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Bill No. 51 – The Public Inquiries Act, 2012

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. It's a pleasure to stand tonight and enter into the debate on Bill No. 51, *An Act respecting Inquiries concerning Public Matters and making consequential amendments to certain Acts*.

And I think this is an important bill. Clearly it's a product of some very thoughtful work. Whenever we see the work that comes out of the Uniform Law Conference of Canada, it's nice to see work that we try to get a consistent approach right across the country. We all have our unique characteristics that should be reflected in our laws. But as much as possible I think that, and in that we are Canadian and we expect a certain level of standards when it comes to how we approach these kinds of matters, it's good to draw on work such as that.

So I find this interesting because I do think that we've talked a lot on this side about consultation: how to get the best type of legislation we possibly can, how do we serve the public interest as well as we can. And clearly this kind of legislation speaks to it. It is an enabling piece of legislation. I just feel, unfortunate that I would like to have seen it in place already and many of the things we could be talking about could be the result of these things. We always like to drive around in a Cadillac, I guess, as much as we can when we could walk to the store. But I think that this kind of work is interesting.

And I found the minister's comments here helpful to understand how this came about. And he gave a bit of a history, you know, talking about the current public inquiries Act; it's been in force for nearly a century and the kind of work that's come from that. And there's been some very significant pieces of work that have come from people who've helped us understand the challenges that face Saskatchewan people and their public issues.

It's interesting that we're really talking about creating two types of inquiry commissions: one, the study commission to research, examine, provide advice on public policy; and

hearing commissions where they may be a bit more serious when it comes to matters where there's a possibility of findings of misconduct and so on.

And I would really think the study commission is one that would be of interest. I mean, you know, we have been so focused and I have, as Labour critic, been so focused on labour issues recently that I would have thought that would've been a perfect example of where we could've used a study commission.

You know, my colleague from Saskatoon Riversdale talked about Judge Arthurs's report, Fairness at Work, and how I've always thought that was a very good piece of public research that informed issues that are important to people across Canada. We should have been taking that kind of approach on the many issues here in our province. And so I hope to see, I hope to see — and I think on our side if this bill does get to be passed — that we will be asking for more of these types of things because we need better, better information and it needs to be done in a public way, a public way so we can all be engaged.

For example, one of the things I thought that was very interesting in this bill before us — and I want to make sure I get the section right, bilingual, so I have to make sure I read the right page for us all to get the most out of this — and it's on page 5, actually page 6, "Participation at inquiry." I always feel that it's very important that as many people can participate as possible because that is a way of developing capacity or a greater understanding of the issue at hand.

Now it's not that this is an educational project, but as well, those people who come out to listen to these commissions at their hearings will come away thinking, oh I didn't realize this, or now I understand this. And I think this is very, very important. So it talks about:

Participation at inquiry

A commission shall give those persons who reasonably believe that they have an interest in the matter that is the subject of the inquiry an opportunity to apply to participate in the inquiry.

Then the:

(2) A commission shall determine whether a person is permitted to participate in an inquiry, and the manner and extent of his or her participation, after considering [and there are three factors]:

- (a) whether the person's interests may be adversely affected by the findings of the commission;
- (b) whether the person's participation would further the conduct of the inquiry; and
- (c) whether the person's participation would contribute to the openness and fairness of the inquiry.

And I really appreciate the word openness because too much now we have seen and in this labour process that we've been engaged in, even though the minister has released documents on the Internet, it really hasn't been a full, open process because people have not had the chance to see people come and bear witness or participate in a dialogue. And it's really important to do that. And it goes on:

(3) A person who is permitted to participate in inquiry may participate on his or her own behalf or be represented by counsel of his or her choice.

So I think it's really important that we think about these things. And I think that, you know, the opportunity for us to have better, stronger public policy because of this and as well that second stream of the hearing where we can get to the bottom of situations where there may be potential for misconduct. And we want to have that public trust re-established because, as you know, in a government atmosphere it's important that the public believes and has a confidence in the government and its agents and the people who operate on its behalf or at different levels where the government has been asked to step in.

So I think this is an important issue. And one of the things that I didn't see in this but it may be in here — we'll have to ask questions at the committee — is did the minister have a chance to touch base with the officers of the legislature, particularly the Ombudsman, who has some experience in doing this kind of work? And were they able to give their input into how this might proceed? Because clearly, you know, he does talk about the 100 years of experience in the old Act.

So maybe we really need to, when we do this new one, that we draw from some experience. And I'm thinking of particularly the Ombudsman. I'm also thinking of the Privacy Commissioner because you know, as well as being a big fan of public meetings and all of that, I am very cognizant of the fact that there's a privacy issue here as well. And it's very important that, have we taken that into account? And quite often we will see issues of that where it's just not been taken into account and really needs to be taken into account.

So I think that there's a lot here and it's very interesting. The question that I will have again . . . You know, it was funny and I keep going back to the example of the labour situation we have in front of us with Bill 85, but when we asked about this when the minister announced it last May, he said it wasn't going to cost anything and it was just going to be absorbed in the budget. Then we find out in December that in fact it actually cost to that date, the end of November — and I don't know what it's cost since then but I imagine the bill keeps going up; I don't imagine it's going down — but it was \$700,000 that it had taken, the cost. So at that point I would say, value for money. Would he have been further ahead to have a study done, actually hire some experts in the field to do the work that really needed to be done?

So my question will be, in the budget that we see in a couple of weeks, will ministries have the ability to say, okay we've just been told that we would like to have a study on this or subject B or subject A or subject C. Will they have the resources to be able to do

that? We see where a ministry had to come back for supplementary estimates and ask for \$700,000 because they seriously underestimated the cost of the work ahead. And that was a significant, significant hit on a budget that's not that big. The Ministry of Labour does not have a large budget and for him to be overspent by \$700,000 when clearly somebody could tell that this was going to cost some money.

But again, I think he would have been better served by using one of the instruments that we're talking about here in this type of thing, where it would have been much . . . People would have had more confidence in the outcome, they would have been upfront, they would have said it's going to cost \$500,000. It would have been very odd for the minister to say, we're not going to give you any money. But he would have said probably, you know we are anticipating it's going to cost us 700,000. Probably, by the end of the day, I would not be surprised if Bill 85 and that whole process of getting there will be knocking on the door of \$1 million in the course of the whole year.

And that's probably why they're in a rush to get it done, so the bills stop coming in, you know, because it is costing more money and they don't want it to drag on. Maybe that's the reason. I don't know, but it could be because we know that it was first estimated to cost nothing.

But, Mr. Deputy Speaker, I digress. I should get back to this bill at hand. Forgive me, but I do want to talk about this because I think this is very important. How do we have the confidence of the public in the work that we do? Because these are important issues at hand and clearly we have a challenge. We have several challenges in this province that are worthy of study, and one of them is jobs; the workplace, all of that. And I think that this is important work that we need to have done.

And it does go on actually, Mr. Deputy Speaker. It does talk about public hearings and talks about that the commission shall ensure (a) that hearings are open to the public and the public is given access to the information submitted in a hearing, which is very, very important. And two, that if it's a problem:

(2) A commission may, by order, exclude the public from all or part of its proceedings, or restrict or prohibit the public reporting of all or part of its proceedings and the publishing of any evidence at the inquiry, if the commission decides that the public interest in an open hearing or in reporting or publication is outweighed by another consideration . . .

And so it goes on. And actually, it does talk about for:

any reason for which information could or must be withheld by a public body pursuant to *The Freedom of Information and Protection of Privacy Act* or *The Health Information Protection Act*.

So there you go. That seems to be something good and that connects with that. That's very important, public security. And in the opinion of the commission, it's necessary for the effective and efficient fulfillment of the commission's terms of reference and the right

of any person to a fair trial. Clearly that's a principle of our democracy and that needs to be in the legislation.

So, Mr. Speaker, I think that in many ways we are looking at something that has a lot of potential. And of course as I said, the potential though is it's always neat to have something pretty special in the tool kit but if you're never going to use it, that's a problem. And if you're not going to provide the resources within the budgetary cycle to say, listen if you've got an issue you really want to examine, here's a couple of tools . . . You can either do, as the minister described, a study commission to research, examine, provide advice on public policy, or hearing commissions to delve into those matters where there may be issues or the possibility of finding of misconduct.

So we think this is something that will be of interest, to see how it's used in Saskatchewan. You know, we do have committees that do work and they're out there. You know, one that comes to mind that I know this government took a lot of pride, in fact it was a campaign promise, was the committee on child exploitation through the sex trade some 10 years ago in 1999. And of course, it was a campaign promise that they would reconvene that. Now maybe this would be the group to do that. I don't know. But it was very interesting was that it was an all-party committee to do that. And I hope that at some point they will do that.

So, Mr. Deputy Speaker, I would think that . . . I know that we've got a busy night ahead of us and there's lots of work for us. There's no shortage of that for sure when we come back in the spring. But to that end, Mr. Deputy Speaker, I would like to move adjournment of Bill No. 51, *An Act respecting Inquiries concerning Public Matters and making consequential amendments to certain Acts*. Thank you.