

STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE
Wednesday, March 15, 2023

MINUTE NO. 21
3:59 p.m. — Legislative Chamber

1. **Present:** Terry Dennis in the chair and members Gary Grewal, Travis Keisig, Jim Lemaigre,* Hugh Nerlien,* Tim McLeod, and Nicole Sarauer.*

Substituting Members

Jim Lemaigre for Lisa Lambert
Hugh Nerlien for Greg Ottenbreit
Nicole Sarauer for Erika Ritchie

2. The following documents were tabled:

Law Clerk and Parliamentary Counsel: 2021 bylaws filed
(IAJ 10-29)

Law Clerk and Parliamentary Counsel: 2022 bylaws filed
(IAJ 11-29)

Law Clerk and Parliamentary Counsel: 2021 regulations filed
(IAJ 12-29)

Law Clerk and Parliamentary Counsel: 2022 regulations filed
(IAJ 13-29)

3. It was moved by Ms. Sarauer:

That the committee invite a representative from each of the following entities to present to the committee on the subject of Bill 88 at a future meeting of the committee:

- A. The Federation of Sovereign Indigenous Nations,
- B. The Métis Nation of Saskatchewan,
- C. Agency Chiefs Tribal Council,
- D. Battlefords Tribal Council,
- E. File Hills Qu'Appelle Tribal Council,
- F. Meadow Lake Tribal Council,
- G. Prince Albert Grand Council,
- H. Saskatoon Tribal Council,
- I. Southeast Treaty #4 Tribal Council,
- J. Touchwood Agency Chiefs, and
- K. Yorkton Tribal Council.

The question being put, it was defeated on division.

4. It was moved by Ms. Sarauer:

That the committee invite each of the following constitutional experts to present to the committee on the subject of Bill 88 at a future meeting of the committee:

- A. Dwight Newman, Saskatoon, Saskatchewan;
- B. Howard Leeson, Regina, Saskatchewan;
- C. Merilee Rasmussen, Regina, Saskatchewan;
- D. Norman Zlotkin, Saskatoon, Saskatchewan;
- E. John Whyte, Regina, Saskatchewan; and
- F. Mark Carter, Saskatoon, Saskatchewan.

The question being put, it was defeated on division.

5. It was moved by Ms. Sarauer:

That the committee recommends that the government refer Bill 88 to the Saskatchewan Court of Appeal under *The Constitutional Questions Act, 2012* in order to obtain an opinion regarding the bill's constitutionality.

The question being put, it was defeated on division.

6. The committee considered Bill No. 88, *The Saskatchewan First Act*.

The Minister of Justice and Attorney General and the following officials appeared before the committee and answered questions:

Witnesses

Hon. Bronwyn Eyre, Minister
Kylie Head, Assistant Deputy Minister
Mitch McAdam, Director, Constitutional Law
Darcy McGovern, Director, Legislative Services

- 7. The committee recessed from 5:58 p.m. until 6:45 p.m.
- 8. The committee resumed consideration of Bill No. 88, *The Saskatchewan First Act*.
- 9. The committee recessed from 8:52 p.m. until 8:58 p.m.
- 10. The committee resumed consideration of Bill No. 88, *The Saskatchewan First Act*.
- 11. The question being put on clause 1, it was agreed to on division.
- 12. During consideration of clause 2, it was moved by Mr. Lemaigre:

Amend Clause 2 of the printed Bill:

- (a) in the heading by adding “**and non-abrogation**” after “**Purpose**”;
- (b) by renumbering it as subsection 2(1); and
- (c) by adding the following subsection after subsection (1):

“(2) Nothing in this Act 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, 1982*”.

The question being put on the amendment, it was agreed to on division.

The question being put on clause 2 as amended, it was agreed to on division.

13. The question being put on clause 3, it was agreed to on division.

14. During consideration of clause 4, it was moved by Mr. Lemaigre:

Amend Clause 4 of the printed Bill:

(a) by adding the following after “**section 3 of the *Saskatchewan Act*:**”:

“(a) **in the English version:**”; and

(b) by adding the following after clause (a):

“; and

(b) **in the French version:**

‘**Autonomie de la Saskatchewan**

3.1(1) La Saskatchewan jouit d’une autonomie en toute matière relevant de son champ de compétence législative exclusive en vertu de la *Loi constitutionnelle de 1867*.

(2) La Saskatchewan est dépendante, comme depuis toujours, de l’agriculture ainsi que du développement de ses ressources naturelles non renouvelables, de ses ressources forestières et de la production d’énergie électrique.

(3) La capacité de la Saskatchewan de contrôler le développement de ses ressources naturelles non renouvelables, de ses ressources forestières et de la production d’énergie électrique est cruciale pour le bien-être et la prospérité futurs de la Saskatchewan et de sa population’.

The question being put on the amendment, it was agreed to on division.

The question being put on clause 4 as amended, it was agreed to on division.

15. During consideration of clause 5, it was moved by Mr. Lemaigre:

Amend Clause 5 of the printed Bill:

(a) by adding the following after “**section 90Q.2 of the *Constitution Act, 1867*:**”:

“(a) **in the English version:**”; and

(b) by adding the following after clause (a):

“; and

(b) in the French version:

‘7. - SASKATCHEWAN

90S.1(1) La Saskatchewan jouit d’une autonomie en toute matière relevant de son champ de compétence législative exclusive en vertu de la présente loi.

(2) La Saskatchewan est dépendante, comme depuis toujours, de l’agriculture ainsi que du développement de ses ressources naturelles non renouvelables, de ses ressources forestières et de la production d’énergie électrique.

(3) La capacité de la Saskatchewan de contrôler le développement de ses ressources naturelles non renouvelables, de ses ressources forestières et de la production d’énergie électrique est cruciale pour le bien-être et la prospérité futurs de la Saskatchewan et de sa population.’ ”.

The question being put on the amendment, it was agreed to on division.

The question being put on clause 5 as amended, it was agreed to on division.

16. The questions being put on clauses 6 to 9, they were agreed to on division.

17. During consideration of clause 10, it was moved by Ms. Sarauer:

Amend Clause 10 of the printed Bill by adding the following subsections:

(2.1) The Lieutenant Governor in Council shall appoint one member who is nominated by the Federation of Saskatchewan Indigenous Nations.

(2.2) The Lieutenant Governor in Council shall appoint one member who is nominated by the Métis Nation Saskatchewan.

The question being put on the amendment, it was defeated on division.

The question being put on clause 10, it was agreed to on division.

18. During consideration of clause 11, it was moved by Ms. Sarauer:

Amend Clause 11 of the printed Bill:

(a) by adding the following after “*The Public Inquiries Act, 2013*” in subsection 11(2):

“, and witnesses summoned under the powers of section 11 will be treated the same as witnesses under section 10 of *The Public Inquiries Act, 2013*”.

(b) by striking out “, with the approval of the Minister” in subsection 11(4);

(c) **by adding the following subsection after subsection 11(4):**

“(5) In addition to the powers conferred on it by the Act, the tribunal must allow for public input as set out in sections 5 and 8 of *The Public Inquiries Act, 2013*”.

The question being put on the amendment, it was defeated on division.

The question being put on clause 11, it was agreed to on division.

19. The questions being put on clauses 12 and 13, they were agreed to on division.

20. During consideration of clause 14, it was moved by Ms. Sarauer:

Amend Clause 14 of the printed Bill by adding the following after “Council”:

“after consulting with the Indigenous peoples of Saskatchewan in accordance with the Province’s constitutionally mandated duty to consult requirements”.

The question being put on the amendment, it was defeated on division.

The question being put on clause 14, it was agreed to on division.

21. The question being put on the preamble, it was agreed to on division.

22. It was moved by Mr. Grewal:

That the committee report Bill No. 88, *The Saskatchewan First Act* with amendment.

The question being put, it was agreed to on division.

23. The committee considered Bill No. 102, *The Constitutional Questions Amendment Act, 2022 / Loi modificative de 2022 sur les questions constitutionnelles*.

The Minister of Justice and Attorney General and the following officials appeared before the committee and answered questions:

Witnesses

Hon. Bronwyn Eyre, Minister

Kylie Head, Assistant Deputy Minister

Mitch McAdam, Director, Constitutional Law

Darcy McGovern, Director, Legislative Services

24. The questions being put on clauses 1 to 10, they were agreed to.

25. It was moved by Mr. McLeod:

That the committee report Bill No. 102, *The Constitutional Questions Amendment Act, 2022 / Loi modificative de 2022 sur les questions constitutionnelles* without amendment.

The question being put, it was agreed to.

26. It was moved by Mr. Keisig:

That this committee do now adjourn.

The question being put, it was agreed to.

27. The committee adjourned at 9:57 p.m. to the call of the Chair.

Anne Drake
Committee Clerk

Terry Dennis
Chair