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DEBATES and PROCEEDINGS

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Bill No. 132 – *The Public Guardian and Trustee Amendment Act*

Mr. Forbes: Thank you very much, Mr. Speaker. It is a pleasure to rise this afternoon and enter into the debate on Bill No. 132, *An Act to amend The Public Guardian and Trustee Act and to make a consequential amendment to The Provincial Court Act, 1998*.

And of course, this is one that we've been waiting for, for seven years. This was first, I understand, asked for by the Children's Advocate in 2007, then again in the report *A Breach of Trust* 2009, early 2009, one of the key recommendations there. And then again for the report that the government had done on this same issue about children in care, *For the Good of Our Children* 2010, and even last year, in the Children's Advocate report 2012.

So annually, pretty much annually, this initiative has been called for, and so we're looking forward to see how this plays out. It is one where we have significant hopes that this can make an impact when children are part of a law process dealing with apprehension. And this will be one that I think will go a long way. It's one that's been called for, for some time.

And I just want to take a minute to review the minister's comments on this bill. And of course he said that this will establish a new program for counsel for children in the Ministry of Justice. And we're looking forward to that because clearly, as we've come to understand the good work that the Children's Advocate has, and what they've called for, that it's one that we think it's really time that it's in place and that it really be supported.

And so it looks like it will be something that the Public Guardian and Trustee will look after and will bring forward. The minister talks about how the program that was announced in the budget, they're going to be spending some \$240,000 to be training lawyers across the province, to make sure that when a lawyer is required to work with a youth and provide them their counsel, that there is one that will know the laws that are at play. And I think this will be very, very important.

So it's modelled on similar programs in other provinces and territories. And under the program, the minister says the Public Guardian and Trustee will establish a list of specially trained lawyers throughout the province who can act for . . . a lawyer for a child in child protection proceedings. And I think that's key.

So we hope that this can get going as quickly as possible, that this training can occur. This will happen, I understand, when the Court of Queen's Bench or Provincial Court orders that a child be represented.

As well, the guardian and the trustee also has the discretion to appoint a lawyer for a child without court direction if there is a request from another individual. And in fact, we understand that individual could be the Advocate for Children and Youth, could be the child themselves, and that's very important. So we're looking forward to this. As I said, this is something that has been called for for several years now, and I think this is an important, important, important piece.

And as the minister says, that we want to ensure — and we agree with this — that the key part is that there will be direct representation for a child where it “. . . is satisfied that the interests or views of the child would not otherwise be adequately represented.” And I think that that's really, really important.

And the minister has made note of this with the pro bono Law Society law program, as part of the Law Society of Saskatchewan, and he wanted to thank them. And I'd want to join in that because that's important that we recognize the good work that the pro bono lawyers have done over the course of several years. But it's one that really clearly should have been supported by Justice here. And now that they'll fulfill that need, that we should take a moment and thank the good folks who've stepped up to the plate to make sure that children had their interests protected and articulated and brought forward in court proceedings.

It is of interest that the minister talks about how there could be as many as 150 to 200 cases that could be a situation where lawyers may be appointed each year, and that in fact that if a lawyer is appointed at the right time, the appropriate time, that in fact it may save a situation where there's a need for an actual hearing, that it could be settled prior to that. So I think that's very, very important.

But, Mr. Speaker, we do want to underline the seriousness and the urgency of this. This is not something that we can just say, you know, take another seven years to bring into action. We see many pieces of legislation this government has brought forward and money that has been set aside in a budget where it actually hasn't been spent. So we will be asking the minister clearly, what is the timeline? What is the timeline for getting this in place? Are the training sessions already ready to go? Are there benchmarks that they want to see happening right away?

Because as the minister himself has said, that with 150, 200 cases a year, that clearly there is work there. But we do want to underline the urgency of this, you know, because the children in care situation continues to be — continues to be — a situation, a crisis in

this province, and this government has not really taken the urgency here seriously. We know, since the *For the Good of Our Children* report was released in December of 2010, here we are three, over three years, three and a half years later, this one recommendation is being addressed when it was not the first time the government heard of this particular recommendation. In fact they heard of it seven years ago. So this is one, while it is worthwhile and very good and we're happy to see it, we really do expect the government to step up, to really take this situation seriously.

You know, we've asked the minister, where we see in her budget that we see over \$5 million cut in budget for salaries and children and families, and the government has yet to fully explain what is happening there. Because as we know, the Children's Advocate has caused, has really raised the alarm around the fact that there seems to be less and less front-line workers in the Ministry of Social Services. And particularly the line is then drawn to poor case management and how the case management is done in Social Services, and we see the tragic outcomes of that. We see the tragic outcomes, whether it's supervision of cases that need much more attention and things fall through the cracks.

We know, for example, Mr. Speaker, that over 100 children have died since 2010 that are supposed to be under the supervision of this minister. And while she will say she takes it seriously and there's more work to do, she really needs to get around to it, Mr. Speaker. We really need to see urgent action on that.

And so while I do want to get on the record of saying this is a good piece of legislation, a solid piece of legislation, there are things that we'll be asking for, a timeline of how we will ensure that this will actually be active and up and running as soon as possible. Because we know that the government can pass legislation; it doesn't have to mean that it'll go into force. The government can set money aside, but it doesn't necessarily mean that it will be spent. How will they guarantee that this will actually, actually happen? Because it's one of those cases where we've seen a long seven years for this government to actually take action on the case of appointing a counsel for children. And this is an important area.

So, Mr. Speaker, I know other members will want to speak to this, but I did want to take a few minutes and just get on the record that we will be watching and urging the government to do all that they can to get this up and running as soon as possible so that the children can have their voices heard in court when it comes to child protection. We think that's a really positive step forward. We know the Children's Advocate's been calling for it for many years. And we look forward to seeing the actual rubber hit the road on this program. So those are all my comments I have for today.