

Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 54. Mr. Chair, this bilingual bill amends *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015*; *The Powers of Attorney Act, 2002*; and *The Wills Act, 1996* to allow lawyers to witness powers of attorney, wills, and health care directives remotely using electronic means.

Mr. Chair, you'll know that during the COVID-19 pandemic, many Saskatchewan residents have accessed legal services electronically. To facilitate this, the government passed temporary and permanent regulations to allow lawyers to witness wills and powers of attorney remotely using electronic means.

This bill will provide for more remote witnessing of wills and powers of attorney in their respective Acts while also allowing health care directives to be remotely witnessed by lawyers pursuant to similar rules as those in place for witnessing wills and powers of attorney.

Mr. Chair, remote witnessing by lawyers provides greater access to justice and facilitates timely legal services being provided to the public. This bill codifies these efficiencies on a permanent and ongoing basis. In addition to complying with the requirements set out in the bill, the amendments provide that lawyers must follow any rules established by the Law Society of Saskatchewan.

Mr. Chair, those are my opening remarks, and I welcome any questions with respect to Bill 54.

[20:45]

**The Chair:** — Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister, for your opening remarks. I know I heard from many in the legal community who very much appreciated when those temporary measures were enacted. Since the enactment of those temporary measures, were there any concerns raised or were there any issues over these changes?

**Hon. Mr. Wyant:** — We are not aware of any. As I'd mentioned in my comments, and as you're well aware, the Law Society has some pretty strict rules in place with respect to ensuring that things are done correctly. So to the best of our knowledge, we haven't heard any complaints, either through my office or from the Law Society.

**Ms. Sarauer:** — Thank you for that update, and I do see this as an improvement in terms of access to justice. I have no further questions.

**The Chair:** — Thank you. Seeing no more questions, we'll proceed to vote on the clauses. 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.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021*, a bilingual bill.

I would ask a member to move that we report Bill No. 54, *The*

*Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021*, a bilingual bill without amendment.

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

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

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Thank you.

### **Bill No. 55 — *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021* (No. 2)**

#### **Clause 1**

**The Chair:** — All right. We are now moving to our last bill. Bill No. 55, *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021* (No. 2). Beginning our consideration with clause 1, short title. Minister Wyant, please make your opening comments.

**Hon. Mr. Wyant:** — Thanks, Mr. Chair. The last bill for now, for now. To my left, Darcy McGovern, Q.C. and Rachel Haack, Crown counsel, to my far left.

Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 55. This bill amends *The Electronic Information and Documents Act, 2000* to allow lawyers to commission documents remotely using electronic means as long as the Act requirements are met and all necessary Law Society of Saskatchewan rules are followed. It will implement similar amendments to those set out in *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021*, which we just considered. The two bills were necessary because *The Electronic Information and Documents Act, 2000* is an English-only statute.

During the COVID-19 pandemic, as I mentioned before, this government passed temporary and permanent regulations to allow lawyers to commission documents remotely using electronic means. This bill will help ensure these efficiencies are allowed on a permanent and ongoing basis.

And with that, Mr. Chair, happy to answer any questions with respect to this bill.

**The Chair:** — Thank you, Minister. Ms. Sarauer, the floor is yours.

**Ms. Sarauer:** — Thank you, Mr. Chair, and thank you, Minister, for your opening remarks. My question on this bill is the same question as Bill No. 54. Have there been any concerns or issues raised since the temporary measures were enacted?

**Hon. Mr. Wyant:** — There haven't been any that have been expressed to my office, and we haven't heard any concerns that have been expressed by the Law Society of Saskatchewan.

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

**The Chair:** — Seeing no more questions, we'll proceed to vote on the clauses. Clause no. 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 Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021 (No. 2)*.

I'll ask a member to move that we report Bill No. 54, *The Miscellaneous Statutes (Remote Witnessing) Amendment Act, 2021 (No. 2)* without amendment. Mr. Grewal moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. All right. That completes our committee's business for tonight. I'd like to thank the committee members for just being attentive and awesome. Thank you so much. I would also like to thank Ms. Sarauer for just being part of this and great questions. So thank you for that. And do you have any closing comments, Mr. Minister?

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. First of all, thanks to you and to the committee for their attention tonight. To Ms. Sarauer for her very respectful questions. I appreciate that. To my officials that were here today, specifically Mr. McGovern and Ms. Haack for sitting at the table with me, but the other officials that supported us here this evening. My office staff and my chief of staff is here as well — Michelle Lang and Brandi Klein, Luke Rilling, Dawn Cherkewich, and Megan Lund who support me in my office every day. And also thanks to Hansard for being here tonight to record the proceedings. So with that, Mr. Chair, thank you very much.

**The Chair:** — Thank you, everyone, for being attentive and part of tonight's proceedings. So I would ask a member to move a motion of adjournment. Mr. Ottenbreit 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 20:53.]