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DEBATES and PROCEEDINGS

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Bill No. 186 – *The Municipal Conflict of Interest Amendment Act, 2015*

Mr. Forbes: Thank you very much, Mr. Speaker. And I hear from the other side already. They're waiting for some comments. You know, I appreciate that they do listen and they check *Hansard* the next day to make sure they're accurate in what I say. And I will actually revisit the good old days of the '70s, but I do want to talk right off the bat, Mr. Deputy Speaker, that I am talking about and I'm entering into the debate on the Act.

The short title is *The Municipal Conflict of Interest Amendment Act, 2015*, but it's got quite a long title, actually. I should read it into the record if nobody else has done that: *An Act to amend The Cities Act, The Municipalities Act and The Northern Municipalities Act, 2010 and to make related and consequential amendments to The Ombudsman Act, 2012 and The Planning and Development Act, 2007 to Strengthen the Integrity and Accountability of Municipal Entities and to Bring Municipal Entities Within the Jurisdiction of the Ombudsman*. End of title.

That's quite a handle. That's quite a handle. It's more than three names. But especially the last part: to strengthen the integrity and accountability of municipal entities and bring municipal entities within the jurisdiction of the Ombudsman.

So I think we are all aware, and we were all following this in the media, of what was happening and how it came to be that Justice Ron Barclay was seconded to do some work out in the rural part here and to make sense of what was happening, and we were glad to have him do that. And so now we have something that has been brought forward for us to take a look at, and we're looking at legislative amendments that are based on Justice Ron Barclay's inquiry into the RM [rural municipality] of Sherwood's proposed Wascana Village development.

It was quite a thing, and we have been following it in the media and it was one that had . . . The whole development showed how things can go really off the rails when there is no accountability, no transparency. And it was one that many people were wondering, how

could this possibly be? How could this possibly continue? But yet they were all within the rules as they were at the time.

So we're glad to see that Justice Barclay did his work. And if some of us . . . And I have actually read the report and I was shocked at what actually was going on. I mean, it's quite a thing. And sometimes people say, you know, reality . . . You can't write a story like that. People would say it's too, too, too far out there. But he did a great job of detailing the actual events and then making some recommendations, and I just want to give a hats off, a shout-out, and a very good thank you to Justice Ron Barclay for his good work.

Sometimes we're asked to tackle things that are difficult, that I know was stressful for many of the people involved. And it's tough when you're asked to recall events that you wish hadn't happened or you weren't sure what was actually happening. But in the light of day, these conflicts of interests and inappropriate actions came forward, and we finally got to the bottom of what was going on in the RM of Sherwood No. 159.

And so I just want to take a minute and reflect on some of the comments the minister made, because that often gives us a good basis to go forward and think about what we want to be asking questions about in committee and, for the folks who are at home watching this, because the purpose of the second round of debates is to give time for people to . . . Maybe they haven't heard that the bill is out and they want to get more information so they can go to the legislative website and look for Bill 186 and take a look at it.

It's quite a thorough bill, but of course it needs to be. It needs to be thorough. It needs to cover all the bases, dot all the i's, cross all the t's. It's got to be thorough. And of course, really, it does set out three . . . When the title talks about municipal entities, it really talks about the northern municipalities, the cities, and the municipalities Act. So they're really tightening up three parallel municipal organizations or levels.

And I think that's an important note that, as a province, we have our conflict of interest guidelines and, you know, we file our annual reports and we have our annual meetings with the commissioner and we enjoy the conversations. We review the yearly activities. But also we know, and we've seen in the House where we've had the commissioner, and it's been on both sides of the House where questions have been raised about behaviour on both sides of the House. And the commissioner has taken some time in the past, since I've been here, to reflect on that, and written reports. And so it's an office that is well used and it is connected to the daily activities of what we do.

And we know that it's a wise thing that if we feel that there's a conflict of interest, to consult with the commissioner, to say: this is what's happening, and is it a good thing that I should be involved or not be involved? Should I disclose information that may show a conflict? Or I'm a little nervous about something. It's always important to resolve that. It's always important to resolve that. And then when the commissioner says no, that there doesn't seem to be a perceived advantage that you will receive in participating in this, that's an assurance that we all feel much better about. In the case of the RM of Sherwood,

the reeve seemed to be going ahead and not paying attention to what might be perceived from the public to be a real conflict, and we really need to make sure that we guard against that.

So I do appreciate that the minister has brought this forward. I do have some questions about what has been left out of this. But first I'll go through some of his thoughts. So he talks about how he has, through a single bill, introduced amendments to *The Cities Act*, *The Municipalities Act*, *The Northern Municipalities Act*, and to strengthen municipal conflict of interest provisions, and as well, that the amendments will be made to *The Planning and Development Act* and *The Ombudsman Act*. So it's very thorough, very thorough, and as I said, that's the way, that's the way it has to be.

So he talks about, "The proposed amendments balance local municipal autonomy with the need to reassure the public that government has been proactive and responsible in strengthening . . . [the] conflict of interest legislation in a way that's effective and practical." So we need to think about what does he mean by effective and practical because, you know . . . And Mr. Deputy Speaker, you would have some experience with this, and I have, when I've lived in rural Saskatchewan, up north. It's not easy to get people to be on boards. And they do. And I just want to take a minute and give a real shout-out to the people throughout this province who volunteer on any level of board. And they have a strong sense of community, and they do it out of the sense that they want to make their community better than it was before.

And so this is something that you have to balance because you don't want to go too far and make it too onerous so that you discourage people from volunteering because they might say, well I don't mind filling out a one-page, you know, summary but there may be some private information that they don't want to share or they feel in some way this information is not necessary. And again this is a thing that . . .

And I don't know. As I'm just talking about here, I'm wondering if the Privacy Commissioner's been consulted on this because I always think there's a balance between what you want to know and what you need to know. Often, Mr. Deputy Speaker, as humans, we're very curious people and we often want to know an awful lot of stuff about a lot of things. But the question is, do we really need to know that? And this is where it has to be that issue about being effective.

And I think this is important that we think about what is the true test in terms of your, you know, what you have to give out. And we've talked about that in terms of private information, even when it comes to disclosing personal addresses, that kind of thing, you know. And actually I raised with the Privacy Commissioner the other day about an issue on some of the forms of the Rentalsman where it says we've got to know the home address of the landlord or the tenant after the fact. And we go, well why do you need to know that? You just need to know a mailing address. Why do you need to know a home address? There's always this issue of balancing, you know, and it's important what we need to know and what we want to know.

And so I'm curious to know and it doesn't sound . . . And so we would have a question

off the bat: has the Privacy Commissioner been involved in this at all in terms of is this fair enough? Is this a balance between the citizen who is stepping forward to offer his or her service in a leadership role in their municipality, and does it meet the reasonable test of what you need to know? And of course this is the question. This is the age-old question between want to know and need to know. And we wrestle with that all the time. We wrestle with that all the time.

And he goes on to talk about, you know, “Since potential conflicts of interest are faced by council members in all municipalities regardless of type, amendments are proposed to all three . . . [municipalities] to ensure consistent rules and requirements for elected municipal officials [right] across the province.” And I think that makes a lot of sense. You have the three municipal entities, and if their rules are based on the provincial rules, then there’s a sense of the Saskatchewan style of doing this. And that makes a lot of sense. And so we’re glad to see that, and this is important.

Now you can be consistent but again there are three, you know . . . And it’s interesting. People would say, well they’re all the same. And I’m sure that people would say no, they’re not the same. *The Cities Act* is very different. The people who live in the cities have a different kind of twist than those who live in rural Saskatchewan and those who live in northern Saskatchewan.

And so I think though that that doesn’t mean that you have to create inconsistencies, but you have to allow for some differences. And so we’ll be asking, so what are the differences? Particularly, you know, I can see between a northern and a city official, there might be some necessary allowances for some differences between them so they can be consistent but yet allow for some unique differences because of the type of geography that they live in and that type of thing.

I think the challenge will be for all of us though is, how does this, what does this do for getting people to step forward? I know, for example, you know, it’s becoming more and more . . . And it’s interesting. During the past election we’ve had a record number of people who’ve stepped down in the federal election. I think the number was 22 about three weeks before the midway point. And people were talking about, they’ve never seen so many people step aside even though they had filed all their papers and the parties had vetted everyone. But even so, 22 people had stepped down, and they have never had this happen in a federal election before. And it was because of public embarrassment about a statement they had made or something they had found or something. They hadn’t done all their homework. And of course, in this day and age it’s pretty hard to do all your homework when you’re dealing with social media and perceived conflict of interest and that type of thing.

And so here again we have an issue. And it was funny. I was listening to CBC [Canadian Broadcasting Corporation], or watching CBC. They were talking about this when they were saying about, how do we get the best people to step forward to serve in leadership roles? And yet we have so many people at the last minute, even after all the signs have been printed. And in one case in British Columbia, the candidate has already, her name was going to be on the ballot regardless.

Was that a Conservative candidate in British Columbia? And her name was already on the ballot. There was no way. She had withdrawn. But it was too late to do anything about it. But for some reason, she had withdrawn. But it really shows how important it is that we talk about how do we develop that leadership, and how do we help people vet themselves.

But what happened on this CBC news item, they were talking about how people need to be sort of self vetting. There has to be sort of this self-analysis about, are you willing to have what you say show up the next day in the news, or for my example, to show up in the member's statement the next day if people were listening? How many were listening? I was just wondering if anyone was listening, Mr. Deputy Speaker. A little silence over there. I thought they were hanging on every word I said. But I'll try to speak more controversially, Mr. Speaker.

But at any rate my point is, my point is that it's getting harder and harder to get people to step forward. But at the same time, we have to make sure we have really, really good people step forward who can stand to have what they say showing up in the light of day the next day.

So he talks about the three main purposes these amendments achieve. And first he talks about the specific recommendations and observations from the Barclay report with the legislative changes that effectively raise the bar for municipal officials. And that's a good thing. And we're glad to see that this is actually moving fairly quickly, you know.

I think of now the proof will be in the pudding here, Mr. Deputy Speaker, because I don't know when this bill comes into force. We had, for example, in this session, that when we came back in November of 2011, boy everybody was in a rush to get the lobbying bill passed, eh? We had to get that lobbying bill passed. We had to move on that lobbying bill. You know, it was on fire. It was crazy how the government side was saying, we have to get that done. And we worked extra hard. And I know my colleague from Saskatoon Nutana worked very hard on that bill in the early months of 2012 because for some reason that had to happen.

And of course we know that in fact it started out with a great fanfare but took two or three years to actually put into effect. So we're hoping that this is much better and much stronger right off the bat. So we look at this and we think about this.

And he talks about raising the bar for municipal officials. And that gets back to my point about how do we develop leadership in our cities and our rural areas, in our North, right across the province so we can have people at all levels of government. And I mean provincial and federal too. We want to have the best people representing us in all parties, in all parties. So that actually, you know, I mean this is a challenge that we have.

And if I can speak frankly, I think that when we look at our candidates, we want to make sure we have people that we feel really good representing us no matter what the outcome of the election is, right? Now some of us may say, I will only accept a certain candidate representing me, whether they're New Democrats or Conservatives or Liberals. But at the

end of the day when the vote is taken, we've got to get behind that person and say we really appreciate that person, and we're going to accept that person as our MLA, our MP [Member of Parliament], our city councillor, our reeve, you know, all of that. But because it's what makes our community tick. But we've got to have people who have the capacity to do the best job they can.

So I'm hoping that this can do that. And you know, it's interesting, and whether you've had people come forward in your riding from some of the rural communities, you know, concerned about the level of capacity some of their fellow councillors may have. We've had it. We've had it, and we've not had any way of dealing with this. And this is really, really important.

So I think this could be really a bit of a game changer here, Mr. Deputy Speaker. So we're really hoping that it improves the . . . like they say, raise the bar right across the province. But I hope that it doesn't do it by disqualifying others who might not be willing to step forward.

Second, he says he wants to “. . . improve the ability for government, through the minister and cabinet, to address situations of municipal conflict of interest that may arise in the future.” And I think that's fair enough. I think conflict of interest, and of course that's what Judge Barclay was aiming to get at, and we hope that does happen. And he has, the minister has identified a really important area, talking about conflict of interest issues that may arise in the future.

I wonder though, some of the times that we've had concerns is during the election period of these RMs. And I won't speak of the North because I've never had anybody contact me about a situation in the North. But I mean even yesterday, you know, with the FSIN [Federation of Saskatchewan Indian Nations], there was some issues you read in the paper about rules around elections and some perceived things not going well.

But I have had people contact me about some of the elections and some of the concerns in rural Saskatchewan. I have contacted the minister at the time about those. And of course there's very limited action that you really could do unless it was extremely, extremely obvious, where you might get into a ministerial review. And those situations are very, very rare.

But in the case of some of the RMs where, you know, that the people . . . You're not dealing with the number of voters like you might in a provincial or federal. You're dealing with tens or hundreds of people voting. And so you have a situation that if there is a perceived wrongdoing in an election, you know, it happens pretty quick and it's pretty hard to undo.

And so I would have liked to have seen maybe some consultation with Elections Saskatchewan in terms of how they could be used in municipal elections, especially in a way to be a bit of a fairness or almost a bit of an ombudsman role in terms of elections. I think that would have been a bit of a proactive piece of work here because I know one area we often have a lot of complaints about are the elections: the elections aren't

perceived to be fair, that they're not run as well as they might. And so I think that there's some real work here that he could have done.

And then finally he says that he “. . . will expand the Provincial Ombudsman's mandate to review and investigate municipal matters, including conflict of interest and code of ethics matters.” And so this will be a very interesting one. I know we've often had concerns about issues that have been raised. You know, in my particular circumstance, it's a city issue, and there's been no way to get some feedback or some address, some way to resolve the issue. And so this could be very helpful.

Now it will be interesting to see how this is applied and whether or not there will be limitations. I know for example, the Privacy Commissioner in my city has kind of felt a little stymied. The city has not responded in a really positive way to a provincial organization coming in and being there. I mean they've been fairly good, but sometimes they do argue, I think, a bit about jurisdiction. And whether or not this might be the case with the Ombudsman or if there is a specific ombudsman set up or a specific person within the Ombudsman's office who is set up just to look at municipality issues, that would be an interesting circumstance, and I think that would be a good idea.

And so we'll see how that plays out and whether or not they can play out with all the issues that may come forward. Or will they be only limited to conflict of interest issues? And so I think it's really important . . . [inaudible interjection] . . . I was going for it, just fit right in there.

And so it's important that we look at this. And I'm really excited about that, but I think that some of the other officers could have played a helping hand a bit in this in terms of privacy, again taking a look at it in terms of meeting the bar in terms of need to know, want to know. I think that that would have been reassuring. And again the elections folks, because I think they need to be somewhere that if there is a perceived problem, perceived unfair advantage that there is nowhere to turn really in a municipal issue. And so I think that might be one area too.

So I think this is good. I think this is reasonable to go for. We will be taking a look at it though. We'll have questions in committee. And we think that these kind of requirements are reasonable; again though, we have to make sure that they're not too onerous. And I do see, it's interesting as municipalities become . . . You know they used to have three-year terms, now they have four-year terms, sort of like us. And now they're going to have the same forms like us, and for some that might be just a reasonable thing. Others, I think it will be interesting to see the impact on this.

And as I said, with the federal election where we saw so many people just deciding to bow out, even at the last minute, if 22 bowed out during the campaign, how many bowed during the pre-election period? How many didn't get past the vetting? I know each party does a pretty thorough vetting. The parties were saying that on TV, and I would assume that's the case with all parties. It's only a reasonable thing to do. It's a pretty common practice.

And so I think that this is the kind of bill that has a lot of potential. It's the unintended consequences that we'll be looking at. And of course the worst unintended consequence will be of course that we start to have less and less people stepping forward because they just can't be bothered to file the forms. And somehow we have to make it so that it's not onerous, that it's reasonable but it's done.

And again, Mr. Speaker, you know, as is often said, you can file all the forms in the world you want, but at the end of the day people have to act with a basis, a self-policing way to make sure that they act in a way that's fair and balanced when they're dealing with their different issues that's on the agendas of our municipalities, that they do that as a daily basis and that they have the wherewithal of self-monitoring to know that this is a time for me to identify to my colleagues that I've got a conflict of interest. And I step back, and then people move on very quickly. This happens all the time.

And so this is what we talk about and I think the minister hopefully talked about when he was talking about the development of capacity. And somehow there has to be a way of helping the folks who are stepping up in leadership roles develop the capacity to understand how they can be really effective leaders. And part of it is to know how to be fair and balanced and when to step aside when there is a potential conflict.

So I think that there's a lot of potential in this bill, and we really hope that the unintended consequences will be minimal. And we sure think that this is something that needs to, once it's passed, needs to be in place right away so that people can be starting to take a look. I know the municipal elections are coming up next fall, and we have questions about what will this mean for that. Hopefully it'll be in place for that so people know that it will be in place for folks who will be elected, so that if it isn't then it's another four years lost and wasted. We don't want to see that happening. We want to make sure that this is happening right, right away.

So with that, Mr. Speaker, I know that other members want to get up on the floor and speak about other issues. Mr. Speaker, I found it hard to tie this back to the '70s because . . . I will tie it back to the '70s.

You know, what I will say, you know this all started with a very good premier, Premier Blakeney, who was one of the best. He really had a way, he had a special talent in terms of administration. And I think that we can all sort of take a look and we can take a look to the '70s. And I've got to tell you, we hit a low spot in the '80s when it came to how we had . . . what was happening in terms of conflict of interest and behaviour of members. That was a low spot and I think we can all admit that. We can all admit that. And of course the '90s . . . But here we are in the '10s, and I think that we can move forward and use this legislation to make the best of us. But let us not go back to the '80s. The '70s was pretty good; a lot of good things were happening in the '70s.

So with that, Mr. Speaker, I will move adjournment of Bill 186, amendment to *The Municipalities Act*, *The Cities Act*, and *The Northern Municipalities Act*. Thank you very much.

