



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

Mr. Mark Docherty, Chair
Regina Coronation Park

Ms. Betty Nippi-Albright, Deputy Chair
Saskatoon Centre

Mr. Gary Grewal
Regina Northeast

Mr. Travis Keisig
Last Mountain-Touchwood

Ms. Lisa Lambert
Saskatoon Churchill-Wildwood

Mr. Tim McLeod
Moose Jaw North

Mr. Greg Ottenbreit
Yorkton

[The committee met at 15:30.]

The Chair: — Okay. Welcome, everyone, to the Intergovernmental Affairs and Justice Committee meeting. I'm Mark Docherty. I'm the Chair of the committee.

With us today we've got Gary Grewal, Lisa Lambert, Tim McLeod, Greg Ottenbreit. Substitutions for today: Nicole Sarauer for Betty Nippi-Albright, Daryl Harrison for Travis Keisig.

So before the introduction of officials, we're adding two bills today. During the Assembly's sitting, Bill No. 65, *The Provincial Court Amendment Act, 2021* and Bill No. 68, *The Enforcement of Maintenance Orders Amendment Act, 2021* were committed to the committee.

I understand that the minister and the opposition member are both prepared today to consider these additional items of business. Does the committee agree to add them to today's agenda?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Carried. There'll be no whispering, okay? There'll be no whispering. Awesome. Mr. Minister, with that I will let you introduce your officials. But we're going to consider six bills as I've said.

Bill No. 63 — *The Reviewable Transactions Act*

Clause 1-1

The Chair: — We're going to begin with Bill No. 63, *The Reviewable Transactions Act*, clause 1, short title. And, Minister Wyant, as I've said, you're here with your officials from the Ministry of Justice and Attorney General. And I would ask officials to please not touch the microphones. A Hansard operator will turn them on for you when you speak.

And, Minister Wyant, please make your opening comments and introduce your officials.

Hon. Mr. Wyant: — Thank you very much, Mr. Speaker. With me today on my far left, Rachel Haack, Crown counsel from legislative services, and to my immediate left, Darcy McGovern, Q.C. [Queen's Counsel], director of legislative services.

Mr. Chair, I am pleased to offer some opening remarks with respect to Bill 63, *The Reviewable Transactions Act*. Mr. Chair, this new legislation replaces the current outdated laws that govern fraudulent preferences and fraudulent conveyances in Saskatchewan. Fraudulent preferences and fraudulent conveyances are transactions that may prevent a creditor from recovering against a debtor.

The bill is based upon legislation that's been recommended by the Uniform Law Conference of Canada, as adopted to Saskatchewan by the Law Reform Commission of Saskatchewan through the good work of Professor Tamara Buckwold and Professor Ron Cuming.

Currently fraudulent preferences and fraudulent conveyances are

governed by outdated laws, including a 1571 British statute. The current law fails to address modern commercial transactions and has the potential to cause confusion over which statute or set of rules apply. The bill will introduce a modern, comprehensive set of rules to govern these transactions and will provide clear guidance to the courts.

Mr. Chair, other improvements to this bill include the removal of the term "fraud" or "fraudulent transactions." The bill will set out circumstances where transactions may be subject to review by a judge even if the debtor did not intend to defraud his creditors. The change balances the interests of creditors and debtors. Creditors can challenge transactions that prejudice them under the new legislation, but there is a recognition that the debtor may have not had any fraudulent intent.

A list of factors will be provided to the court to consider when reviewing the intention of a debtor or a transferee. Transactions which give an unjustified preference to one creditor over another may also be the subject of review if the creditor receiving the benefit was not dealing at arm's length with the debtor and the debtor becomes insolvent.

Mr. Chair, this bill will also expand the current relief available to claimants by setting out a wide variety of available orders, including injunctions and the new reviewable transaction security interest. The bill aligns reviewable transactions law with Saskatchewan's recently modernized enforcement law, *The Enforcement of Money Judgments Act*.

So, Mr. Chair, with those opening comments, we're pleased to answer any questions that you have with respect to Bill 63.

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

Ms. Sarauer: — Thank you, Mr. Chair. And thank you, Minister, for your opening comments. You mentioned that this bill is based on legislation recommended by the Uniform Law Conference of Canada. Can you advise if there's anything in the Uniform legislation that is not a part of this bill? And if so, why?

Hon. Mr. Wyant: — I'll let Mr. McGovern answer that. But before I do, I do want to thank Mr. McGovern for all his work on the Uniform Law Conference. I know he had a lot to do with this legislation, so you'll have your answer.

Mr. McGovern: — Thank you, Mr. Chair. I think the main difference between the piece that was passed at the Uniform Law Conference and the piece that's now been adapted by the Law Reform Commission of Saskatchewan is with respect to *The Enforcement of Money Judgments Act*, which the minister mentioned in his opening remarks.

So Saskatchewan is one of the few provinces that has, with respect to unsecured debt, passed *The Enforcement of Money Judgments Act* to fully modernize and link with the PPSA [*The Personal Property Security Act*] and the land titles system that enforcement of money judgments. The Uniform Law Conference piece wasn't as specifically integrated in that regard. And so what we were able to do with the Law Reform Commission's good work was to, in a sense, make this bill fit for Saskatchewan.

And the member will know that at the end of the Act, some of the consequential amendments with respect to enforcement of money judgments and PPSA and land titles will put us in a position where Saskatchewan will continue to be in a leadership position for modern, computerized enforcement legislation. And in this case, it's of course with respect to what we will now call, instead of fraudulent preferences, we'll call reviewable transactions.

Ms. Sarauer: — Thank you, Mr. McGovern. You also mentioned the work that the Law Reform Commission did with respect to this legislation. Can you speak a little bit about that process? In particular I'm wondering if you could provide the committee with information as to who was consulted on this legislation.

Mr. McGovern: — Sure. And I think the consultation on this piece . . . The member will know, as will all the lawyers, that at the completion of the Law Reform Commission report, we were able to include it in the Law Society push, so every lawyer in Saskatchewan was able to receive the report as part of the process in Saskatchewan.

More specifically, the Law Reform Commission did have some target work. The membership of the Law Reform Commission itself is led by Mike Milani, who is well known as a commercial law expert of the province in his own right, in addition to Ron Cuming, who is pre-eminent in the field. Tamara Buckwold remained very involved, and she was of course involved in the Uniform Law Conference piece. So we think on this piece we had a good balance between the experts in terms of the content, as well as being able to circulate it literally to every lawyer in the province.

Ms. Sarauer: — What feedback . . . I'm not asking for the content. I'm just wondering how many lawyers did provide feedback when this was circulated by the Law Society.

Mr. McGovern: — We didn't see a large amount of a return on that as opposed to providing it. And to be fair, at that point it was a final report. And so it wasn't so much asking at that point for comments on the report. There was a previous opportunity within the Law Reform Commission at the interim stage, and so the members are aware that it's a fairly technical area of the law.

So between the Uniform Law Conference piece, the report by Tamara Buckwold, subsequently the report of adaptation by the Law Reform Commission and Professor Cuming, through the midwinter meeting process and as well through the education process, there was a lot of reaching out. But I can't say there was a flood of response in that regard. There's a few people who every so often profess strange affinity for the *Statute of Elizabeth* in 1571, but I think that's more of a comment than an actual critique.

Hon. Mr. Wyant: — I've received two comments from lawyers who lamented the demise of the *Statute of Elizabeth* after having studied it in law school. And regrettably they saw that, but they also saw the benefit of having new legislation in place.

Ms. Sarauer: — Thank you for that. I'm wondering if there was any attempt to consult with any debtor-friendly organizations. I can't think of who that would be off the top of my head. But was

there any sort of attempt to try and consult with that end of the individuals who would be a part of this legislation? They're often unrepresented.

Mr. McGovern: — And you know, it's fair to say that that can be tricky in terms of who those groups are. I think the advantage with having the academics lead the initial piece is that it's baked into it in that regard. And one of the big pieces that's done here is, I guess, two things. One is to ensure that you have that judicial oversight at any stage from different parties with respect to the process that's being initiated here.

But as well, it's set up as a balance by moving away from fraudulent language — which as the member well knows, connotes criminal activity — as opposed to saying we have a reviewable transaction, when a preference that may be unintentional has occurred, or a transaction that had the result of creating an unfair result.

And so in that case, you've moved away from that stigma or that quasi-criminal, as opposed to recognizing, I think, that you have people who may be in a very difficult situation and that are perhaps making transactions in haste, or perhaps taking steps that aren't that well advised. And this allows that process to proceed without, I would say, straying into that quasi-criminal sort of analysis.

Ms. Sarauer: — Minister, you mentioned that the current laws, as they are, have failed to adequately address the issues in this area. Can you elaborate as to how they have proved to be unsuccessful or not quite as successful as this proposed legislation will be?

Hon. Mr. Wyant: — Well I think one of the challenges we have is we've got modern commercial transactions and computerization and those kinds of things. And so I think when the legislation was drafted, there was some specific thought to how those kinds of transactions, certainly a lot more . . . When the original legislation was passed, including *The Fraudulent Preferences Act*, we didn't have the kind of modern transactions that we have now, immediate transactions that can take place. And so that was probably one of the focuses, I think.

Mr. McGovern: — The one piece I would add is that linkage to the PPSA, that linkage to the land titles and particularly to the money judgment enforcement. Because we are outside that secured envelope where you're dealing with unsecured debt often in these circumstances. And what this will do . . . And I thank the member for raising the issue, in terms of us making it clear that this process will now be part of the distribution scheme under money judgments. So rather than a system right now based on antiquated law in which someone may gain a windfall potentially by being first out the gate and trying to find one of these transactions, this becomes part of the distributable pool for the creditors.

Ms. Sarauer: — No further questions.

The Chair: — Seeing no more questions, we'll proceed to vote on the clauses, and there's a lot of them. Clause 1-1, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clause 1-1 agreed to.]

[Clauses 2 to 4 inclusive agreed to.]

[Clauses 1-2 to 10-1 inclusive agreed to.]

[15:45]

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

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Reviewable Transactions Consequential Amendments Act, 2021*, a bilingual bill.

I would ask a member to move that we report Bill No. 63, *The Reviewable Transactions Act* without amendment. Ms. Lambert moves. Is that agreed?

I'd ask a member to move that we report Bill No. 64, *The Reviewable Transactions Consequential Amendments Act, 2021*, a bilingual bill, without amendment.

Some Hon. Members: — Agreed.

Mr. Grewal: — I do so move.

The Chair: — Carried. Any closing comments on the bill or anything? Good? Move on.

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

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 64 — *The Reviewable Transactions Consequential Amendments Act, 2021/Loi de 2021 corrélative de la loi intitulée The Reviewable Transactions Act*

Bill No. 67 — *The Emergency Planning Amendment Act, 2021 (No. 2)*

Clause 1

Clause 1

The Chair: — All right. Next is Bill No. 64, *The Reviewable Transactions Consequential Amendments Act, 2021*, a bilingual bill. We will begin with clause 1, short title. Minister Wyant, you may make your opening comments.

The Chair: — Next is Bill No. 67, *The Emergency Planning Amendment Act, 2021 (No. 2)*, a bilingual bill. We'll begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments.

Hon. Mr. Wyant: — Thanks, Mr. Chair. Again with me, Rachel Haack, Crown counsel and Darcy McGovern, Q.C. Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 64, *The Reviewable Transactions Consequential Amendments Act, 2021*.

Hon. Mr. Wyant: — Thank you, Mr. Chair. With me to my far left, Neil Karkut, senior Crown counsel, and Darcy McGovern, Q.C.

Mr. Chair, this legislation contains consequential amendments to the bilingual legislation necessary to implement *The Reviewable Transactions Act*. These amendments to *The Co-operatives Act, 1996* and *The Non-profit Corporations Act, 1995* will identify that an oppression remedy may not be sought under those Acts where the remedy is available under *The Reviewable Transactions Act*.

I'll now open with some opening remarks with respect to Bill 67, *The Emergency Planning Act, 2021*, no. 2. Over the course of the COVID-19 pandemic, Mr. Chair, many groups and organizations have joined the front line with health care workers to comply with public health laws and protect the public. It would be unfair for these Saskatchewan groups and citizens to face COVID-based litigation after they've demonstrated a strong commitment to fighting this pandemic. This bill will provide enhanced protections from liability to individuals and organizations who've complied with applicable health orders and laws.

So, Mr. Chair, with those opening remarks, I welcome any questions with respect to Bill 64.

The changes are an extension of existing protections that were passed in the spring of 2021. As with those previous amendments, persons that have not complied with applicable health laws or have acted in a grossly negligent manner will not receive liability protections under the new changes.

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

The bill will also provide clarified liability protection for the Crown and its agents against any COVID-19-related litigation. It's important that the government take action to address the COVID-19 pandemic without the risk of ongoing litigation at a cost to the general public.

Ms. Sarauer: — Thank you, Mr. Chair. As this bill, as the minister had mentioned, contains consequential amendments to the legislation that we just spoke about, Bill No. 63, I have no questions.

The Chair: — Thank you. So seeing no further questions, we'll proceed to vote on the clauses. Clause no. 1, short title, is that agreed?

Although Saskatchewan is now taking steps to emerge from the pandemic and learn to live with COVID-19, this legislation will continue to offer protection from liability for those who acted in accordance with the public health laws over the past two years. And with that, Mr. Chair, I'm happy to answer any questions with

Some Hon. Members: — Agreed.

The Chair: — Carried.

respect to Bill 67.

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

Ms. Sarauer: — Thank you, Mr. Chair. And thank you, Minister, for your opening remarks. Minister, I'm wondering if you or one of your officials can explain to me what new subsection 24.2(1)(c) will mean.

Mr. McGovern: — Thank you, Mr. Chair, and to the member. You're making reference to the definition of COVID public health emergency in the clause (c). The changes in the definition . . . In (b), as you're aware, September 13th was the second emergency order under *The Emergency Planning Act*.

And what we've done with this definition is to say that period, which has now just recently come to an end, and any subsequent emergency declaration that may occur that was the subject of the similar COVID matter if there's a subsequent emergency, it too would be covered by the COVID public health emergency definition. And then as we go back out to the March, it includes any period between emergency declarations.

And so that's a good example of Justice drafting the heck out of that provision so that it's very clear that . . . Last time we had a definition that was based on the September 10th, and it became viewed as important to have an additional emergency period. This covers that in-between. And as the minister had indicated in his opening remarks, the intent with that is to make sure there's nobody who's falling in the gap. So people who have made every effort to comply with the orders during the public health emergency will receive the protection that's set out in the legislation and won't have a gap in that regard.

Ms. Sarauer: — So just to clarify, and correct me if I'm wrong, if another emergency declaration needs to be made in the future, (c) allows for the government to make that emergency declaration without having to reopen this legislation and amend this section again?

Mr. McGovern: — With respect to the issue of liability, that's correct. As long as it's COVID related.

Ms. Sarauer: — Okay, thank you. And just to clarify, you had mentioned but could you give the exact date as to when the current emergency declaration that was made on September 13th, 2021 is ending?

Mr. Karkut: — Neil Karkut, Ministry of Justice. The September 13th, 2021 emergency declaration, that concluded on the 14th of this month.

Ms. Sarauer: — You already spoke, Minister, as to why it's important to have this protection for individuals or groups who have acted during this public health order to protect them from liability. Have there been situations where in Saskatchewan, or if there isn't, in other jurisdictions, where this has been a threat?

Hon. Mr. Wyant: — There was an incident in Yorkton where there were posters that were put up that were suggesting that people were acting, you know, that they could be held responsible for some of the things that they had done, right. I

think that that caused some angst among health care workers, that somebody might be thinking about it.

So what the legislation basically does is clarify the fact that, as long as you're acting in good faith and not grossly negligent in the conduct of your affairs, that you're going to be protected by the legislation. So it kind of sends a signal, I think, to health care workers who have been compliant, especially health care workers in particular who have been compliant with the public health orders, and others, that they'll receive the protection of the law. But that was one of the incidents. You know, I can't think of any other ones, and I'm not sure that there have been any.

And I can't speak to any in other provinces where that's happened. But certainly sending the signal to people that, you know, as long as you acted in good faith and weren't grossly negligent, then you'll receive the protection of the law. So I think that that gave some comfort to people. But that was the one incident, I think, that comes to mind.

Ms. Sarauer: — Thank you for that. Does this protection exist in this legislative form in other jurisdictions outside Saskatchewan?

Mr. Karkut: — Yeah, so when this law was originally passed it was modelled largely on Ontario's bill, and that provided in particular the protection from liability respecting COVID exposure. And also British Columbia. Both British Columbia and Ontario had extended their liability to some degree to also protect individuals who are acting in good faith to comply with their COVID rules. So our legislation I think would most closely mirror British Columbia and Ontario. Alberta, Nova Scotia, and New Brunswick also have some liability protection provisions in place.

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

[16:00]

The Chair: — Thank you. If there are no further 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 Emergency Planning Amendment Act, 2021*(No. 2).

I would ask a member to move that we report Bill No. 67, *The Emergency Planning Amendment Act, 2021* (No. 2) without amendment.

Mr. McLeod: — I'll so move.

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

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 69 — *The Inter-jurisdictional Support Orders Amendment Act, 2021/Loi modificative de 2021 sur les ordonnances alimentaires interterritoriales*

Clause 1

The Chair: — All right, our next bill is Bill No. 69, *The Inter-jurisdictional Support Orders Amendment Act, 2021*, a bilingual bill. We will begin our consideration with clause 1, short title. Mr. Wyant, please make your opening comments and introduce your officials, and we'll move from there.

Hon. Mr. Wyant: — Thanks very much, Mr. Chair. To my far left, Lionel McNabb, executive director of family justice services from the Ministry of Justice; and to my immediate left, Maria Markatos, senior Crown counsel from legislative services.

Well thanks, Mr. Chair. I'm pleased to offer some opening remarks with respect to Bill 69, *The Inter-jurisdictional Support Orders Amendment Act*. *The Inter-jurisdictional Support Orders Amendment Act*, in part, is part of a nationwide scheme of legislation that permits an applicant in one Canadian jurisdiction to bring an application to obtain or vary a support order in the jurisdiction where the respondent lives. The Act also provides for the registration in Saskatchewan of support orders from other Canadian or foreign jurisdictions for the purposes of enforcement.

The interjurisdictional support orders unit identified changes to the Act through their work with the continuity of enforcement task group. This group works with provinces and territories to identify potential improvements in interjurisdictional support order legislation.

Mr. Chair, this bill amends the Act to remove the requirement that copies of support orders from other Canadian jurisdictions be certified before they can be filed with a court in Saskatchewan. The bill also removes the requirement that copies of Saskatchewan court orders be certified before they can be filed in the court of a reciprocating jurisdiction.

Removing the automatic requirement for a certified copy will speed up the process of filing documents. Where the authenticity of a document is called into question, the designated authority will still have the discretion to request a certified copy be provided.

Mr. Chair, the Act provides that documents be transmitted between reciprocating jurisdictions. Technological improvements have shown that the electronic transmission of documents can be efficient and secure. The bill will allow for the transmission of electronic documents in accordance with the regulations. So with that, Mr. Chair, we're happy to answer any questions with respect to Bill 69.

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. Minister, providing the court a certified copy of documents is usually done to provide some certainty in the validity of these documents. Can you explain why this will no longer be needed for these particular instances?

Hon. Mr. Wyant: — I will ask Mr. McNabb to answer that, but before I do I just want to thank him for all the excellent work that he does at maintenance enforcement. So with that, Mr. McNabb.

Mr. McNabb: — Thank you. When we get certified . . . We need certified court orders from other jurisdictions, as you know, to enforce. We can't start enforcement until we register it with the Provincial Court.

Lots of jurisdictions . . . Saskatchewan is very, very good at getting certified copies but . . . I won't throw stones but Ontario for sure, sometimes it can take several months to get a certified copy of a court order. And that can slow down enforcement.

As you would know, when we start enforcement the payer can contact us. And if the payer ever said there's a different court order or this is the wrong court order, it's a quick phone call to the other jurisdiction to find that out.

And the other one, we're shipping them out. Right now, every province has agreed to change this, but some of the provinces right now require 6 to 12 certified copies of a court order. So we then contact the court, and they generate and certify this many copies of court orders. So it's efficient for the courts and it will help expedite enforcement and collect child support.

Ms. Sarauer: — Thank you. Thank you. I imagine waiting several months for that procedural piece would be very difficult for a payee. So now the onus is almost reversed onto the payer. And if there's an issue with or a concern about validity of documentation, it's up to the payer to raise that. Is that correct?

Mr. McNabb: — That is correct, yeah. This way we can start enforcement immediately if somebody moves to the province and we know they're not paying.

Ms. Sarauer: — Thank you. Will we be the only province that won't require certified copies?

Mr. McNabb: — Manitoba's already passed the legislation. They did it some time ago. Nova Scotia is in the process of doing it. British Columbia is in the process of doing it. We have a commitment from all the other jurisdictions to do it when they can.

Ms. Sarauer: — Thank you. Minister, I think you spoke in your opening remarks about the ministry's interjurisdictional support order unit. Can you speak a little bit about the work that they do and how they're able to help individual citizens?

Hon. Mr. Wyant: — I'll ask Mr. McNabb to answer that because he's part of that group.

Mr. McNabb: — Thank you. Yeah. We have five people working in that area, and they transfer court orders across the country into different jurisdictions and countries all over the world. It's a fairly expedited process. We get requests through there for if there's DNA [deoxyribonucleic acid] testing. Or if

people are challenging parentage, we do that.

The *Divorce Act* is being changed so it's more like an ISO [interjurisdictional support order] process, which will again help a whole bunch of families get money sooner. So that again, we process provisional orders right now but we're gradually getting away from that, but it's just to get orders as quickly as we can from jurisdiction to jurisdiction and this will help with that.

Ms. Sarauer: — Thank you for that. You and your staff do incredibly important work for many families in this province. And I wanted to get that on record while the minister is considering budgetary issues in the future. 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 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 15 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Inter-jurisdictional Support Orders Amendment Act, 2021*, a bilingual bill.

I'd ask a member to move that we report Bill No. 69, *The Inter-jurisdictional Support Orders Amendment Act, 2021*, a bilingual bill, without amendment. Mr. Ottenbreit moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay, we're good.

Bill No. 65 — *The Provincial Court Amendment Act, 2021*

Clause 1

The Chair: — Right, we're going to move on to Bill No. 65, which is *The Provincial Court Amendment Act, 2021*. We'll begin our consideration with clause 1, short title. Minister Wyant, make your opening comments and introduce your officials.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. To my left, Jane Chapco, senior Crown counsel from legislative services; and to my right, Jan Turner, assistant deputy minister of court services.

So, Mr. Chair, I'm pleased to offer opening remarks with respect to Bill 65, *The Provincial Court Amendment Act, 2021*. This bill amends *The Provincial Court Act, 1998* to implement the recommendations of the 2020 Provincial Court Commission to presumptively set the salary of Provincial Court judges as a fixed percentage amount of the salary of the Court of Queen's Bench judges.

The most recent Provincial Court Commission process

concluded in December of 2020. The commission report included a recommendation that the current salary determination system be changed and that the salary of a Provincial Court judge be set at 95 per cent of the salary of a Court of Queen's Bench judge, barring any extraordinary circumstances. Mr. Chair, this bill will implement that recommendation and add that 95 per cent amount to the Act.

The amount will be a presumption that will apply when future commissions are convened to make recommendations on salary and other benefits for judges. The amendments include a provision to deviate from this fixed 95 per cent amount in extraordinary circumstances. Those circumstances could include a significant rise of 20 per cent or more in the consumer price index, a significant decrease of more than 10 per cent in the gross domestic product of Saskatchewan, or a failure to update the salary of federally appointed judges as required under the federal *Judges Act*.

Mr. Chair, implementing this recommendation will reduce the cost, complexity, and uncertainty of the commission process and will give the commission more time to resolve other matters. The Act currently requires an independent commission to be appointed and a report to be submitted every three years. These amendments will lengthen the commission term from three years to four years, which will be more efficient and will be consistent with the equivalent federal Act.

Mr. Chair, these changes will ensure that *The Provincial Court Act, 1998* continues to provide an efficient remuneration process that respects the principles of judicial independence. Mr. Chair, with those remarks, I'm happy to answer any questions that the committee has.

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. Minister, can you explain how this fixed percentage aligns with other jurisdictions?

Hon. Mr. Wyant: — Except for Ontario, we would be the first jurisdiction to fix our salaries consistent with judges of the Court of Queen's Bench.

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

The Chair: — Thank you. Seeing no more questions, we will proceed to vote on the clauses. Clause number 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: — Okay. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Provincial Court Amendment Act, 2021*.

I'd ask a member to move that we report Bill No. 65, *The Provincial Court Amendment Act, 2021* without amendment.

Mr. D. Harrison: — I so move.

The Chair: — Mr. Harrison moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 68 — *The Enforcement of Maintenance Orders Amendment Act, 2021/Loi modificative de 2021 sur l'exécution des ordonnances alimentaires*

Clause 1

[16:15]

The Chair: — Okay. Our last bill is Bill No. 68, *The Enforcement of Maintenance Orders Amendment Act, 2021*, a bilingual bill. We will begin our consideration with clause 1, short title. Minister Wyant, please make your opening comments and introduce your officials.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. To my far left, Lionel McNabb, executive director of family justice services; and to my immediate left, Maria Markatos, senior Crown counsel from legislative services.

Well thanks, Mr. Chair. I'm pleased to offer some opening remarks with respect to Bill 68, *The Enforcement of Maintenance Orders Amendment Act, 2021*. The amendments in this bill will give the maintenance enforcement office the discretion to commence enforcement proceedings after one month of arrears where the payer has defaulted in payments more than once in bad faith.

The Enforcement of Maintenance Orders Act includes enforcement mechanisms that may be used when payers are not making support payments. This includes the suspension of driver's licences, the attachment of pension entitlements, and corporate liability for payments.

Typically enforcement efforts are taken when a payer is in arrears of more than three months. However some payers have been taking advantage of the three-month threshold by regularly refusing to provide support payments until the end of the three-month period. The proposed amendments will give the director the discretion to commence enforcement procedures after one month of arrears where the payer has defaulted on payments more than once in bad faith.

Mr. Chair, the maintenance enforcement office indicates that this type of conduct is not widespread among payers. However, the provisions will assist in preventing certain payers from regularly using the three-month time frame in the legislation to decline to provide monthly payments pursuant to a court order.

So with that, Mr. Chair, I'm certainly happy to answer any questions with respect to Bill 68.

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. Minister, you've described quite well why more discretion is being given to the director for enforcement for payments that are in arrears less than three months. Could you explain any other increasing options for maintenance enforcement that's included in this bill?

Hon. Mr. Wyant: — This is really the only additional change that's being made to the Act.

Ms. Sarauer: — Thank you. We have occasionally spoken about the maintenance enforcement office, the good work that they do but the often increasingly busyness of that office. I'm wondering about this extra ability given to the maintenance enforcement office, which I think is a positive thing, but whether or not there are enough maintenance enforcement officers that already exist to be able to pursue this additional option to gather enforcement of arrears.

Mr. McNabb: — Thank you for the question. And it is a busy office. We get 30 or 40 new applications . . . We used to get 30, 40 a week, and we're now down to about 40 a month, so that part is helping. But we're also closing just about as many as we open, so that has helped. We streamlined our accounting, brought in a new computer system a few years ago. And as part of that, the payments were going through much more efficiently.

So we took a person from that office and reclassified them to an enforcement officer. So we've actually bumped up the number of people we have enforcing, so our caseload is staying quite flat. And so we're doing fairly well on enforcement officers, and our caseloads are actually, per officer, down like slightly over the last couple years.

Ms. Sarauer: — Thank you. Could you explain why the number of applicants has changed in your office? You mentioned that they've dropped.

Mr. McNabb: — That's a challenging one. My description is, there's no easy ones anymore. We used to get where people, you know, somebody works for the Government of Saskatchewan — I'll just use that as an example — but not paying. Well that's a pretty easy one for us. We collect the money right away.

I'm hoping it's because we're doing such a good job that people know if they don't pay that we'll collect the money quite quickly or they'll lose their driver's licence or be garnished. So the ones we get now, usually when they come in the door they're 3 to \$10,000 behind. That's why I said there's no easy ones anymore. And they don't know where the person works or are they self-employed. So I'm hoping some of the reason is people are becoming more responsible, plus they know we're out there in case they don't pay.

Ms. Sarauer: — So just to make sure I'm hearing you right, although there are less files, they are more complex files.

Mr. McNabb: — That is a very good description, yes.

Ms. Sarauer: — How many enforcement officers do you currently have?

Mr. McNabb: — 22.

Ms. Sarauer: — Do you feel you have enough for the work that you're doing?

Mr. McNabb: — I think we have. With the number of files dropping slowly, we're doing very well.

Ms. Sarauer: — What work does the ministry do to ensure that the public knows that your office is available?

Mr. McNabb: — Boy, as you know, we also have a family law unit now, which we've just gotten over the last few years. So they're out helping self-represented people and they have 20 self-help kits. We again, over the last year, started a recalculation unit that you have commented on. So any time any of those people are talking to someone, if somebody has a concern, they can refer them to recalculation. They refer them to family law. They can refer them to maintenance enforcement. So we actually have a pretty good marketing team going that way.

Ms. Sarauer: — Thank you. And thank you again for the work, the important work that you and your team do for the province. I have no further questions.

The Chair: — Thank you all. So 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 15 inclusive agreed to.]

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

I would ask a member to move that we report Bill No. 68, *The Enforcement of Maintenance Orders Amendment Act, 2021*, a bilingual bill, without amendment. Ms. Lambert moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Okay, that completes our committee's business for today. I would ask that, Minister, if you've got some closing comments, and then I will ask you for the same.

Hon. Mr. Wyant: — Thank you. Thanks, Mr. Chair. Well thank you to you and thank you to the committee for their attendance today and Ms. Sarauer for her always respectful questions. I also want to thank all the officials that came here today, who provide the support to the committee and support to me. And I also want to thank Hansard for their attendance today. So thank you very much, Mr. Chair.

The Chair: — Thank you, Minister. Ms. Sarauer, your closing comments?

Ms. Sarauer: — Thank you, Mr. Chair. I'd like to join with the minister in thanking the members of the committee as well as yourself, Mr. Chair, as well as those who support the committee in their work, Hansard and all those who work in this Legislative Building. As well as the minister for his respectful answers and his officials, both within the ministry and within the minister's office as well.

The Chair: — Thank you for that. I would also like to thank Hansard and like to thank Anne Drake who's beside me and actually doing the lion's share of the work. So thanks for that. Thank you for your respectful dialogue, Ms. Sarauer and Minister Wyant. I'd like to thank the committee members for their awesomeness. And yeah, all the committee members with Minister Wyant, we'll thank you again for that.

I would ask a member to move a motion of adjournment.

Mr. Ottenbreit: — I so move.

The Chair: — Mr. Ottenbreit has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee stands adjourned to the call of the Chair. Thank you all.

[The committee adjourned at 16:26.]