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Bill No. 126 – *The Seizure of Criminal Property Amendment Act, 2013*

Mr. Forbes: Thank you very much, Mr. Speaker. It is a pleasure to stand and enter into the debate on Bill No. 126, *The Seizure of Criminal Property Amendment Act, 2013* (No. 2). And this has been evolving and it's been a pleasure in the House to watch the evolution of this tool that's important to our police and to our justice system, how we can deal with criminal property. And I remember the last time we dealt with this, where we talked about particularly through organized criminal activity, and so this is another refinement. And this is what happens, that the work that we do is that we find out what are the unintended consequences? What can we make better?

And I read the minister's remarks with interest. We do have questions of course and those questions will come up during committee. But I know that many of us will want to speak to it because we know the police are doing great work. And I have to tell you that in my riding of Saskatoon Centre this is a significant issue, criminal activity, and we take it very seriously.

And we want to make sure that when we provide the police and the justice system with their tools that they have the best tools possible that they can do the job that they're expected to do. And people expect them to do it quickly and efficiently but also with a real sense of due process. And that in Canada we have a strong sense of that you are not guilty until you're convicted of that, but at the same time innocent until proven guilty. And I think that's an important principle in our justice system, and it's one that we strive very hard to protect.

And so we have to watch the speed that we move these things along, but at the same time it does frustrate people when things get bogged down. And we know that across Canada we see a lot of initiatives that people are bringing up that we have a lot of questions about because of the due process and about the core principles that we hold near and dear in what it means to be a Canadian.

And so we have some of those questions here. I would be curious to know what's happening across the country. And, Mr. Speaker, if you might remember my remarks from a couple of years ago when we talked about this bill last time go-round when we were talking about seizing cars and how it is kind of interesting how now we're moving to sums of money and forfeitures of different amounts.

So I'd be curious to know what is happening across Canada. The minister did not reference any sort of work that's been done at a national level that brings this into line with other provinces. It seems that we're working hard to make sure that there's a pan-national approach so that it makes sense that we don't have wide-ranging laws just when you cross a border of one province to another, in fact that it all fits together and that justice can be well served and yet protect the interests of those who are innocent or those who are victims.

You know, it's very important that we think about the victims of crime in this case too, and that's been an emerging issue as well. What role . . . Or what's the perspective of the victims in this? And so we haven't heard that much from the minister when he made his comments, and so we'll have those questions. And that's a very important, a very important aspect.

So, Mr. Speaker, I think I want to go through the bill here a bit, the minister's comments. And he talks about that we would be remembering *The Seizure of Criminal Property Act, 2009* that “. . . represents a balance between ensuring due process for individuals who may face an allegation of holding criminal property and ensuring that criminals do not benefit financially from their criminal activities.” And that's hugely, hugely important. And there was ways of blocking that process so that they did not benefit in the long run from their criminal activities. And so this one really focuses on the administrative seizure of property, a process in the Act that's a further option in this tool kit of seizing criminal property.

So it “. . . will authorize the administrative seizure of cash or personal property with a value under a prescribed amount.” So I assume that means it's going to be . . . When it's prescribed, it usually refers to regulation.

. . . allow the director to issue a notice of administrative forfeiture proceedings directly to interested parties regarding property that the director has reasonable grounds to believe is either the proceeds of crime or an instrument of unlawful activity.

So again an interesting term, interested parties. Who would be the interested parties? Are they the victims of crime? Is it the community? This will be interesting to find out more. What does that term really mean?

And what happens if there's “. . . no notice of dispute is filed by an interested party, provide for the seizure, forfeiture, and distribution of the property; provide that if a notice

of dispute is filed, the director must instead proceed to apply for seizure through a court process . . .”

And so if you give out the notice and if there’s no response, then you can proceed. And then you have “. . . an interested party to file notice of dispute within six months after the deadline if they can show they had a reasonable excuse for having failed to respond to the initial notice.”

So it’s all very procedural in many ways. And that’s fair enough, and I guess what they’re trying to get around.

It is interesting that the minister remarks and has found out that unfortunately the same amount of work “. . . requires extensive legal document preparation . . . before the courts, either by notice of application or statement of claim.” The same amount of work has to be done, and that’s about 15 hours of document preparation, even if you’re talking about 100,000 or \$100. So this is why they want to have a benchmark. And that does make some sense because 15 hours, that’s a good two days of work, solid work on this, and it may not just be worth it if it’s \$100. So you want to make sure you have some effective way of measuring what is a good use of time.

So it goes through the whole process and then it talks about the fact that “We estimate that approximately 20 per cent of forfeiture applications are contested.” So that means 80 per cent are not contested. And now he does say this is “. . . consistent with findings in other provinces.” So maybe this is lining up with other provinces, and if that’s the case, that’s of interest and that I think is a good thing.

So I think that he said that the process will be “. . . limited in the regulations to the seizure of cash or personal property under a particular value such as \$75,000, and could not be used for larger cash amounts or for real estate seizures,” because it’s pretty hard to find a piece of property in Saskatchewan less than \$75,000. And so that’s, it seems like that’s going to be the benchmark. He hasn’t said that firmly, but that’s what he’s implying because of the . . . It will be set in regulations, and of course we haven’t seen the regulations. So that’s fair enough. And he’s saying, “. . . 80 per cent of seizures in Saskatchewan would fall under this dollar threshold.” So the 20 per cent that is contested is people get interested when it’s more than \$75,000.

Now interestingly, I would be interested if it was \$75,000 or less, so I’m not sure why that . . . It would be interesting to know more details about when we’re using 75,000 versus 50,000 or 25,000, why people become more interested when it’s 75,000 as opposed to 50,000 or 25,000. So we’ll have a question about that for sure. Why that just seems to fall on that amount, I can understand for real estate, but for cash purposes or for other kind of property, I don’t know. I mean, if you’re talking about seizing a vehicle, I mean that doesn’t get up to 75,000. That, you know, you might be more interested in a vehicle that’s worth 30 or 40 or \$50,000, but still you’d be interested in that.

So we just talked about the fact that all funds that are seized:

. . . are retained in the Criminal Property Forfeiture Fund to support police operations or the Victims' Fund. Following the payment of the costs and expenses of seizure, funds seized through the new . . . process would be subject to the same process.

And so we'd be interested, and you know we're always interested, in hearing more about these things. So what kind of breakdown do they have between the Victims' Fund and the police costs? I mean, I think that's very important.

But as I said, this is one that's very important right across the province. I think that we want to be as rigorous and as innovative as we can when it comes to fighting crime. And what happens when you solve some of these crimes and then you realize that there's a lot of property or funds that are involved? What's the process there?

And so this goes a long way and, as I said, this is an evolution of legislation that was introduced in, I believe it was 2005 and then again in 2009. And here we have it again back in 2013-14 in this third session, and so we'll have some questions about this. I think it's important that we move this kind of legislation forward. As I said, that in Saskatchewan and in our cities and our towns and villages and in the country, it's important that we do all we can to make our communities as safe as we can.

And it would be of interest to hear from the police as well on this, and if there's any legal associations, if they have some opinions, if they've made their points to the minister, that would be good. I mean I do note that he did not reference any consultations. It seemed like it was a process that was driven by efficiency. And that's fair enough; I mean we do that kind of stuff if that's the case. Then it's efficient and that's what has to happen, but it would be good to hear if there's any of these unintended consequences. We want to make sure we tie up all the loose ends and be as effective as this as we can.

So, Mr. Speaker, I know many of my colleagues will want to be anxious to speak on this bill as it comes forward now that we're back. And I'm looking forward to the weeks ahead as we put these bills forward, talk about them in committee, deal with them, deal with the budget, deal with the estimates. It's good to be back. But we're right back at work on Monday night. And here we are. And so with that, Mr. Speaker, I move that we adjourn *Bill No. 126, The Seizure of Criminal Property Amendment Act, 2013 (No. 2)*.