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Bill No. 155 – *The Health Care Directives and Substitute Health Care Decision Makers Act*

Mr. Forbes: Thank you very much, Mr. Speaker. It is a pleasure to rise tonight and enter into this debate, Bill No. 155, *An Act respecting Health Care Directives and Substitute Health Care Decision Makers and to make a consequential amendment to The Powers of Attorney Act, 2002.*

And upon reviewing, you know, and listening to the Minister of Justice's remarks just a few weeks ago, it seems that this is a relatively straightforward piece of legislation, and he sets out the reason why. Apparently since the Supreme Court of Canada 1988 decision in *R. v. Mercure*, the Government of Saskatchewan has enacted about 57 bilingual Acts, and it's designed to meet the needs of Saskatchewan's francophone community. And that's a good thing. That's an important thing. We respect the right and the ability for people to read in either in English or in French, and this is a good thing.

So this bill essentially repeals and replaces *The Health Care Directives and Substitute Health Care Decision Makers Act* with a new bilingual Act, and according to the minister, "There are no changes in substance. The consequential English-only bill accompanies this Act to amend the four Acts that [need to be]..."

So it's really relatively straightforward, but I do want to say, and I know my colleague had said this earlier, it gives us an opportunity whenever we rise on our feet to review the existing legislation and have an opportunity to become familiar with the legislation that exists right now.

And so I've had the opportunity to read and review *The Health Care Directives and Substitute Health Care Decision Makers Act*, and it's an important one, and it's becoming more and more important. We raise issues, and we've talked about the health tissue Act, the gift Act that was just before me and how important it is in our day that, whether it be kidneys or a lung or heart or whatever — the cornea is a really good example — that

people can make those decisions and be able to do that in a process that they know is respectful, and all the i's will be dotted and all the t's will be crossed. All the things will be looked after. And in this case you'll be able to understand it both in French and English.

And it's interesting for example that the age at which a person can make a directive is 16 years old. I wasn't aware of that. I think it's important that we become familiar with these things and understand at what point should we be talking about these things. And I know I'll be talking later about a bill around the health cards and how important those things are and how we keep things current so that we can make sure people understand the kind of decisions that we would like to have if in some way we're incapacitated and can't make or communicate that decision, but we have previously thought about that. And we think of that at end of life or a tragic circumstance where somebody's in a coma and they've chosen not to have unnecessary aids to support them to continue on.

This is an important Act, and so whenever we see these things come across the floor here, it's important that we take some time and understand the Act. There is no substantive change to it, I understand. I mean we hope that, and we have all the confidence in the world in the translators that the government would use. We would hope nothing is lost in translation.

We know we've had the statute amendment Act where we have some issues around the language, that in French it may seem like an appropriate translation straight across the board, but in fact something is lost in translation. And we need to change that.

So I hope that that's the case here, that all due attention has been given to this piece of legislation to make sure the translation is in fact accurate and does reflect the intent of the original Act and that nothing has been lost in translation because, as we see, there may be unintentional consequences. And then we'll be back debating another bill where somebody has pointed out from the francophone community, is this what you really mean to say? Is this really the case?

So I do hope, and this would be a question that we have in committee is, what are the safeguards? Has it been double checked, triple checked? You know, and I don't know enough about translation that would protect anyone in the greater scheme of the things except for to ask the right questions. What have you done to double-check, triple-check, and make sure that the language is appropriate and the language is used as the kind of language that is recognized? You know, I mean there's different . . . whether you use straight English or common English, but that you have the right words and nothing is lost in translation because in this sense, it would be really a shame to see some dispute arise because of one person's feeling about what the language, what the words mean in French, and how they don't add up, they don't mean the same in English.

This is not the intent. The intent is to make sure that whoever is making the directive when they were of sound body and mind, that they had the capacity to make that decision, and in fact they were making that decision and that the intent would be carried out and not thwarted by poor translation.

So this is a relatively straightforward bill, but as I said that it's one that I think it's important for us to review, to understand. And when we meet in committee we will have those questions about, how did you do the translation? What was the process? How did you assure? What is the assurance, the outside assurance that in fact they do match up, if there is a way of doing that? This is really, really critical. And I think that's an appropriate thing to do.

So with that, Mr. Speaker, I know that we have a lot of work before us tonight, and I would like to move adjournment on Bill No. 155, *An Act respecting Health Care Directives and Substitute Health Care Decision Makers and to make a consequential amendment to The Powers of Attorney Act, 2002*. Thank you very much.