

STANDING COMMITTEE ON NON-CONTROVERSIAL BILLS
May 29, 1996

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MINUTE NO. 1
9:30 a.m. — Room 10

1. **PRESENT:** Ms. Draude in the Chair and Members Flavel, Heppner, Krawetz, Pringle and Wall.

Also Present:

Robert Cosman, Legislative Counsel and Law Clerk

2. The Clerk to the Committee presided over the election of a Chair. Mr. Pringle nominated Ms. Draude for the position. There being no further nominations, it was moved by Mr. Wall:

That nominations for the position of Chair close.

The question being put, the motion was agreed to.

3. It was moved by Mr. Pringle:

That Ms. Draude be elected to preside as Chair of the Standing Committee on Non-controversial Bills.

The question being put, the motion was agreed to and Ms. Draude took the Chair.

4. The Chair of the Committee presided over the election of a Vice-Chair. Mr. Krawetz nominated Mr. Pringle for the position. There being no further nominations, it was moved by Mr. Krawetz:

That nominations for the position of Vice-Chair close.

The question being put, the motion was agreed to.

5. It was moved by Mr. Krawetz:

That Mr. Pringle be elected to preside as Vice-Chair of the Standing Committee on Non-controversial Bills.

The question being put, the motion was agreed to.

6. Bill No. 106 – An Act respecting the Maintenance of Dependents of Testators and Intestates / Projet de loi No. 106 – Loi concernant l'aide aux personnes à charge des testateurs et des intestats:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice

Resolved, That Bill No. 106 be reported to the Assembly as being non-controversial. (Mr. Krawetz)

7. Bill No. 98 – An Act respecting the Application to Saskatchewan of the Convention on the Civil Aspects of International Child Abduction / Projet de loi No. 98 – Loi concernant l'application à la Saskatchewan de la Convention sur les aspects civils de l'enlèvement international d'enfants:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice

Ken Ring, Legislative Crown Counsel, Department of Justice

Resolved, That Bill No. 98 be reported to the Assembly as being non-controversial. (Mr. Heppner)

8. Bill No. 99 – An Act respecting Co-operatives / Projet de loi No. 99 – Loi concernant les coopératives:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice
Monte Curle, Deputy Director, Corporations Branch, Department of Justice

Resolved, That Bill No. 99 be reported to the Assembly as being non-controversial. (Mr. Wall)

9. Bill No. 100 – An Act respecting the Regulation of Drivers and Traffic on Saskatchewan Highways / Projet de loi No. 100 – Loi concernant la réglementation de la conduite automobile et de la circulation sur les routes de la Saskatchewan:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice
Dan Kuss, Legislator Advisor, Corporate Law Department, SGI
Dave Abbey, Legislation Officer, Department of Highways

Resolved, That Bill No. 100 be reported to the Assembly as being non-controversial. (Mr. Krawetz)

10. Bill No. 101 – An Act respecting Wills / Projet de loi No. 101 – Loi concernant les testaments:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice

Resolved, That Bill No. 101 be reported to the Assembly as being non-controversial. (Mr. Heppner)

11. Bill No. 102 – An Act respecting the Distribution of Estates of Intestates / Projet de loi No. 102 – Loi concernant le partage des successions non testamentaires:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice

Ken Ring, Legislative Crown Counsel, Department of Justice
Andrea Seale, Crown Counsel, Department of Justice

Resolved, That Bill No. 102 be reported to the Assembly as being non-controversial. (Mr. Wall)

12. Bill No. 103 – An Act respecting Powers of Attorney / Projet de loi No. 103 – Loi concernant les procurations:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice
Andrea Seale, Crown Counsel, Department of Justice

Resolved, That Bill No. 103 be reported to the Assembly as being non-controversial. (Mr. Pringle)

13. Bill No. 104 – An Act to facilitate the Reciprocal Enforcement of Judgments and Awards / Projet de loi No. 104 – Loi visant à faciliter l'exécution réciproque des jugements et des sentences arbitrales:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice
Darcy McGovern, Crown Solicitor, Legislative Service, Department of Justice

Resolved, That Bill No. 104 be reported to the Assembly as being non-controversial. (Mr. Heppner)

14. Bill No. 105 – An Act respecting the Application in Saskatchewan of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards / Projet de loi No. 105 – Loi concernant l'application en Saskatchewan de la Convention des Nations Unies pour la reconnaissance et l'exécution des sentences arbitrales étrangères:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice
Darcy McGovern, Crown Solicitor, Legislative Service, Department of Justice

Resolved, That Bill No. 105 be reported to the Assembly as being non-controversial. (Mr. Krawetz)

15. Bill No. 107 – An Act respecting the Reciprocal Enforcement of Maintenance Orders / Projet de loi No. 107 – Loi concernant l'exécution réciproque des ordonnances alimentaires:

Witnesses

Hon. J. Nilson presented the Bill.

Officials

Susan Amrud, Crown Solicitor, Legislative Services, Department of Justice
Ian Brown, Co-ordinator, Legislative Drafting, Department of Justice
Ken Ring, Legislative Crown Counsel, Department of Justice

Resolved, That Bill No. 107 be reported to the Assembly as being non-controversial. (Mr. Pringle)

16. Bill No. 108 – An Act to amend The Change of name Act, 1995 / Projet de loi No. 108 – Loi modifiant la Loi de 1995 sur le changement de nom:

Witnesses

Hon. E. Cline presented the Bill.

Officials

Shelley Gibson, Acting Director of Vital Statistics, Department of Health

Resolved, That Bill No. 108 be reported to the Assembly as being non-controversial. (Mr. Wall)

17. Bill No. 109 – An Act to amend The Vital Statistics Act, 1995 / Projet de loi No. 109 – Loi modifiant la Loi de 1995 sur les services de l'état civil:

Witnesses

Hon. E. Cline presented the Bill.

Officials

Shelley Gibson, Acting Director of Vital Statistics, Department of Health

Resolved, That Bill No. 109 be reported to the Assembly as being controversial. (Mr. Krawetz)

18. Bill No. 110 – An Act to amend The Education Act, 1995 / Projet de loi No. 110 – Loi modifiant la Loi de 1995 sur l'éducation:

Witnesses

Hon. P. Atkinson presented the Bill.

Officials

Michael Littlewood, Director, Third Party Funding and Legislative Services, Department of Education, Training and Employment

Resolved, That Bill No. 110 be reported to the Assembly as being non-controversial. (Mr. Flavel)

19. It was moved by Mr. Flavel:

That this Committee do now adjourn.

The question being put, the motion was agreed to.

20. The Committee adjourned at 10:19 a.m. to the call of the Chair.

Gregory Putz
Committee Clerk

June Draude
Committee Chair

Mr. Putz: — If I could call this meeting to order. As Clerk to this committee, it's my duty at the first meeting of the committee, after the beginning of a new legislature, to preside over the election of a Chair. And with that, I will now call for nominations for that position.

Mr. Pringle: — I nominate June Draude.

Mr. Putz: — Mr. Pringle has nominated Ms. Draude. Any other nominations? There being no further nominations, I'd ask for a motion that nominations close. Mr. Wall has moved that nominations close. All those in favour of the motion, please signify. Those opposed? Carried.

And with that, I would ask then that a member move a motion that Ms. Draude be elected to preside as Chair of this committee. Would somebody so move? Mr. Pringle has moved that Ms. Draude be elected to preside as Chair of the Standing Committee on Non-controversial Bills. All those in favour of the motion, please signify. Those opposed? Carried.

The Chair: — Thank you and good morning everyone. The first duty will be the election of a Vice-Chair, and I take nominations for a Vice-Chair.

Mr. Krawetz: — I would like to nominate Bob Pringle.

The Chair: — Are there any further nominations? A motion that nominations cease? Are you a member of the committee?

Hon. Ms. Atkinson: — I believe I'm a member of the committee. That's what I'm told.

Mr. Putz: — No, you're not, unless you're substituting for another member.

Hon. Ms. Atkinson: — Oh, then maybe I'm not. I'm here because I was told I was supposed to be here. I'm substituting for Dale. I'm doing what I'm told. That's what you do in this business.

Mr. Krawetz: — I'll move nominations cease.

The Chair: — All those in favour of the motion? Opposed? Carried. Again the motion that Mr. Pringle be elected to preside as Vice-Chair of the Standing Committee on Non-controversial Bills. All in favour?

Mr. Krawetz: — I so move.

The Chair: — All in favour? Okay.

We'll start with the business of the meeting. Under the agenda, please note that Bill 106 will be the first Bill that we'll be reviewing. Mr. Minister, can I ask you to introduce your officials.

Hon. Mr. Nilson: — Yes, I have with me Ian Brown, and Susan Amrud, and Andrea Seale, and Darcy McGovern.

**Bill No. 106 — An Act respecting the Maintenance of
Dependants of Testators and Intestates/Loi concernant
l'aide aux personnes à charge des testateurs et des intestats**

Hon. Mr. Nilson: — The Dependants' Relief Act, 1996, is being presented in both English and French. And before I begin to explain this Act, I'd like to give some history on this Bill and the other Bills that are being presented today in Canada's two official languages. Following the Mercure decision of the Supreme Court of Canada in 1988, Saskatchewan and the federal government entered into a series of agreements. The purpose of these agreements was to recognize and promote the language rights of Saskatchewan francophones.

Under the terms of one agreement, the federal government agreed to pay 75 per cent of the costs of translating provincial legislation. For the past few years, our government has been consulting with the Saskatchewan francophones on what Acts should be given priority for translation. The result was a list of some 35 Acts. Eight were approved by this House last year. This year we are presenting another 10. Our intention is to have all 35 introduced by the end of the 1998 legislative session. In doing so, we are very pleased to be able to honour our commitment to Saskatchewan's francophone community.

The Bill we're talking about now — The Dependants' Relief Act, 1996 — is essentially identical to the Act it is replacing. It provides for applications to be made to the court on behalf of a dependant of a deceased where the dependant has not been adequately provided for. The Bill sets out the grounds for an application and the factors the court must consider when making a decision to grant the application. It also incorporates the amendment dealt with earlier this session regarding establishing trust funds for adult dependants.

While there are no substantive changes, this Bill does contain a number of drafting changes to make the law easier to understand. The original Dependants' Relief Act was first passed in Saskatchewan in 1940. Since that time, it has not been substantially reviewed or rewritten. As a result, the wording of the existing Act is archaic.

To facilitate the translation of the Act, the following changes were made. Long, difficult sentences were broken down into shorter sentences. Gender neutral words were incorporated. An active tense was used. The flow of ideas was reordered to be more logical, and references to other Acts were updated. The result is a Bill that is easier to read, understand, and use.

Mr. Heppner: — Can I ask a general question? I'm bilingual but not in French and English, so I know what sometimes happens when you have things in two different languages. If something goes to court that involves the Act, which language is used? Like, it's a little difficult to understand that the Act could mean exactly the same in both languages and every . . . (inaudible) . . . and little nuance is there that creates some situations. Or do we have a perfect translation?

Hon. Mr. Nilson: — Well I'm bilingual as well but not French and English, although I have a working knowledge of French in the legal profession. And I guess what I would have to say, and

subject to what Mr. Brown would add as well, is that when court cases are taken around the meaning of legislation often the courts do look at what the words are in French and what the words are in English. And most of the time whatever language is being used in court, that's the version that's being used. But practically, if there is some problem or there's some nuance that people don't quite understand, well then it's actually quite helpful to have two languages because then you can actually get a more precise definition.

But to say that there's a perfect translation, I think that's been a previous political issue in Saskatchewan, so we don't want to talk about that.

Clauses 1 to 25 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

The Chair: — Thank you very much. Thank you, Minister, and thanks to the officials as well.

Bill No. 98 — An Act respecting the Application to Saskatchewan of the Convention on the Civil Aspects of International Child Abduction/Loi concernant l'application à la Saskatchewan de la Convention sur les aspects civils de l'enlèvement international d'enfants

Hon. Mr. Nilson: — Yes, this Bill is being presented in both French and English. The Bill states that the provisions of the convention on the civil aspects of international child abduction are law in Saskatchewan.

The objects of that convention are to secure the prompt return of children wrongfully removed to or retained in any jurisdiction that has adopted the convention and also to ensure that rights of custody and of access under the law of one jurisdiction that has adopted the convention are effectively respected in the other jurisdiction.

The present Bill does not change the law as it now exists, other than providing the French version and the English version.

The Chair: — Thank you.

Clauses 1 to 10 inclusive agreed to.

Schedule agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 99 — An Act respecting Co-operatives/Loi concernant les coopératives

Hon. Mr. Nilson: — Yes, The Co-operatives Act, 1996, is being presented in both English and French. This Act deals with the incorporation, governance, and dissolution of cooperatives in Saskatchewan. The Bill does not change the existing law. To facilitate the translation into French, the provisions of this Bill have been renumbered, and minor technical drafting changes have been made. Other technical drafting changes have been made to improve readability. That's basically it.

The Chair: — The members probably realize this is a very lengthy Bill, so I'm going to ask for leave to agree to this Bill, instead of clause by clause, part by part. Is that agreed to? Agreed.

Clauses 1 to 287 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 100 -- An Act respecting the Regulation of Drivers and Traffic on Saskatchewan Highways/Loi concernant la réglementation de la conduite automobile et de la circulation sur les routes de la Saskatchewan

Hon. Mr. Nilson: — Yes, The Highway Traffic Act, 1996, is being presented in both English and French. In terms of legal effect, this Bill is essentially identical to the Act it is replacing.

The Highway Traffic Act, 1996 provides for the continuation of the Highway Traffic Board, the registration of vehicles, and the rules of the road. It also sets out general and specific offence provisions to enforce the rules of the road and other aspects of traffic safety.

The Bill also incorporates the amendments considered earlier this session by the Assembly that dealt with driving while disqualified, new drivers, and vehicle impoundment in certain circumstances, as well as a few housekeeping provisions.

While there are no substantive changes, the Bill does contain a number of drafting changes to make the law easier to understand and to improve its readability.

The Chair: — Again, members, this Bill is fairly lengthy, and I would ask for agreement to go through this Bill in parts instead of clause by clause. Agreed?

Clauses 1 to 145 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 101 — An Act respecting Wills/Loi concernant les testaments

Hon. Mr. Nilson: — Yes, The Wills Act, 1996, is being presented in both French and English. This Bill sets out the rules surrounding the preparation and use of wills in this province. The convention on international wills, which is part of this Bill, sets out the rules respecting international wills.

The language of this Bill has been updated to current drafting standards, and the provisions have been reordered in a more logical fashion. None of the changes affect the intent and meaning of the Act as it now exists.

The Chair: — Thank you, Mr. Minister. Again, this Bill, not being quite as lengthy, I ask for permission to go through this Bill page by page.

Clauses 1 to 53 inclusive agreed to.

Schedule agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 102 — An Act respecting the Distribution of Estates of Intestates/Loi concernant le partage des successions non testamentaires

Hon. Mr. Nilson: — Yes, The Intestate Succession Act, 1996, is being presented in both French and English. This Bill sets out the rules respecting the distribution of assets where a person has died intestate. Minor technical changes have been made to the wording in English Bill to facilitate translation into French. The Bill does not change the current state of the law.

Clauses 1 to 22 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 103 — An Act respecting Powers of Attorney/Loi concernant les procurations

Hon. Mr. Nilson: — The Powers of Attorney Act, 1996, is being presented in both French and English. This short Bill deals with the situation where the authority under a power of attorney is terminated. It also provides that a power of attorney is not terminated by the subsequent mental infirmity of the person giving the power of attorney if the document provides for that situation and is properly attested to. This Bill does not change the existing law.

Clauses 1 to 6 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 104 — An Act to facilitate the Reciprocal Enforcement of Judgments and Awards/Loi visant à faciliter l'exécution réciproque des jugements et des sentences arbitrales

Hon. Mr. Nilson: — The Reciprocal Enforcement of Judgments Act, 1996, is being presented in both French and English. This Act outlines the procedures and sets out the rules for registering a judgement in a Saskatchewan court where that judgement has been obtained in another court in Canada. The changes to this Act are all very minor in nature, and none change the current meaning of the Act.

Clauses 1 to 13 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 105 — An Act respecting the Application in Saskatchewan of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards/Loi concernant l'application en Saskatchewan de la Convention des Nations Unies pour la reconnaissance et l'exécution des sentences arbitrales étrangères

Hon. Mr. Nilson: — The Enforcement of Foreign Arbitral Awards Act, 1996, is being presented in both French and English. As the long title suggests, this Bill states that the convention applies in Saskatchewan. The convention permits

the enforcement in Saskatchewan of arbitration awards made in foreign jurisdictions.

Clauses 1 to 8 inclusive agreed to.

Schedule agreed to.

The committee agreed to report the Bill as non-controversial.

Bill No. 107 — An Act respecting the Reciprocal Enforcement of Maintenance Orders/Loi concernant l'exécution réciproque des ordonnances alimentaires

Hon. Mr. Nilson: — The Reciprocal Enforcement of Maintenance Orders Act, 1996, is being presented in both French and English. This Bill allows for the enforcement of support orders made in one jurisdiction against a defendant who resides in another jurisdiction.

For example, it allows a spouse or ex-spouse to have a maintenance order obtained in Saskatchewan enforced in a reciprocating state that the defendant may have moved to without the necessity of going to that state or hiring a lawyer in that state. This Bill does not change the existing state of the law.

Clauses 1 to 26 inclusive agreed to.

The Chair: — Thank you very much, Mr. Minister, and your officials.

Hon. Mr. Nilson: — Well thank you very much for being so agreeable.

The committee agreed to report the Bill as non-controversial.

Bill No. 108 — An Act to amend The Change of Name Act, 1995/Loi modifiant la Loi de 1995 sur le changement de nom

The Chair: — Good morning, Mr. Minister. Welcome, and would you like to introduce your officials?

Hon. Mr. Cline: — Yes, Madam Chair. Congratulations on your election as Chair of this committee.

Ms. Draude: — Thank you.

Hon. Mr. Cline: — I know it was a hard-fought campaign.

With me is Shelley Gibson, who is the acting director of the vital statistics branch of the Department of Health.

Madam Chair, basically what this Bill does is it says that if you are a person who is married, widowed, or divorced, and wishing to use a double surname rather than simply your maiden name or married name, then you can so elect to use a double surname, the names being your name and the name of your spouse, without the necessity of filing a notice under The Change of Name Act.

Mr. Pringle: — Thank you. Is there any . . . So up to now you've had to sort of pay a legal fee as sort of a . . . to get that legally changed? No?

Ms. Gibson: — No. There is no payment for filing the notice. It was just that when you were married and chose to elect a double or a hyphenated surname, you were provided to file a notice with vital statistics.

Mr. Pringle: — And what if you chose to later, sometime later in your marriage, to go back, do you . . .

Ms. Gibson: — You can do it at any time; either elect to use double surname or go back to your birth name.

Mr. Pringle: — Okay. Thank you.

Mr. Heppner: — Does this also allow, if I happen to be the third one in my family with the same name, to become Ben Heppner III? It's not the case but I'm just curious.

Hon. Mr. Cline: — No. No, and there's only one Ben Heppner, Ben.

Mr. Heppner: — That's why I said this example doesn't fly.

Hon. Mr. Cline: — No. We didn't feel it was necessary. There's only one. No, I'm just kidding. But no, it doesn't deal with that issue at all.

Mr. Heppner: — Okay.

Mr. Krawetz: — The translation, like the English and the French part, has this Act already been translated to French and you are changing both the English and the French context of this particular section?

Ms. Gibson: — Yes.

Mr. Krawetz: — Is this at the request of a particular group of people? Is this just something that the vital statistics branch has looked at as being an issue that has caused some controversy and needed to be dealt with?

Hon. Mr. Cline: — No. Well the Act would have been one of the Acts that the francophone community and the government agreed should be translated. And so it's been previously translated. Then when you amend the Act, therefore you amend both the English and the French versions.

Mr. Krawetz: — No. I understand that. But I'm saying, actually doing the first change to the Act is the English change and now you're . . . what was the reason for proposing this change?

Hon. Mr. Cline: — Oh, this change?

Mr. Krawetz: — Yes.

Hon. Mr. Cline: — Okay. Your question doesn't relate to the English or French aspect of it.

The reason is that people were not all treated the same. There was an inequity in the sense that a person wanting to use a double surname upon marriage would have to register notice of intention with vital statistics. But a person getting married and wishing to change his or her name did not have to file a notice.

So that in the area where you're dealing with someone using their name or the name of their spouse or a hyphenated version, the Act says that everybody, whether they're getting married, whether they're divorced or widowed, is treated the same way.

In other words, they have the freedom of choice to simply effect the change of name that they want to use without the necessity of filing a notice with the government.

Mr. Krawetz: — What is the prescribed fee?

Hon. Mr. Cline: — There is no fee. It's not a question of fee; simply a question of whether you have to file a notice with vital statistics.

Mr. Krawetz: — Clause 22 just refers to . . . (inaudible) . . . what it said.

Hon. Mr. Cline: — Okay, what that is about is that for people who, prior to the amendment of the Act, actually went through the process of filing the notice, a notice which is not now required any longer. But if somebody wanted to get a certified copy of the notice that they filed previously when you, by law, had to file a notice, then they would pay the fee to get that certified copy.

But this actually is not new. What this is is under the existing provision, what you see in section 22, is the fourth part of the existing section 22, and it remains. The first three parts of the existing 22, which are the parts that require you to file a notice, are deleted leaving the fourth part which simply says that if you want to get a certified copy, you would pay the fee. This would be consistent with, you know, virtually getting any document from vital statistics. You would pay a fee. And this simply preserves that part of the section.

Clauses 1 to 3 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

**Bill No. 109 — An Act to amend
The Vital Statistics Act, 1995/**

Loi modifiant la Loi de 1995 sur les services de l'état civil

Hon. Mr. Cline: — Thank you, Madam Chair. This Bill has some minor substantive changes as well as some housekeeping changes.

Dealing with them in the order that they appear in the Bill, the first change is the repeal of certain subsections that refer to local improvement districts because we no longer use local improvement districts. So the provisions are redundant; that is, the repeal of subsections 35(4) to (6) inclusive.

The second change is replacement of section 40. Section 40

presently sets out the fees that can be charged — or shall be paid, I should say — to the division registrar and another official, the Indian superintendent. And section 40 sets out a fee of 25 cents for every registration and so on. The new section 40 would say that the fee should be prescribed in regulations so that every time you change the fee you don't have to change the legislation in the legislature. You simply do it by regulation, which is the practice in other areas.

The next changes, that is, amendment of section 42, subsections (11) to (15), have to do with post-adoption services. And section 42 deals with the privacy of records that are filed under The Vital Statistics Act.

This amendment says that in certain circumstances information pertaining to the fact that someone was adopted could be released to certain people. And specifically, it is designed to deal with the situation where both the adult adoptee — that is the person who was adopted out as an infant — and the birth parent or parents agree that they wish to be put into contact with one another. Then the official would be entitled to put those people in contact with one another and provide information to them if both sides agreed to that.

The amendment to section 52 relates to the same subject matter. And the rest of the amendments to sections 60 and 62 are consequential to the other changes and are housekeeping amendments.

Mr. Krawetz: — May I ask a question, or a comment here. In light of the fact that you've identified, Mr. Minister, certain, I think, substantive changes and we haven't had the opportunity to see any explanatory notes beforehand to better understand some of the things you talked about regarding adoption and everything else, I'm almost at the point of suggesting that this might not be a . . . you know, it might not be controversial, but to deal with it under the Non-Controversial Bills Committee, within this committee, I think might cause some concern for other members. And I might suggest that this one head back to the committee.

Hon. Mr. Cline: — To the committee or to the legislature?

Mr. Krawetz: — To the legislature — I'm sorry.

Hon. Mr. Cline: — Well I'm certainly in your hands. I should explain that explanatory notes have in fact been distributed to all members by the staff of the legislature and I believe that . . . as they are with every piece of legislation. I have my second reading speech with me as well if it would assist the committee for me to — it's not a very long speech — to review it with you. I'm certainly willing to do so. But I'm certainly at your disposal.

Mr. Pringle: — Could I just clarify . . . I'm very familiar with this adoption amendment Act. I was the minister at the time. And so that Act was passed last session and this program is in place already, and so does this just kind of legitimize or sort of upgrade the terminology under this Act that is complementary to that Act? Because the new program has started.

Hon. Mr. Cline: — Well, yes.

Mr. Pringle: — I was just going to say, and that was . . . I know it's an area that brings up a lot of emotion. That Bill was passed with all-party support, but I'm not opposed to referring it back. I just was wanting to kind of clarify that that program is in place and running and is being very well received.

Hon. Mr. Cline: — Well that's correct. The changes were made by the Department of Social Services with respect to post-adoption initiatives. In other words, to facilitate a situation where an adult adoptee — a person who's been adopted — wants to get in touch with his or her birth parents and goes to Social Services and says, you know, I'd like to know about and maybe meet my birth parents and where the birth parents also make a similar request to Social Services so that . . . and then Department of Social Services gets the parties together.

What this amendment does is not to facilitate that process — that process is already going on. But this deals with information that vital statistics has and sometimes the Department of Social Services will want to get the consent of the adult adoptee and the birth parent to release some information from vital statistics dealing with the adult adoptee's birth registration.

And what this does is it says that the people at vital statistics should be able to give this information to these individuals at their request and with their consent. But it very much simply conforms to the way the system is designed to operate at the present time.

Mr. Pringle: — Just to add another . . . just another point, and then I'll be quiet. On this particular Bill that — this particular post-adoption Bill — where adult adopted children want to, as the minister said, make contact with their birth moms, say, and they're adult, years ago adoptive parents would be worried about this because they adopted with sort of a secrecy forever kind of thing, confidential.

The Saskatchewan Adoptive Parents Association has changed their mind on this and there's a sort of openness has evolved over the years, as you know. And the Saskatchewan Adoptive Parents Association fully supported this Bill as well as long as the adult adopted children, or adopted children were adult, and because they know as well that sometimes these adult adopted young people need to know their roots and so on.

So we made sure this Bill was delayed a couple years, Pat, you — Minister Atkinson was initially involved — because we wanted to make sure there was a comfort level for everyone and all the safeguards were put in.

And I only raise that if that's a bit of the uncertainty, Ken, regarding that Bill. I think that Bill is pretty well supported, including by adoptive parents, by and large, on a fairly large majority.

Mr. Krawetz: — With Mr. Heppner's permission, I'm not disputing whether or not the amendments as proposed are great or kind of this situation. I feel, in light of some of the questions that have been . . . or comments that have been discussed by our caucus through our critic and Social Services, that I would be

remiss if I agreed that this was a non-controversial Bill and said, you know, fine.

And I and the other members of our caucus would like to hear, I think, your second reading speech. If I only heard it I'd be, you know, I'd be taking away a privilege that they would really want to have.

Hon. Mr. Cline: — Yes, I have to agree with you there. It's something that I think everybody would want to hear.

The Chair: — I'm going to ask that the member make a formal request that the Bill be . . . Do you have another comment?

Mr. Heppner: — I was going to say, as an adoptive parent, I am very familiar with what's happening here and my daughter has gone through as an adult now. And so I'm very much in support of the directions that are there and what this adds to that.

Mr. Krawetz: — Good. And I would like to hear those comments in the House. I would move that this be sent back to the legislature.

The Chair: — You just have to request that.

Mr. Krawetz: — Request. Yes.

The Chair: — Okay. Thank you, Mr. Minister, and your official.

Hon. Mr. Cline: — Thank you very much.

**Bill No. 110 — An Act to amend The Education Act, 1995/
Loi modifiant la Loi de 1995 sur l'éducation**

The Chair: — Welcome, Madam Minister, and to your official.

Hon. Ms. Atkinson: — Yes. This Bill is required for technical . . . Oh, you want me to introduce my officials? Oh. Michael Littlewood to my left, director of third party funding and legislative services in the Department of Education.

This Bill is required for technical reasons rather than any kind of new amendments, substantive amendments, to the legislation. People will know that last night we passed amendments to The Education Act in the form of Bill No. 5. And as well Bill No. 70, which amends The Urban Municipality Act, includes a small number of consequential amendments to The Education Act. So these amendments contained in this Bill all pertain to The Education Act that has been in place since 1978.

However, last year the legislature passed a new statute, The Education Act, 1995. And the new statute was passed in the context of our government's commitment to gradually enact provincial statutes in both French and English.

And although the new English and French versions of The Education Act, 1995 received assent last year, we haven't yet proclaimed the Act. So nevertheless in anticipation of the

proclamation, we think it's necessary that when amendments are made to the existing Act — and we made amendments that were passed last evening — the same amendments need to be made in French.

So the only purpose of the English and French versions is to amend the Bill. So the Bill does not include any substantive provisions which members have not already seen in other Bills from this current session.

The only provisions of the Act, which do not fit within the framework I've just talked about, are two minor amendments to correct errors in section references which have been found in the new legislation.

So just to repeat: there's no substantive new amendments to this Bill. The purpose of the Bill is simply to address technical requirements arising from the fact that we currently have both an existing Education Act and a new but unproclaimed Act in English and French.

The Chair: — Thank you, Madam Minister.

Clauses 1 to 12 inclusive agreed to.

Clause 13

Mr. Krawetz: — Madam Minister, under clause 13, you're referring to plant and equipment and resource production equipment. That wasn't part of The Education Act amendment, was it? Which clause did that . . .

Mr. Littlewood: — No, that is . . .

Mr. Krawetz: — Is that what you referred to as the municipal?

Mr. Littlewood: — That's one of the consequential. The terminology's been changed in that Act. Bill 70, The Act to amend The Urban Municipality Act includes that consequential amendment to The Education Act in it, so it's reflected here as well.

Mr. Krawetz: — This is connected to Bill 70?

Mr. Littlewood: — That's correct. That's correct. It's simply to maintain consistent terminology.

Clause 13 agreed to.

Clauses 14 to 17 inclusive agreed to.

The committee agreed to report the Bill as non-controversial.

The Chair: — Thank you, Madam Minister. Thank you to your officials.

We need a motion to adjourn.

A Member: — So moved.

The Chair: — To the call of the chair. Agreed? Agreed.

The committee adjourned at 10:19 a.m.