

The Assembly met at 1:30 p.m.

Prayers

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mr. Osika:** — Thank you, Mr. Speaker. I rise once again on behalf of concerned citizens in Saskatchewan concerning the closure of the Plains Health Centre. The prayer reads, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The names on the petition, Mr. Speaker, are from Swift Current, Aneroid, Ponteix, and a number of small communities in southern Saskatchewan. Thank you.

**Mr. Bjornerud:** — Thank you, Mr. Speaker. I'd like to present petitions of names throughout Saskatchewan regarding the Plains Health Centre. The prayer reads:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The people that have signed the petition, Mr. Speaker, are from numerous southern Saskatchewan communities as well as Regina.

**Ms. Julé:** — Thank you, Mr. Speaker. I too would rise today to present petitions of names from throughout Saskatchewan regarding the Plains Health Centre closure. The prayer reads as follows, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The people that have signed the petitions, Mr. Speaker, are from Regina, from Wakaw, Balgonie, Radisson, and Eyebrow, Saskatchewan. I so present.

**Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, I also rise today to present petitions of names from throughout Saskatchewan regarding the closure of the Plains Health Centre. The prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

People that have signed the petition, Mr. Speaker, are primarily from Regina and Estevan, but also include Moose Jaw and Weyburn. I so present.

**Mr. Gantefoer:** — Thank you, Mr. Speaker. I rise as well to present a petition on behalf of concerned citizens in regard to the Plains Health Centre. The prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The signatures on this petition are from the city of Moose Jaw, Mr. Speaker.

**Ms. Draude:** — I also rise today to present petitions with names of people from throughout Saskatchewan regarding the Plains Health Centre. The prayer reads as follows, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The people that signed this petition are from Regina. They're from Stoughton, from Borden, and all over Saskatchewan.

**Mr. McLane:** — Thank you, Mr. Speaker. I rise again today to present petitions of names from people throughout south-eastern Saskatchewan regarding the Plains Health Centre. The prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

Mr. Speaker, the petition has been signed by people from south-eastern Saskatchewan as I stated; from the towns of Kipling, Wawota, and Glenavon, Mr. Speaker.

**Mr. Aldridge:** — Thank you, Mr. Speaker. I also rise today to present petitions of names from throughout Saskatchewan regarding the Plains Health Centre. The prayer reads as follows, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

And the people who have signed this petition are from Moose Jaw, Assiniboia. I also see Southey on here, and Claybank.

**Mr. Belanger:** — Yes, Mr. Speaker, once again I rise today to present petitions of names from throughout Saskatchewan regarding the Plains Health Centre. The prayer reads as follows, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The people that have signed the petition, Mr. Speaker, they're from Regina here. They're from Moose Jaw, from Assiniboia, Saskatoon, Shamrock, Rocanville, Strasbourg, Pilot Butte. They're all from throughout Saskatchewan, Mr. Speaker.

**Mr. McPherson:** — Thank you, Mr. Speaker. I also rise today to present petitions on behalf of the people all throughout Saskatchewan in regards to saving the Plains Health Centre.

The prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

Mr. Speaker, the people that have signed this petition are mainly from Regina, but some from Foam Lake and Yorkton.

### READING AND RECEIVING PETITIONS

**Clerk:** — According to order the following petitions have been reviewed, and pursuant to rule 12(7) they are hereby read and received.

Of citizens of the province petitioning the Assembly to reconsider closure of the Plains Health Centre.

### INTRODUCTION OF GUESTS

**Mr. Pringle:** — Thank you, Mr. Speaker. Mr. Speaker, I would like to introduce to you and through you to members of the Assembly, in your gallery, two very special friends of many people on this side of the House, Ken and Peggy Stone.

I had the pleasure of being the master of ceremonies at their wedding last September. Peggy worked for some 30 years at Social Services, and we worked together for many years. And of course Ken is a good friend. And his dad, Art Stone, was a member of this Assembly for 20 years, from 1944 to 1964. And of course the Sturdy Stone Building in Saskatoon is named after his father in part. And the folks are down here for the day for a visit. And I know that it is like coming back home for Ken. He's been in this building many times.

And I know that all members will want to wish them a warm welcome to the Assembly.

**Hon. Members:** Hear, hear!

**Mr. Krawetz:** — Thank you, Mr. Speaker. Mr. Speaker, I'd like to introduce to you and to the other members in the House three people seated in your gallery, three people who are very concerned about education in this province. I'd like to introduce Professor Joe Garcea. Professor Garcea is a professor of political studies at the University of Saskatchewan. I'd also like to introduce Isabelle Ryder. Isabelle is president of the University of Saskatchewan Graduate Students Association. And also Lindsay Vanthuyne: Lindsay is seated up there in the middle. She is from the Kelsey Student Association. She's currently the public relations director, but I understand that she's the president-elect for next year.

Welcome to the Assembly.

**Hon. Members:** Hear, hear!

**Hon. Mrs. Teichrob:** — Thank you, Mr. Speaker. It gives me great pleasure to introduce to you, Mr. Speaker, and through you to all my colleagues in the legislature, a group of air cadets from Squadron 702 in Saskatoon. They are aged 12 to 18 years. They are accompanied by Lieutenant David Haye and Officer

Cadet Lou Smith.

They have had a tour of the building, I understand, and I'll be meeting them later to visit with them and answer their questions and have a photo session. So I hope that all members will be on their best behaviour during question period today and that the Air Cadet Squadron 702 will enjoy the proceedings. Thank you.

**Hon. Members:** Hear, hear!

**Ms. Murray:** — Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to my colleagues in the Assembly a fine group which you've no doubt noticed sitting in the west gallery. There are 82 grade 3 and 4 students from St. Angela School. They are with their teachers, Sean Chase, Pat Kaminski, and Laurianne Jacques, and with their chaperons, Jocelyn Denham, Marlene Sisk, Yvette Pidhorodetsky and Ann Zerr.

Now they are here to spend some time in the gallery and then have a tour of the building. And I'm looking forward to meeting with them later on because I'm sure they will have a lot of interesting questions for me.

Please join me in giving them a warm welcome. Thank you.

**Hon. Members:** Hear, hear!

**Mr. Jess:** — Thank you, Mr. Speaker. Earlier today a group of us met with the Saskatchewan Council for Community Development, and Linda Pipkie, the executive director of Saskatchewan Council for Community Development is in your gallery. And I'd appreciate it if other members would join with me in welcoming her.

**Hon. Members:** Hear, hear!

**Mr. McLane:** — Thank you, Mr. Speaker. I too would like to welcome Linda here today as a long-time member of my constituency, and ask that through you to the Assembly that they would welcome her on our behalf again.

**Hon. Members:** Hear, hear!

**Hon. Mr. Mitchell:** — Thank you very much, Mr. Speaker. In your gallery today I see a friend of mine, professor Joe Garcea, of the University of Saskatchewan who happens to be the spokesperson for the Provincial Alliance for Education, which is a group of trade unions including the faculty association and the trade unions involved in the education sector, as well as a group of students who are concerned about the future of post-secondary education in Saskatchewan.

I'd like you to welcome them, and through you, my colleagues welcome them to the House today. Thank you.

**Hon. Members:** Hear, hear!

**Mr. Heppner:** — I would like to welcome the people from PAFE (Provincial Alliance for Education) here this afternoon. We had a good discussion with them this morning. They have some good ideas on what's happening in education, what needs

to happen there, and I hope they have a good time here this afternoon as they watch the proceedings and meet with most of us.

**Hon. Members:** Hear, hear!

**Hon. Mr. Lingenfelter:** — Mr. Speaker, I would like to introduce to you, and to other members of the Assembly, Tim Cooney with Panther resources who is seated in the west gallery. And I have to apologize, Mike, I can't remember your last name, but the geologist with the company. They're here today to observe question period.

But I want to say that the oil industry is very important to the economy of Saskatchewan, and your company is a big part of that. Thanks for coming.

**Hon. Members:** Hear, hear!

### STATEMENTS BY MEMBERS

#### Mad Cow Disease

**Mr. McLane:** — Thank you, Mr. Speaker. I would like to extend my condolences today to all the beef producers and to anyone involved in Britain's beef industry. This is an extremely frightening time in Britain with a multi-billion dollar industry being threatened by the mad cow disease.

Now scientists are exploring the possibility that this disease may in some way contaminate humans. Fortunately the Canadian beef industry continues to take any precautions necessary to prevent the same type of infections in cattle here.

But as a column in the *Leader-Post* suggested today, there is some concern that the government members have been exposed to the dementia-causing disease. In light of, Mr. Speaker, in some of the budget proposals being kicked around lately, it would indeed appear that the cabinet has been exposed to the U.K. (United Kingdom) beef.

**Some Hon. Members:** Hear, hear!

#### Community Volunteer

**Ms. Murrell:** — Mr. Speaker, last week was Education Week in Saskatchewan. Monday we honoured six outstanding volunteers. Today I do not think it is too late to mention an outstanding teacher in my constituency who also happens to be an excellent volunteer — or an outstanding volunteer in my constituency who also happens to be an excellent teacher.

Paul Runalls from Cut Knife teachers at Cut Knife elementary. In addition to his classroom excellence, he is an organizer for the upcoming Northwest Children's Festival — a festival expecting 2,500 children — organizer for the school science fair, and a workshop presenter for effective teaching methods. That would be enough for most of us, Mr. Speaker, but then his after-school activities kick in. Mr. Runalls is an ambulance attendant, a volunteer for the Twin Rivers Health District, a volunteer at Camp Easter Seal, and at Camp Circle of Friends, a camp for children whose lives are touched by cancer. When I

think of Paul, I think of children and of music. He has used his musical talent to bring joy and entertainment to children all across Canada, including appearances on *Mr. Dress-up*.

Paul Runalls, with his band, "Prairie Sailor", has made Saskatchewan and Canada a happier place for countless children. I am honoured to mention his contributions in this Assembly. Thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

#### Melfort Figure Skater

**Mr. Gantfoer:** — Mr. Speaker, I wish to share the overwhelming story of Marilee McDougal of Melfort. Marilee has captured the hearts of everyone who has ever seen her figure skate. She began skating at the age of four and has proven to many she skates right from the heart. She attends MUCC (Melfort & Unit Comprehensive Collegiate) school, is 12 years old, and in grade 7.

Aside from her love of music, she skates a minimum of 12 hours a week and up to 20 hours before competition. She has captured eight golds, two bronze, one silver medal in her '95-96 season alone. She has made several guest appearances, and in '94-95 was awarded the Skater of the Year Award and placed on the president's honour roll in recognition of outstanding achievement in Canadian figure skating as well as the most artistic figure skater. In '95 she was nominated for the Junior Citizen of the Year.

All of this has been accomplished despite a rare type of facial tumour Marilee has had to overcome. After extensive surgery, she still may need laser treatments in her eye area. This has never interfered with her enthusiasm and her delightful smile. I ask this Assembly to join me in congratulating Marilee for her courage and success.

**Some Hon. Members:** Hear, hear!

#### Dreams Come True Charity Organization

**Mr. Flavel:** — Thank you, Mr. Speaker. Mr. Speaker, today I am pleased to announce that in Saskatchewan dreams do indeed come true. In fact on Saturday, March 23, a cabaret was held in support of Dreams Come True. Dreams Come True is a charity organization created and operated by Air Canada employees who donate their time and their effort to raising funds which are then used to take handicapped, disabled, underprivileged, and sick children to Disney World.

This year's event raised \$2,100 which will be applied to the cost of taking three Saskatchewan children to Disney World. They are Dustin Drake of Marshall, Saskatchewan, who on two occasions has donated life-saving bone marrow to his sister; Tricia Kelln of Regina, who suffers from leukemia; and Trevor Worm of Raymore, who is a burn victim.

Air Canada employees Patsy Alary, Brent Chisan, and Dan Thibault head up the Saskatchewan division of Dreams Come True. They are to be commended for a job well done. And, Mr. Speaker, I want to add my personal thank-you to the people at

Air Canada, and God bless them for a wonderful gesture.

**Some Hon. Members:** Hear, hear!

### Provincial A Midget Hockey Championship

**Ms. Draude:** — Thank you, Mr. Speaker. Every town in Saskatchewan has a hockey arena and every town has a team. At this time of the year the battle for provincial championships is nearing to an end. Mr. Speaker, last Thursday evening the people of Naicam and area observed some first class hockey with Naicam AA Midgets playing their first provincial game against the Yorkton Terriers for the provincial A midget championship.

The Naicam team, coached by Roman and Pat Zimmerman of Englefeld, went into this game short three goals. A three-goal lead in a two-game total play-off point series usually means a win for the team with the goals, but this was not the case on Thursday. This group of determined hockey players did not regain their three goals until the middle of the third period. Goalies for both teams made some spectacular saves. Naicam put the pressure on and, with just 38 seconds left in the game, they played the scoring goal.

It gives me great pleasure to ask the members of this Assembly to join with me in congratulating the Naicam AA Midget hockey team for winning the provincial A championship.

**Some Hon. Members:** Hear, hear!

### Saskatchewan Ginseng Farming

**Hon. Mr. Wiens:** — Mr. Speaker, during Agriculture Week, as we recognize the contributions our farmers have made, my statement today points out the creativity and ingenuity reflected in this sector.

Leadership by farmers in our changing economy has resulted in more specialty crops, agricultural biotechnology, game farming, manufacturing — I could go on. As one additional example in my constituency, a Rosetown farmer, Kent Smith, has been growing ginseng since 1991. His first year was a learning experience. Growing this herb is very labour intensive. It requires different care than other crops, but he saw a special opportunity, and he's taking a risk.

In Asian countries, ginseng is referred to as the elixir of life, and its popularity is increasing across North America. Mr. Smith has one and two-thirds acres now, and if things go according to plan, he would like to add an acre every year until he has five acres. He believes he could earn 60 to \$90,000 per acre based on British Columbia numbers of 3,000 pounds of root per acre with the root selling for \$30 per pound.

Mr. Smith demonstrates the spirit that built Saskatchewan and that will keep us at the forefront of agricultural change in the new century. I congratulate him on his initiative and drive to pursue this kind of diversification and wish him the best of luck. Thank you.

**Some Hon. Members:** Hear, hear!

### Recognition of Activities in Moosomin Constituency

**Mr. Toth:** — Thank you, Mr. Speaker. Mr. Minister, I'd like to take a moment just to acknowledge the work of individuals in my constituency and certainly in the surrounding area. On Friday afternoon I took a moment just to stop in Indian Head and was invited to come and view their new Sports Hall of Fame and Museum. Mr. Ken McCabe has worked very hard to gather a lot of paraphernalia and a lot of former hockey sweaters and curling brooms and certainly has done a wonderful job of building this museum in recognition of the sports in the area. And I'd like to recognize the work he's done in that area as well.

And I'd like to take a moment just to acknowledge the work of the RDCs, rural development corporation, Gateway RDC now known as Gateway REDA (rural economic development authority), for all their work in developing the economic development in the area of Moosomin. I thank you, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

### School Citizenship Program

**Ms. Murray:** — Thank you, Mr. Speaker. Last week as we know was Education Week and the theme of one school in my constituency, Lumsden Elementary, was, we love Canada. And so it was that last Wednesday was Canadian citizenship day at that school. A day during which students, teachers, and parents focused with pride on our nation, our heroes and our citizenship.

First, in the morning the students hosted a pancake breakfast that fed well over 800 people, or close to the entire population of Lumsden. Then, Mr. Speaker, 450 kindergarten to grade 7 students, the staff, and many parents re-affirmed their Canadian citizenship.

I was proud to bring greetings on behalf of the government. Students sang, read their own poems and essays, and displayed artwork on what Canada means to them.

Most interestingly, they created their own wall of fame — a wall on which they posted photographs of themselves posing as their favourite Canadian heroes. Heroes, Mr. Speaker, who were singers, artists, astronauts, athletes, and even politicians.

It was a delightful afternoon and I congratulate all those who worked so hard to make it such a successful day. Thank you.

**Some Hon. Members:** Hear, hear!

### Crop Development Centre

**Mr. Jess:** — Thank you, Mr. Speaker. During Agriculture Week, I would like to take a moment to recognize the valuable contribution of the Crop Development Centre at the University of Saskatchewan to agricultural life in this province.

The Crop Development Centre was established in 1971 to

develop and diversify the Saskatchewan crops industry. It is now one of Canada's leading plant breeding institutions and is recognized in many parts of the world for its work in this important field. Since 1977, the CDC (Crop Development Centre) has released more than 85 varieties of plants — harrington barley, laird lentil, and calibre oat are just three CDC success stories since these plants have become staple crops in Saskatchewan.

The work of the centre continues as new crops are developed to meet market needs in many parts of the world. Biotechnology plays an increasingly important role and the centre is now involved in many projects on a partnership basis with companies in Saskatchewan, other parts of Canada, the United States, Europe, and Japan.

During Agriculture Week I'd like to congratulate the crop development centre on its successes and its continuing contribution to agriculture in Saskatchewan.

**Some Hon. Members:** Hear, hear!

### ORAL QUESTIONS

#### Saskatchewan Institute of Applied Science and Technology Program Cuts

**Mr. McLane:** — Thank you, Mr. Speaker. Mr. Speaker, we have all heard during the past few weeks how SIAST (Saskatchewan Institute of Applied Science and Technology) is expected to come under the chopping block in tomorrow's budget. I have a great deal of concern about the status of many of the industrial programs at the centre, in particular the pre-employment and specialty welding program.

Mr. Speaker, the cost of running this program is \$182,000 annually, but the return on this investment cannot be understated. This program has a history of providing employment to basically all of its 45 students who graduate from the program each year. The vast majority of these people work in Saskatchewan, and they pay taxes and they contribute to our economy.

Will the Minister of Post-Secondary Education confirm in this House today that this program will not be downsized in tomorrow's budget?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Mitchell:** — I am under the same constraints as all members of the cabinet are in that it's not up to me to be announcing the budget. That will have to wait until tomorrow when the Minister of Finance will do that on behalf of the government.

I can say though that it would be very unusual if a provincial budget were to address one program within one of the post-secondary institutions in Saskatchewan. But I say to the hon. member, just stay tuned to this channel tomorrow about this time. Twenty-four and a half hours from now we'll have the budget laid out and you can then know what the situation is.

**Some Hon. Members:** Hear, hear!

**Mr. McLane:** — Thank you, Mr. Speaker. I say to the minister opposite that there will be a lot of people stay tuned for the budget address, many concerned students and employers across the province. Mr. Speaker, there's little doubt that all graduates of this program will once again find full-time, well-paying jobs. Implement manufacturers from across this province report a shortage of skilled workers. At the same time, a planned expansion at IPSCO will also require people trained in this profession.

Why will the minister not provide an assurance that his government intends to make a choice that will ensure the continued creation of valuable jobs? I think it's a very important issue, Mr. Minister, and I think it's something that possibly should be looked at before the budget is brought down.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Mitchell:** — Mr. Speaker, the member will know that jobs is a subject that is very much on the minds of the government, as it's on the minds of practically everybody in the province. And we certainly have a great interest in that subject.

The problem that SIAST is having is primarily a result of the changes to the federal Unemployment Insurance Act — the member will know that. Very serious changes in the way in which training is funded have already taken place and is biting at SIAST and at the regional colleges. SIAST is attempting to cope with these changes, and in that connection is having consultations with its staff, with the instructors, with the students, and with the employers who have the very interest that the member is addressing here today.

I am also meeting with those people as quickly as I can in order that I'll get their perspective. The process will involve SIAST originally, the SIAST board of governors, and ultimately the government.

**Some Hon. Members:** Hear, hear!

**Mr. McLane:** — Thank you, Mr. Speaker. It doesn't matter who we blame for the downsizing or the lack of funds, Mr. Minister. The fact is that these programs are important. They provide employment for many people in the province and it's a direct benefit to the government.

This own government's Future Skills job training campaign points out the need for more of the kind of training I am referring to, not less. Schulte Industries of Englefeld agrees, indicating that they are in need of production-line welders. Bourgault Industries of St. Brieux indicate that at present they can't get enough welders to meet their demands. Dyna-Fab Industries in Watson state that one-half of the welders on their shop floor have come through this very program.

Will the minister explain how he and his government can possibly justify eliminating a program that provides young men and women with valuable skills that enable them to work in a valued profession in this province at this economic time, Mr. Speaker?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Mitchell:** — Mr. Speaker, the government is not eliminating any programs. It's not the government's decision to make, at least at this point. Recommendations have to come up to SIAST.

If the member wants to do something useful in connection with the matters that he raises, the proper place to make those representations is to your federal counterparts. It is Ottawa who is changing the unemployment insurance plan and thereby creating problems for SIAST.

Now I don't know why the federal government is doing it. The fact of the matter is that the unemployment insurance fund is in a surplus position. Changes are not necessary in order to protect that fund. They could have continued with their participation in training and we wouldn't have these problems in Saskatchewan.

**Some Hon. Members:** Hear, hear!

### Highway Maintenance Depots

**Mr. McPherson:** — Thank you, Mr. Speaker. Mr. Speaker, it seems like only yesterday that this government was threatening to close down maintenance depots, highway maintenance depots, throughout Saskatchewan. And the minister would remember a meeting in Val Marie at which he promised that he wouldn't do so. However, the Highways minister finally relented after the people affected put a great deal of pressure on his office to reverse the decision.

Mr. Speaker, I received a call today indicating that this government is taking these threats one step further. This call was from a very concerned equipment operator from the Kincaid depot, who informed me that he and his co-workers have been notified that because of this government's budget decisions this depot will be closed effective April 1.

Will the minister confirm if this is indeed true? And if so, how many other depots across the province are slated for closure?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Renaud:** — I want to thank the member for his question, Mr. Speaker. He knows, as all members over there know, that the budget will be laid out tomorrow in just a little over 24 hours. And stay tuned and certainly you will get your answers at that time.

**Some Hon. Members:** Hear, hear!

**Mr. McPherson:** — Thank you, Mr. Speaker. But, Mr. Speaker, February 27 I have a *Hansard* here where that minister . . . and I'm going to quote from it:

. . . I wrote you . . . several times before that with the same answer — no. And I don't know how many times I have to tell you, or if you don't understand the word no, I'll get a dictionary . . . I'll send a copy of it over (to you). There (are) . . . no plans to shut down any maintenance depots.

You had lots of time. Mr. Speaker, if this government proceeds with this plan to close the highway maintenance depot in Kincaid, crews will be responsible for an area that covers about 400 kilometres. This, says the equipment operator I spoke to, would be unworkable.

Mr. Speaker, his biggest concern was not the status of his job, but rather the safety of the people in that region. In extreme conditions like we've experienced in the past year and throughout the province, the people of rural Saskatchewan must know that their roads will be properly tended to and will be safe for travel.

Will the Minister of Highways justify how his government can possibly put the people of rural Saskatchewan at risk in an attempt to make modest cost savings?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Renaud:** — I would like to thank the member for his question, and again, stay tuned tomorrow and you'll get certainly information then. But what surprises me, Mr. Speaker, is the members opposite, like 10 newborn kittens, they're blind because they have such an infatuation with the Liberals in Ottawa.

There is no concern over the \$106 million taken out of the transfer payments for health and education; there is no concern for the \$320 million per year, Mr. Speaker, that's pulled out of farmers' pockets with the change of the Crow. There is no action; they have not responded to the federal government's decisions in regards to rail line abandonment which will cost this province 30 to \$50 million additional in road maintenance.

What I would like to know, Mr. Speaker, will they join with us to meet those challenges, to join with the people of Saskatchewan and meet those challenges, instead of burying their heads in the sand?

**Some Hon. Members:** Hear, hear!

### Government Cost-cutting

**Mr. Boyd:** — Mr. Speaker, my questions this afternoon are for the Minister of Finance. Madam Minister, you have said that tomorrow's budget will reflect the priorities of Saskatchewan people. One of those priorities is spending cuts should start at the top. The Premier even said so in his \$30,000 infomercial.

Madam Minister, we would like to know what measures you've taken to reflect that priority. Will you be cutting the size of cabinet? Will you be cutting the size of the Premier's staff and ministerial staff? And most important, will you and other NDP (New Democratic Party) MLAs (Member of the Legislative Assembly) be giving back you \$4,400 pay increase?

Madam Minister, are you going to take any of those measures, or are you and the other NDP MLAs exempt from the cuts you are imposing on everyone else?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Romanow:** — Mr. Speaker, I'll answer the question because it relates to the matter of cabinet.

First of all, I would want to know whether the hon. member has written his cheque for \$4,400 yet. And I think we'd like to know that. And we'd also like to know whether or not the member from Kindersley supports the decision of this Legislative Assembly to reduce the number of MLAs from 66 to 58 because, as I recall during the election campaign, that was a part of some sort of a revenge on downsizing.

And as regard to the size of the cabinet, Mr. Speaker, we have indicated quite clearly to the people of Saskatchewan that as the reorganization occasioned in preparing this province for the 21st century is complete — and it's going to be completed, we hope, as quickly as possible — the appropriate adjustments will be made.

One thing for sure, Mr. Speaker, the size of this cabinet will never be the size of the Tory cabinet of 25.

**Some Hon. Members:** Hear, hear!

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Premier, it's the priorities of your government the people of this province are interested in. It's the priorities that you've set forward in your \$30,000 infomercial that you put forward to the people of Saskatchewan that people are interested in in this province — the priorities in terms of cutting back on the size of cabinet that you've promised; the cut-backs that would start at the top that you promised; the job creation strategy that you promised to the people of Saskatchewan.

Tomorrow you'll be cutting several hundred government jobs. We realize that your government must make cuts, but we'd also like to see new jobs being created for those people that will lose their jobs tomorrow. Where is there hope for the people that are being laid off tomorrow to find new jobs in Saskatchewan? Our province has been averaging 2,000 fewer jobs every month since last June. And last month the number even doubled to 4,000.

Mr. Premier, what measures will there be in tomorrow's budget to stimulate the economy and create jobs? Or is that simply just another priority that you and your government have forgotten?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lingenfelter:** — Mr. Speaker, the member opposite talks about what will be included in the budget tomorrow to stimulate job creation. I want to say that in dealing with the business community in the province for the last five years now, the biggest thing, they have told us, to stimulate jobs is to balance the books of the province. The single biggest thing is to balance the books of the province. The second most important thing is to create a positive atmosphere — is to create a positive atmosphere for economic development.

There's two things, Mr. Member, that you don't understand. One is that your government, the Devine government, built up the largest per capita debt anywhere in this country. You folks did, single-handedly. And even today you are harming the

economy by the continual gloom and doom. The two items that need to be done to create jobs, you're the author of — gloom and doom and huge deficit. So I want to say tomorrow's budget will be very . . .

**The Speaker:** — Order. Order. Order. Now having put the question, I think hon. members owe it to the minister to listen to the answer, and the Speaker is having a difficult time . . .

**An Hon. Member:** — I only listen to the question.

**The Speaker:** — Order. And I don't appreciate that. I will go to the next questioner.

### Home Oxygen Program

**Mr. Goohsen:** — Thank you, Mr. Speaker. My question is to the Minister of Health. Mr. Minister, our office has received several complaints about the upcoming changes to your department's SAIL (Saskatchewan Aids to Independent Living) home oxygen program. These changes will force most home oxygen recipients to change from the liquid oxygen system to the condenser system.

Many oxygen users we have spoken to are complaining that the condenser system is too heavy and awkward for them to handle, and the tanks last only half as long as the liquid tanks.

Your department will also be restricting oxygen subscribers to 10 tanks a month. One of my constituents, Evelyn Perrin of Maple Creek, estimates she will need 25 tanks to stay healthy and active. Now the 10 tanks that you are supplying will force her to do little more than to sit in her home in a chair.

Mr. Minister, can you tell us why you are forcing oxygen rationing on those who need it the most? And how does it fit into your department's concept of wellness to force people to become prisoners in their own homes?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cline:** — Mr. Speaker, I want to advise the House that I have been meeting with the Saskatchewan Lung Association with respect to this issue as well as having departmental officials talking to industry. And I want to inform the member that no one who needs oxygen is going to be deprived of oxygen, and let there be no doubt about that.

It is true that the system is changing somewhat, Mr. Speaker, but we're going to provide oxygen to people at a lower cost to the taxpayers and, Mr. Speaker, at a lower cost to the users. It's a very logical thing to do. No one would disagree with it except the members opposite. Thank you.

**Some Hon. Members:** Hear, hear!

**Mr. Goohsen:** — Well, Mr. Speaker, my question is to the Minister of Health. Minister, our people need more than hot air from you. They need oxygen.

That response simply is not good enough for people like Mrs. Perrin. They aren't about to be shut away and locked into their closets or into their houses. In spite of the fact that she is

awaiting a heart-lung transplant, Mrs. Perrin is able to go out still and help on her family ranch with the branding and such other activities on the home operation.

Now she needs to do that with the liquid oxygen system. The other one won't work. And as Mrs. Perrin puts it, Mr. Minister: I've got two grandkids to chase; I can't afford to just lay down and die.

Mr. Minister, the extra oxygen tanks that Mrs. Perrin needs to remain active and healthy will cost about \$3,600 this coming year. That's just a little less than the \$4,400 pay hike that you're going to put into your pocket. So, Mr. Minister, which do you think is the better use of the money — going into your wallet or going into the air that Mrs. Perrin breathes in order that she might live?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cline:** — I want to advise the member in the House, Mr. Speaker, that for most oxygen users, the cost will be reduced. And what we have to do, Mr. Speaker, is concentrate on improving the system for oxygen users. There are a few things that can be done.

One is that we should be requiring the industry to provide oxygen conservers to people. If people had oxygen conservers they would not need as many tanks. The other thing we should be doing is improving the technology and taking a look at having the tanks made out of aluminum.

The industry is working on those proposals. These changes are going to be made as of June 1. And in a very proactive way, Mr. Speaker, we can improve the system for people and provide oxygen to people at a lower cost, and that's what we're going to do, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

### Job Creation

**Mr. Aldridge:** — Thank you, Mr. Speaker. Mr. Speaker, the NDP's budget of last year laid out job creation forecasts for 1995 and '96. Over this two-year period the government predicted that 8,000 new jobs would be created, an average annual increase of about .9 per cent. This government also went on to boast that it's forecasts were sound and were much more realistic than those of the major banks.

Mr. Speaker, according to the latest labour force statistics, only about 3,300 jobs were created last year, many of those part time and low paying. Will the Minister of Finance explain how her government failed to meet this modest target when jobs were apparently the number one priority in her last budget?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lingenfelter:** — Mr. Speaker, I want to say to the member opposite that job creation is very, very important in the province. And I want to say that since the *Partnership for Renewal* document — and I've said this a number of times in the House — was released in 1992, in the fall of '92, an

average of 3,000-3,500 jobs per year were created — 3,500 jobs a year . . . (inaudible interjection) . . . by the end of the year 2000. Now if the member opposite from Kindersley, who yells from his seat uninterrupted, Mr. Speaker, would listen, he might get the answer to the question — 3,500 a year have been created . . .

**Mr. Aldridge:** — Thank you, Mr. Speaker. This government not only failed to meet it's own measly targets, but its job creation record was less than half the Canadian average last year. A survey from *Sask Trends Monitor* questions this government's ability to make good on its word, indicating that the sectors which provided new jobs last year all slowed down in the latter part of 1995. And it goes on to state that Saskatchewan needs, and I quote: "a new engine for growth in 1996." Furthermore, the Bank of Nova Scotia predicts .6 per cent job growth this year.

Will the Deputy Premier admit his government failed to hit its 1995 targets and is on the same path for 1996?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lingenfelter:** — Mr. Speaker, I want to say to that member opposite from Thunder Creek that in fact we are on the same track of creating 3,500 jobs a year. These are the projections from the business people of the province and the working people of the province as they put forth in *Partnership for Growth*.

But, Mr. Speaker, I want to quote from a *Leader-Post* document, as questionable as that may be, but I want to say to the member opposite, in this article it says this about that member from Thunder Creek.

The Crown Life president also says Aldridge's continual refusal to meet with him and other company officials shows wilful disregard for the interests of Crown Life and the people of Saskatchewan and over 1,000 Crown Life employees.

One thousand jobs you put at risk and you have the audacity to stand here in the House and say, what you will do to create jobs. I say to you, follow the advice of the president of the Crown Life and try a little positiveness in this approach and you might get some jobs. But this continual gloom and doom does more damage to job creation than anything else you might do from that side.

**Some Hon. Members:** Hear, hear!

**Mr. Aldridge:** — Mr. Speaker, the Deputy Premier forgets that it's his government that is putting us through the Haro-ing experiences that we are having in this province right now. Mr. Speaker, the government has clearly failed to meet what can only be referred to as soft job-creation targets.

The *Sask Trends Monitor* survey I referred to earlier shows that this is just the tip of the iceberg. It shows that the number of people underemployed, or those seeking full-time employment but only presently working part time, has grown by 50 per cent in the past six years, to a level of close to 35,000 people now.



Will the minister explain when he and his government will get down to work and provide the people of Saskatchewan with some more substantial . . . something more substantial than the catch phrases and the glossy job-creation documents.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lingenfelter:** —Mr. Speaker, it's amazing. When you go out to rural Saskatchewan and go out to the many openings that are occurring in the province, there's a lot of optimism about farming, about manufacturing, about processing, and the only place where there seems to be a harrowing experience is in the Liberal Party these days. And there's a good reason for that.

With the approach of that member from Thunder Creek and the member from Wood River and their approach to the style of politics we see in that party, it is no wonder that they're having the difficult time they are in trying to get questions written, let alone read here in the House.

**Some Hon. Members:** Hear, hear!

#### Plains Health Centre Closure

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, this weekend Regina's three hospitals will be conducting a CAT (computerized axial tomography) scan blitz to enable these facilities to try and make some headway on the growing waiting-list of people requiring CAT scans.

Mr. Speaker, this list currently totals more than 500 in spite of the fact that each of Regina's hospitals has a CAT scan machine.

**The Speaker:** — Order, order. Order, order. I ask all members to come to order so that I can hear the hon. member from Humboldt put her question, and I'll ask all members to cooperate with that.

**Ms. Julé:** — Mr. Speaker, this weekend Regina's three hospitals will be conducting a CAT scan blitz to enable these facilities to try and make some headway on the growing waiting-list of people requiring CAT scans. Mr. Speaker, this list currently totals more than 500 in spite of the fact that each of Regina's hospitals has a CAT scan machine.

If this government gets its way and the Plains Health Centre is closed, there will be only two CAT scan machines in this city. Will the Minister of Health explain how he can stand in this legislature and state that the closure of the Plains will not result in the lower level of health care for the people of southern Saskatchewan?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cline:** — You know, Mr. Speaker, I hardly know how to answer that question, and I'll tell you why. I'll tell you why, Mr. Speaker, because the members know that the services that are provided at the Plains hospital are going to be provided at the other two institutions in Regina. And the member gets up

and tries to say to people, if the Plains shuts down, the CAT scan goes. Well that's ridiculous, Mr. Speaker.

And if that member and that party were concerned at all about the welfare of the people of this province when it comes to health care, they wouldn't have been getting up in this legislature yesterday and saying that we should have a U.S. (United States) style medicine system, Mr. Speaker. They wouldn't have been advocating that at all.

And I say to that member that they opposed medicare 30 years ago, and they can come into this House and talk about getting rid of our public medicare system all they want, Mr. Speaker, but that's not the policy of this government. We're going to be providing services to the people within medicare, not a private, two-tiered system as those members want to advocate.

**Some Hon. Members:** Hear, hear!

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, a CAT scan provides a very valuable service by determining, among other things, if tumours are present in a patient. The time a patient is forced to wait may determine whether such a tumour is operable or inoperable. In other words, it may be the difference between life and death.

Will the minister explain where he and his government are drawing the line between a safe and an economic health care system?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cline:** — Mr. Speaker, the last refuge of the Liberal Party when it comes to debating health care is scare tactics. In 1962 when medicare was introduced, they said that the doctors and nurses would leave the province. Of course it didn't happen. Yesterday they were saying the same thing. Today they're saying people aren't going to be able to get CAT scans.

Well yesterday, Mr. Speaker, they were in this House saying that the specialists were leaving because the Plains Health Centre is being consolidated with other hospitals in Regina. And yet I find out from the Regina District Health Board that the number of specialists in Regina has gone up in the last few years, as I indicated yesterday.

Yesterday they say that 200 people are going to lose their jobs. But I find out from the Regina District Health Board, as I said, that those jobs are going to be located in the other hospitals.

Today they say that you're not going to be able to get a CAT scan. And I say, Mr. Speaker, that maybe the member needs to have her head examined. And if she does, we'll have a CAT scan.

**Some Hon. Members:** Hear, hear!

**The Speaker:** — Order. Order. Order. Why is the member on his feet?

**Mr. Boyd:** — With leave, for the introduction of guests.

**The Speaker:** — Order. The hon. member has asked for leave to introduce guests. But before I put that question to the House, I do want to remind the minister that in his final remark before he took his place, he was very near the edge in his comments. Order. Order. Order. Order. The members will come to order. Order. Order.

The Speaker is commenting on a comment he heard. Order. And I simply want to caution the minister. And I know that the minister has respect for the House and all hon. members, and to be cautious in his reference to other members in the future. Order. Order.

The Leader of the Third Party has requested leave to introduce guests. Is leave granted?

Leave granted.

### INTRODUCTION OF GUESTS

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, as you well know, the federal Conservative Party is the only political party to date that has achieved gender parity.

Along with federal PC (Progressive Conservative) leader Jean Charest, Ms. Elsie Wayne has worked very hard on important issues as far as federal unity and of course has worked very hard on behalf of her constituents from St. John, New Brunswick.

I would ask all members to join with me in welcoming Ms. Elsie Wayne, who is seated behind the bar.

**Hon. Members:** Hear, hear!

**Mr. Boyd:** — As well joining us, Mr. Speaker, seated in the Speaker's gallery, we have with us as well, Mr. Jeff Ferguson, her legislative assistant, as well as Ms. Lynn Agnew from Saskatoon here accompanying Ms. Wayne here today. And I'd ask you to welcome them as well.

**Hon. Members:** Hear, hear!

**The Speaker:** — Why is the member on his feet?

**Mr. Belanger:** — With leave, Mr. Speaker, to introduce guests.

Leave granted.

**Mr. Belanger:** — Thank you, Mr. Speaker. I'd like to ask the Assembly to welcome several constituents of mine from back home.

We have the chief of the Clearwater Dene Nation, Roy Cheecham, up in the east gallery. We also have Armand Murray with the Metis Nation local in La Loche; and they've got several of the elders from their communities as well visiting the city.

So I ask the Assembly to please make these guests from the North welcome.

**Hon. Members:** Hear, hear!

**The Speaker:** — Why is the member on her feet?

**Hon. Ms. MacKinnon:** — Mr. Speaker, with leave, to introduce guests.

Leave granted.

**Hon. Ms. MacKinnon:** — On behalf of the government, I'd like to welcome Ms. Wayne to Saskatchewan. And I congratulate you as being a member of a party which has achieved gender parity, although it's not exactly the route that I would choose to get there. Welcome.

**Hon. Members:** Hear, hear!

**The Speaker:** — Why is the member on her feet?

**Hon. Mrs. Teichrob:** — With leave, to introduce guests, Mr. Speaker.

Leave granted.

**Hon. Mrs. Teichrob:** — Mr. Speaker, it gives me pleasure to introduce to you and to other members of the House, seated in your gallery, two people from the Saskatchewan Council for Community Development — Mr. Mich Ozeroff and Linda Pipke. Would you join me in welcoming them here today.

**Hon. Members:** Hear, hear!

**The Speaker:** — Why is the member on his feet again?

**Mr. Belanger:** — With leave, to introduce more guests, Mr. Speaker.

Leave granted.

**Mr. Belanger:** — Thank you, Mr. Speaker. And I just want to say that we're surrounded by people from the North this afternoon.

We have some council members from the village of La Loche. And we have the mayor, Willie Janvier, with some of his councillors, Lester; and we have Doug Gailey, the administrator; J.J., Verle Sproule, Mr. Laprise, and I don't know the last guy there, Donald Laprise, I believe.

And they're all councillors from Garson Lake and the good old town of La Loche. And I ask the Assembly to please welcome these very special guests.

**Hon. Members:** Hear, hear!

### INTRODUCTION OF BILLS

#### **Bill No. 54 — An Act respecting Conservation Easements and to make consequential amendments to other Acts**

**Hon. Mr. Scott:** — Thank you, Mr. Speaker. It is my pleasure to move the first reading of a Bill respecting Conservation Easements and to make consequential amendments to other

Acts be now introduced and read for the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**Bill No. 55 — An Act to amend  
The Municipal Employees' Pension Act**

**Hon. Ms. MacKinnon:** — Thank you, Mr. Speaker. Mr. Speaker, I move that a Bill to amend The Municipal Employees' Pension Act be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**Bill No. 56 — An Act to Protect the  
Public from Convicted Pedophiles**

**Mr. Osika:** — Mr. Speaker, I move that a Bill to Protect the Public from Convicted Pedophiles be now introduced and read a first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**Bill No. 57 — An Act to repeal The  
Police Pension (Saskatoon) Funding Act**

**Hon. Mr. Nilson:** — Mr. Speaker, I move that a Bill to repeal The Police Pension (Saskatoon) Funding Act be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**Bill No. 58 — An Act to amend The Land Titles Act  
and to make a consequential amendment**

**Hon. Mr. Nilson:** — Mr. Speaker, I move that a Bill to amend The Land Titles Act and to make a consequential amendment be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**Bill No. 59 — An Act to amend The Balanced Budget Act**

**Mr. Aldridge:** — Mr. Speaker, I move that a Bill to amend The Balanced Budget Act be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**Bill No. 60 — An Act to amend The Crop Insurance Act**

**Hon. Mr. Upshall:** — Mr. Speaker, I move the first reading of a Bill to amend The Crop Insurance Act be now introduced and read a first time.

Motion agreed to, the Bill read a first time and ordered to be

read a second time at the next sitting.

**Bill No 61 — An Act respecting the Practices of Professional  
Engineering and Professional Geoscience and to make  
consequential amendments to other Acts**

**Hon. Mr. Renaud:** — Thank you, Mr. Speaker. Mr. Speaker, I move that the first reading of a Bill respecting the Practices of Professional Engineering and Professional Geoscience and to make consequential amendments to other Acts be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

**The Speaker:** — Why is the member on his feet?

**Mr. McPherson:** — Mr. Speaker, before orders of the day, I rise under rule 19(1).

**The Speaker:** — The rules permit the member to just advise the Assembly in a single sentence what the intention is under rule 19(1) if he wishes.

**PRIORITY OF DEBATE**

**Plains Health Centre**

**Mr. McPherson:** — Yes, Mr. Speaker, I rise under rule 19(1) to engage in a priority of debate motion regarding the saving of the Plains Health Centre.

**The Speaker:** — This morning the Opposition House Leader delivered a notice for priority of debate to the Office of the Clerk, as is required under rule 19(2). It is the Speaker's responsibility to determine whether the matter should receive urgent consideration and be permitted to proceed. Having reviewed the member's case, I am now prepared to rule on the matter.

As required by the rule, the member has established that the matter of the closure of the Plains Health Centre is of public importance. However, under rule 19(5), to determine whether the matter is urgent to be discussed, the Speaker is obliged to pay regard to the probability of the matter being brought before the House within reasonable time by other means.

The Opposition House Leader states in his case that tomorrow the Minister of Finance is scheduled to present the provincial budget to the Assembly. Therefore today is the final opportunity for the Assembly to consider a resolution before the Health department's budget is finalized for the upcoming year.

I wish to draw to members' attention that there have been many opportunities over the past several weeks to raise this matter in the normal course of business. I also wish to draw to the members' attention that the presentation of the budget does not constitute any sort of final decision on the government's annual spending estimates. The budget does initiate the ancient parliamentary right of grievance before supply.

I submit that on a matter of parliamentary principle the budget is not finalized until this Assembly passes into law an Appropriation Act. Therefore it is in this light that the Speaker must consider whether the matter could be brought before the House within a reasonable time by any other means.

I advise the Opposition House Leader that the budget debate process, during which time he or any other member could move a non-confidence amendment, is an important and effective opportunity to forward the case presented to me this morning.

Secondly, through the consideration of the Department of Health estimates, members are afforded an opportunity in Committee of Finance to raise such matters.

Finally, until the conclusion of the grievance before supply process, members will also have access to all the regular means available to put issues before the Assembly. The member could give notice of a motion to urge the government to amend the estimates to address this problem as he sees fit.

For this reason, it is the Speaker's decision to deny the request to set aside the regularly scheduled business to proceed with a priority of debate.

#### ORDERS OF THE DAY

#### WRITTEN QUESTIONS

**The Speaker:** — Question 24 is converted to motions for return (debatable).

#### GOVERNMENT ORDERS

#### COMMITTEE OF THE WHOLE

##### Bill No. 9 — An Act to amend The Direct Sellers Act

**The Chair:** — I would ask the minister to introduce his officials, please.

**Hon. Mr. Nilson:** — Yes, I'm pleased to have with me today my officials, Darcy McGovern from the legislative services branch; Linda Ens from legislative services; and Al Dwyer who is the director of the consumer protection branch.

#### Clause 1

**Mr. Gantefoer:** — Thank you, Mr. Chairman. I would certainly like to thank the minister for the introduction of this Bill and join in the welcoming of the officials here today. I think that in the initial discussion about the Bill we've indicated our general support in terms of the overall thrust in what you're trying to attain in terms of the general direction of this Bill.

Having said that, there are certainly some clarifications that we need and some suggestions perhaps that we'll make along the way. And if I could, I'd like to go through this.

In section 4 of the Act it strikes us as an attempt to close some of the loopholes of The Direct Sellers Act regarding who needs

to be licensed to conduct direct sales. The Direct Sellers Act had a lot of exemptions which allowed various types of businesses which were required to be licensed under other Acts to exempt from registration and licensing under The Direct Sellers Act.

This meant that those businesses were not held in the strict standards set out in The Direct Sellers Act. Quite often businesses that were involved in direct sales had a tendency to licence themselves under the other legislation rather than under The Direct Sellers Act. One of the goals that became apparent when you read this Bill is to plug those loopholes. The question is, whether this Bill, particularly section 4, effectively closes those loopholes.

**Hon. Mr. Nilson:** — Well I think you have anticipated the desire that we have, which is to close the loopholes and we've specifically referred to a couple of things that have been problems over the years. And then I think specifically on the top of page 3, the section there does clear up the fact that sort of cover all the people who would in some way try to register under a different Act so they didn't have to register under this Act. But you've anticipated what we are trying to do and we think that this can do it.

**Mr. Gantefoer:** — Thank you, Mr. Minister. Section 6 of the Act sets out what needs to be included in a direct sales contract; the rights of cancellation must be spelled out in the contract. Will the minister and your department have a typical contract or model so that earnest and reputable direct sellers who want to be in full conformity with the law can have guidelines as to what there's required in terms of the way their contracts are written?

**Hon. Mr. Nilson:** — This particular section I think, does do what you are considering, which is to provide some kind of conformity. Part of the reason for this is that the internal trade agreement has set out in it some standard clauses relating to . . . Well not in the agreement itself, but in the business itself they are attempting to have uniformity across the country.

And so for example, cancellation clauses right across the country would be the same, which would then allow any particular direct seller to be able to use the same forms right across the country. And it might not be that the whole contract is exactly the same in each industry, but practically, the idea is that if a person's selling a particular product they could use the same contract in as many of the provinces in Canada as possible.

**Mr. Gantefoer:** — Mr. Chairman, I'm asking on behalf of the individual who may not be very learned in matters legal and interpretation of exact, specific clauses of an Act. In terms of saying to them, if I wanted to become a Watkins salesman in my next life — after 20 years in the legislature of course — would I be able to get help in having a sample contract so that I wouldn't have to try to get into an expensive legal kind of a study in order to make sure, with my good intentions, that I've conformed to the spirit and letter of the law in terms of contracts?

**Hon. Mr. Nilson:** — Now if I understand the question

correctly, you are concerned about being a direct seller — probably not of a product like Watkins because Watkins would have their own lawyers who would set out contracts for you, but more if you had developed the product yourself and were going to sell it throughout Saskatchewan.

I think what you would find is that the Act is really set out to protect consumers. But by protecting consumers, it also goes to the person who would be a seller and says, well look, these are the things that you need in the Act. Look in the section. And I think practically, you would get some very good advice about how to set up your contract.

**Mr. Gantefer:** — Minister, under section 7 of the Act, it talks about the licensing of direct sellers and the name that they must use in order to get licensed. The Bill says that sole proprietorships and partnerships must be licensed under the same name that they used when they registered under The Business Names Registration Act. This makes sense.

But has any thought been given to simplifying the process so that a person, a sole proprietorship, or a partnership, register under The Business Names Registration Act, they can also obtain a licence under The Direct Sellers Act at the same time? If businesses could register under both Acts at the same time, it might be simpler for the business and more effective for the government.

(1445)

**Hon. Mr. Nilson:** — I think what you're talking about is sort of one-stop shopping; I guess that's the term. And right now we're working towards that. We don't have it quite yet because there are some different requirements under each of the Acts. But that clearly is one of the things that we're looking at as we look at all of the types of legislation, is to see if there are some ways that one could enter into business without having to sort of comply with many different Acts. But no, we're not quite there yet.

**Mr. Gantefer:** — Section 10.1 of the Act sounds good, but I think it could be improved, as I understand it. It provides for identification cards to be carried by direct sellers and those who are employed by them. Will these cards have pictures of the person in order to help avoid confusion and potential abuses?

**Hon. Mr. Nilson:** — That particular question, of whether to have a photograph on the ID (identification) card, is one that we are, you know, continuing to consult with businesses about. One of the things we don't want to do is make it so that it's so expensive that for some of the smaller sellers it would be an expense that was greater than they could afford. But I think practically we're working in consultation with business people, and I think our desire would clearly be to have the photograph there. But we don't want to force that if it's going to cause undue expense.

**Mr. Gantefer:** — Minister, a suggestion that might be made in that regard — there's a lot of SGI (Saskatchewan Government Insurance) licensing things, and I believe the fee for a photograph on a licence is something in the order of \$12, so I don't think that that would be prohibitive.

I'm more concerned about . . . John Doe may not mean a whole lot with all the credentials when he goes up to sell siding to a widow in Plunkett, Saskatchewan, where if it's John Doe and there's a picture of this individual, that gives a lot more credibility. And I think a lot of the vulnerable people are the ones that were intended to be protected in this Act, and I don't think \$12 would be a great fee, especially since those services could be easily made available right across the province. And I would wonder if you would consider that.

**Hon. Mr. Nilson:** — Yes, I accept that suggestion as a very good suggestion. Like I say, we're in the process of consultation with the people who would be affected by the legislation. And I think it's our desire that that's what would be there, but we haven't basically directed it in the legislation at this point. But I agree with you that we could possibly use the SGI licence photography system, and so it's a good suggestion. It's one that we also are working on. I appreciate the suggestion.

**Mr. Gantefer:** — Minister, and excuse my naïvety on this stage of it, but would some of these things be a thing that you'd consider to make a friendly amendment or things of that nature, so that if we are in agreement in terms of a helpful suggestion that would improve this Bill, is it possible, logistics wise, to agree to have that kind of a positive amendment entered into it before we get actually to the final third reading of the Bill?

**Hon. Mr. Nilson:** — I think if you look at 10.1(2)(d), that is something that could be included in the regulations as information, and I means that's kind of how . . . We were going to go and consult and say, well what other things would be important to have on this kind of an ID card. And we could do it there.

**Mr. Gantefer:** — Thank you, Minister. Section 36 of the Act sets out much greater penalties for people who have contravened the Act. The maximum fine for an individual committing a first offence is \$10,000 or one year's imprisonment or both. For a second offence an individual may be liable for a fine of \$25,000 or another year of imprisonment or both.

While they sound very harsh, and in many instances when people have been very seriously jeopardized in terms of their financial security by these kinds of things, very often that the courts have no momentum or impetus to enforce minimum numbers. And while maximum numbers are good to have on statutes in terms of the overall direction, unless there's some direction in terms of minimum, it could be actually ineffective.

Would you consider inserting minimum fines of at least \$500 for a first offence and perhaps a \$1,000 for a second offence, some type of a minimum that makes sure that there's real teeth in reality in this clause?

**Hon. Mr. Nilson:** — I think what you're seeing here is a reflection of legislative drafting based on previous experience in other Bills. And what happens when you have a minimum and a maximum sentence, often the decisions of the court tend towards the minimum. And when you don't have a minimum

and just the maximum, then often the penalties are a little bit higher. So that's kind of the rationale behind it.

I think also too there may be situations where you would want to find that there was an offence, but because of all of the circumstances, you would want something more in the nature of a reprimand than a fine, too.

**Mr. Gantefoer:** — Thank you. The terms of licences under the Act will be reduced by this Bill from five years down to just one year, I believe. This means that an honest, law-abiding direct seller — and there are probably many in the province — will have to renew this licence every single year.

A number of questions around this. First of all, is there any thought to having a licence that is easily renewable or longer term, as long as no violations or complaints are in place, firstly. Secondly, has there been a cost analysis, what it might mean to have the direct sellers renew this annually when there are no violations and really no kind of flagging that indicates that licence shouldn't be renewed?

**Hon. Mr. Nilson:** — I think I would like to explain this by saying that we used to have an annual system and went to a five-year system, and what's happening is that people who maybe were in the direct selling business for a couple of years out of the five years would have to go back and apply for a refund. And so that's become a little bit of a difficulty.

The other thing is, from the actual administration of the program, there are people who might want to be in direct sales, say as a summer job as a student or over a shorter period of time. They have to put more money out for the five-year licence and then have to apply to get the money back.

Also, administratively from our director who is in charge of this, it's been quite frustrating because they have these five-year licences sort of hanging out there of people who aren't using them, and they don't know when they might show up again. And it's just a lot easier if after each year then they can say, well whoever wants to go out say for another summer of selling something, well then they apply for a new licence.

**Mr. Gantefoer:** — Minister, I'm assuming in your answer that you may have already answered this, but I want to ask it just to be sure. Have the administrative costs from your department, or from the department standpoint, been calculated into this whole process of the annual licensing compared to the five-year?

**Hon. Mr. Nilson:** — My understanding is that it's basically awash. I mean it's not going to cost any more; it's not going to cost any less.

**Mr. Gantefoer:** — In the determination of the licence fee itself for the individual that's doing the direct selling, is that going to be a flat fee that's just a one-time fee or would you explain please what you consider as a fee for a direct licenser?

And what I'm concerned about particularly is if I'm that Watkins salesman or if I'm . . . that may sell, you know, cinnamon and ginger and few things that may amount to 10 or \$15, as compared to someone that's re-siding a whole house

that could be thousands of dollars, is there any relationship between the value of what I'm selling and the fees that are charged?

**Hon. Mr. Nilson:** — I think your question includes the question of what the fees are, and right now, with the five-year fee it's a \$125, and the proposal would be that it would go to \$25. Also there is an exemption on direct sales; if your average direct sale is under \$50, then you don't need a licence.

So that covers your, you know, cinnamon and spice salesperson.

**Mr. Gantefoer:** — Another part of the question, Minister, would be a great number of businesses in communities are very concerned that very often they have a stationary business, if you like, that offers a product range for sale and that they have municipal taxes and education taxes and overhead and all the rest of the costs associated with offering that service to a clientele base; where a direct seller may be able to operate out of the back end of a van and is talking about a 25 or a \$125 fee. And I wondered if there's been any thought in terms of building that kind of relationship in some way so that a comparative or competitive, level playing-field may be established.

**Hon. Mr. Nilson:** — This is an issue. And I assume you're talking about each municipality setting up a fee for direct sellers in their community as one way of dealing with this. And one of the concerns is that if every area set up a fee and a person was a direct seller and that was their business, they would not probably be able to afford travelling very far away from where their home base might be.

But what is happening is that we have been consulting with SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities) and with Municipal Government about this issue of making it fair between the person who has investment in a store and a place of business and pays the local taxes, and the direct seller. Sometimes what happens is the direct seller is related to a store or business that is paying taxes in one place, but they may not be paying in the town or city, you know, two or three down the road. And so it is, I guess, a balancing act to try to figure out how to do this, and the consultation is continuing with SUMA and SARM and with Municipal Government.

**Mr. Gantefoer:** — Thank you, Minister. I think that if you heard our line of questioning yesterday and some of the issues — or the day before; I kind of lose track — is that one of the concerns we have is leaving too much out of the Act and too much into regulations. And I know that that's always a balancing act as well, but a wise old uncle of mine always said that the devil is in the details. And that's where you can really get tripped up, and you end up not being able to debate that and put it in front of the scrutiny of the House and the legislature.

So while I recognize that dilemma and the need for consultation, I also want to register the concern that we don't leave too much to arbitrary regulations, as much as I very much respect the wisdom and the good judgement of the members of your team there, and the officials, to do it right. I want to say that that's an ongoing concern.

In the Bill, very often . . . I mean there's direct sellers who are better than others and in the short term at least, nature takes care of itself and the poor ones fall by the wayside. I'm a little bit concerned about the very slick, very, very high polished, very high pressure kind of a person, and I'm concerned that is there any provision in the Bill whereby a direct seller would in some way, could, have the consumer waive their rights or waive proper protection under this? Has that been fully and completely sort of protected under your Bill as amended?

**Hon. Mr. Nilson:** — As with the existing legislation, there's no way that you can waive the 10-day sort of period in which you can review your sale, or any of the cancellation provisions. So practically, I think the answer is that the full protection is there right in the statute.

**Mr. Gantefoer:** — Minister, I think that there's been reported recently some pretty notable cases of direct sales via fax or via long-distance telephone solicitation and things of that nature, in terms of promises of trips or holidays and free pens and this or that or whatever, being the come-on. And I think people have come forward and the police have expressed some concerns about people who have been taken to the cleaners in this way. Does this legislation provide for the definition, if you like, or some way of including direct sells other than face to face?

(1500)

**Hon. Mr. Nilson:** — I think, if you wish to turn to page 8, which would be section 22 amended in (1)(b). There it provides the . . . it's right at the top of the page on page 8 at the bottom:

(1) A direct sales contract is cancelled where:

(b) the purchaser provides notice of cancellation to the vendor and the vendor or the vendor's salesman made the offer for sale or the order to purchase by means of a telephone call from outside Saskatchewan to a purchaser resident in Saskatchewan.

So if somebody calls and says I've got a great deal for you. Now one of the difficulties . . . I mean so basically you can cancel that at any time. If you've made that kind of a contract over the telephone you can cancel. But where the difficulty arises is if you make the deal, then pay the money, and your money goes somewhere else. Then we have a difficulty, as the province of Saskatchewan, going to Montreal or New York or wherever to enforce getting the money back. And so part of the difficulty of dealing with that involves just the legislative jurisdiction of our province. It ends here.

Now this is the type of problem that is attempting to be addressed through interprovincial cooperation, and also I think through education. So people I guess would be warned about making deals with companies like this outside of the province.

**Mr. Gantefoer:** — Minister, I can't search for the answer quick enough and that's why I'm glad your folks are there.

What about someone that would set up a direct solicitation firm or company within Saskatchewan. Does that person then fall

under the definition of a direct seller that's making either telephone or fax solicitations within the province or that would have its company originating in Saskatchewan?

**Hon. Mr. Nilson:** — I have a copy of the Act here and we're amending this Act. But this part is not going to be amended. And the definition of direct seller in section 2 includes a person who by telephone offers for sale or solicits orders for future delivery of goods or services. So that's within the province.

And then what also happens is that when they're licensed under this Act they have to put up a bond, so that there is a bond provision to deal with the telephone solicitation within the province. So we actually have the bond there. That's different from the Quebec or New York situation where we can't get a bond on those people. And it may be through some kind of interprovincial or international cooperation that may happen, but we don't have that system yet.

**Mr. Gantefoer:** — Thank you, Minister. I think that answers the questions that we had. And I would like to express our appreciation for your officials. And if there's other members that wish to engage in this question period, I thank you.

**Mr. Krawetz:** — Thank you, Mr. Minister. Mr. Minister, in my previous life as an insurance agent in my community, many people would come to me with great concerns of direct sellers from out of province, who were promised the deals, who sent money. And I dealt with a lot of even my own clients who lost a lot of money by having sent, as silly as it is, signed cheques that were blank to a firm in Quebec.

And then when I dealt with trying to find out who they were, I found out that they were answering machines. They were an answering service. Not an answering machine; they were an answering service. There's no legal entity.

I tried to go through Consumer Affairs and try to find out a bit about them. I even questioned the RCMP (Royal Canadian Mounted Police) to try to solicit their help. And they really said that, you know, it was like buyer beware kind of thing.

And I really feel that that group of people is so vulnerable by that slick operating group outside of the province that can sell, you know, anything and everything if they get an ear to listen to them. How can we prevent that?

**Hon. Mr. Nilson:** — This problem that you've identified is one that's quite clear that it is a problem right across the country. There are a couple of projects actually that are attempting to address this sort of interprovincial situation.

One of them is that they are looking at amendments to the Competition Act, which is federal legislation, which would take on this particular issue as something that maybe they could solve. There haven't been any sort of clear pictures of how they might solve it, but there are some possibilities when you have federal legislation.

A second project is something called Project Phone Busters out of Ontario, which is a cooperative effort primarily between, I think police departments, enforcement agencies, which we are

also participating or cooperating in.

And it's a method whereby when those calls come in, you can get the information into the system, into this Project Phone Busters, and they can hopefully track and find the answering machine or the person who takes the messages off the answering machine much more quickly than you could as an individual. So that's something that's happening.

I think practically, once again the biggest and best way of dealing with this is better education and making sure people deal with local, reputable businesses as opposed to these kind of sort of miracle sales kind of things. And then in the final analysis there is . . . it's fair comment to say that buyer beware is still something you need to worry about.

**Mr. Krawetz:** — Thank you, Mr. Minister. I appreciate the comments.

I know when you talk about education is the best policy, and I agree with that fully. And I've had people come to me and ask me, should they send this cheque for \$450, and I've said no, please don't. And they have had a return call and they have said no, I am not going to send it, don't bother me. Then a month later they get the same call from the same firm but the pot has been sweetened and they come back and say, gee, you know I think I should do that; they're asking only for 425 this time.

And you try to educate them, but yet they believe that that is something that is of value to them. And how can you . . . you know, education versus what they see as value sometimes has a fine line.

**Hon. Mr. Nilson:** — I think the advice here is if it looks too good to be true it probably isn't true. But also I would strongly encourage you and anybody that you deal with, if you get these kind of calls, on the first time around that you make . . . you know, give a call to the department and to the director, Mr. Dwyer, in consumer protection because then he can feed the information in very quickly to this Project Phone Buster system and they can maybe actually go and prevent any more calls from coming in.

**Mr. Krawetz:** — Thank you. Just one final comment. You say that you're talking about a federal program, the consumer . . . or did you refer to it as the Competition Act?

**An Hon. Member:** — The Competition Act, yes.

**Mr. Krawetz:** — Okay, so this is something that is being looked at right now and something that will encompass western Canada, all of Canada, in terms of how we can deal with these kind of people?

**Hon. Mr. Nilson:** — This is a federal legislation. And you know, we often hear about it with prosecutions. I think the most famous one was the dredging case, you know, if you remember that. So that legislation deals with competition and fixed bids on projects, things like that.

But we have, through the discussions on an interprovincial, national basis, we have an understanding that they are looking

very seriously at trying to deal with this particular issue under that Act because they want to do something to help people, and that's a place where they think they might be able to add an amendment.

**Mr. Krawetz:** — My colleague made one suggestion about the photo ID and I wonder about whether or not we should include on something like that identification card a number, or on the contract itself, whether we have a number of The Consumer Protection Act. Because the people who are signing these contracts with the siding salesmen or whomever, they don't know who to contact. And yes, they know about the provincial inquiry number, and that's where the MLAs get the calls as far as who they should contact. Maybe that's something you might include . . . write directly on your contract.

**Hon. Mr. Nilson:** — I think that's a good suggestion. The only slight problem with it would be, is that we know that a lot of the direct seller companies are trying to set up the same contract for across the country. And so to have the Saskatchewan number on there would add an extra expense in the printing, unless we had all provinces' provincial numbers.

So I think it's a good idea and the officials will take that and hopefully include it. And I think your suggestion also was that it wasn't just on the contract but it would be on the ID card, which is a Saskatchewan card, and so practically it would seem like we could put it on there quite easily.

**Ms. Draude:** — Thank you, and welcome to the staff of the minister's. Thank you for helping us read through some of these. I have just a couple of questions.

On section 22 amended, number (c), it says:

the purchaser provides notice of cancellation to the vendor within one year after the day on which the purchaser entered into the contract . . .

So that leads me to believe that a sale could be cancelled within one year. Is that correct?

**Hon. Mr. Nilson:** — Yes, that's correct. As set out in the conditions below that, yes.

**Ms. Draude:** — My question then is actually, on part (ii) underneath that it says the goods and service to be supplied under the contracts, if they're not supplied within 30 days it can be cancelled. So if that's true, what if they don't complain? Do they have a year to complain if they haven't cancelled it within 30 days?

**Hon. Mr. Nilson:** — I think how it's supposed to work is that you enter into a contract for delivery of some goods on April 1 and the goods are supposed to arrive on July 1. If they don't arrive by July 1, or 30 days thereafter, then you would have the right to cancel the contract even though it might be September; and you would have one year up until April 1, '97 in which to cancel the contract.

**Ms. Draude:** — As a business person I'm trying to think of what would happen if I had hired somebody and I thought they



were doing something and I thought the contract was all completed and I find out just about a year later . . . and maybe this isn't where I'm coming . . .

(1515)

**Hon. Mr. Nilson:** — Yes, I think the answer to your question would be is, if you didn't deliver within 30 days of the day that you said you would deliver, then you would have to worry about cancellation of the contract. But yes, and practically, if you were delivering some product to that person and they didn't pay you, well they'd have to give you the product back and cancel the contract that way.

But I think the whole idea is that there is a protection for the consumer, but also I think too if you look at the legislation, there is a protection for the seller as well. So that if the seller delivers the goods within the time that they were supposed to, then the contract can't be cancelled because they only have 10 days in which to get out of the contract, you know, at the beginning of the contract.

**Ms. Draude:** — Another question I had is, is telephone service that's sort of solicited over the phone . . . and I'm saying like if somebody wants to sell me Sprint service, not SaskTel, is that covered under this Act?

**Hon. Mr. Nilson:** — This legislation applies to door-to-door sales. But it's telephone solicitation — is that your question? — from Sprint. Yes, if they phone directly they'd get caught with this same provision.

**Mr. Belanger:** — I'd just like to get some clarification on what constitutes an unscrupulous business practice as opposed to just a misunderstanding. Like some of the things you talk about here, like you're obviously not going to make 100 per cent of your customer base happy on certain things that you sell, be it door to door or be it through the telephone. How would your department . . .

**Hon. Mr. Nilson:** — I think maybe I can answer that when we deal with the next Bill, because I think you're on to The Consumer Protection Bill; we're still dealing with The Direct Sellers Bill

Clause 1 agreed to.

Clauses 2 to 28 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 10 — An Act respecting Marketplace Practices, Consumer Product Warranties and Unsolicited Goods and Credit Cards**

**Clause 1**

**Mr. Goohsen:** — Thank you, Mr. Chairman. Minister, and your officials, I would like to welcome you, welcome your officials. I want to say first of all, how happy I am that the Liberal members were good enough to allow me to speak first on this because we have some obligations with another member in a

few minutes, and there are a couple of things that I did want to say. So I appreciate that.

And I also want the minister, because you're new to the Assembly this year, to let you know that we are happy to see the private member's Bill that I personally introduced last year appears to be included in this Bill. And we're happy that, even though it didn't happen last year when probably it might have been more timely, that at least now it is going to happen and we will protect the people of Saskatchewan in the future, from some of these problems.

Just to make sure that the way that you have written it does cover the things that we were concerned about at that time, I want to specifically ask you a couple of questions; go right to the back of the Bill and talk about the unsolicited credit card portion and the unsolicited goods part. And does that include then, the problems that we were seeing in Canada with regards to people like the Rogers television company where they were negative billing, as the term was called?

And of course we had an example of that happen just to the north of the city here in the Lumsden area last year. And of course that's what triggered our thoughts that we needed to have some protection.

And in that process, as you will recall, TV companies are allowed to bill people for extra services which they hadn't required or asked for. And if they didn't take the extra services and pay for it, they lost the services that they were presently having. They didn't want to lose the service they presently had, but they didn't want to buy more. But they really didn't have a choice.

And so we viewed that as being an unfair practice. And so did of course other people in other jurisdictions. And there are laws throughout the country now that prohibit that kind of action. And there was a major backlash against that by people in eastern Canada.

So I'll simply let you answer that question, Minister.

**Hon. Mr. Nilson:** — I thank the member for that question about this negative option marketing. And I think the simple answer is that we have not gone the full distance of banning negative option marketing. The only provinces that have done that are British Columbia, Quebec, and Nova Scotia.

And we've been looking at it very carefully. It's been part of the consultation as we've gone up to introducing this legislation this year. But there were a number of concerns about whether we should go the full way of banning negative option marketing. And at this point we're not in a position to proceed with that.

**Mr. Goohsen:** — Well, Minister, I'm unhappy of course to hear that you haven't decided to address what is a very real problem in the world around us and one that, as you say yourself, has been addressed by three other provinces already.

I guess, simply put, I would have to say that that's one of the problems with letting a rookie into cabinet who doesn't really

understand what his job is. And I think maybe it's time that you took a look at some of the facts. And if you're going to represent the province in such an important portfolio as Minister of Justice, you better get your act together and start to do what the people have requested and need.

You certainly haven't addressed the issue at hand. And you certainly display, I think, a rookie attitude towards your job when you have something as important as this that you let slip through your fingers at a time when you're going to open up a Bill that has as much in it as Bill 10 has in it, and then you missed the target on the one very important thing that should be in there.

So Minister, I want to let you know that we're giving you forewarning that we're going to be watching your activities in your portfolio from now on, because it appears to us that you have displayed a blatant disregard for the necessity of the importance of your job and the way that you should view it, and the kind of work that you should put into a Bill before you simply throw it before the people and before this Assembly to try and make it look like you're doing your job when in fact you haven't. You missed the target altogether.

Now you can chew on that for awhile. I want to ask you a few more questions about some of the things I think you may have missed in this Bill. When a company simply advertises, something like, your satisfaction is guaranteed, what would this Bill do to protect a customer that bought an item that was defective and they wanted their money back? Does this Bill protect people in our society from that kind of advertising, and what power does it give to the consumer?

**Hon. Mr. Nilson:** — Yes, I'd like to thank the member for his question, and I think I would like to maybe encourage him not to skip lunch, as it seems to do a great deal of damage to his ability to think about problems and issues here. And it may be that that's the engagement that he's late for, and I don't plan to hold him up.

What I would say though is, on the negative option marketing — I'll continue with my response there — one of the difficulties that we have as it relates to that, relates to the whole problem of the banking industry and the credit union business and the renewal of mortgages and renewal of insurance policies, because it's quite difficult to word something to catch the kind of problems that this member was concerned about without also disrupting traditional practice within the banking and insurance industry. And that's why we haven't proceeded with this as quickly.

And so I think any comments about sort of experience in this area may be totally inappropriate and more related to his lack of lunch than anything else.

Now what I would say, the next question about the product that is not, sort of, effective for whatever use it was sold, there is adequate protection under The Consumer Products Warranties Act, which is separate legislation. Well I guess it's part of this; it's now included as part of this one. And in that legislation there's a statutory warranty which would cover the problem that you're concerned about.

**Mr. Goohsen:** — Thank you, Mr. Chairman. Well, Minister, the fact that you would come into this Assembly and now tell us that you can't enact legislation that protects people from a specific problem does in fact exemplify my point, which is that your lack of experience in this department has thrown you in the middle of a game that you weren't prepared to play.

You simply have to enact in legislation the specific point on a specific issue. You don't have to let an Act cover all of the circumstances in the world. It doesn't have to be that general or that broad. You can specifically say a certain thing will not be allowed in our society. I don't think that's all that hard for even a farmer to figure out.

Now as the Justice minister, I really do believe that you would have at your disposal, not only the ability from your past educational training, but also the facilities through your department to send over to these other provinces like Quebec and even have it translated into English and find out how they've handled these situations and what kind of wording they use in order not to disrupt all of society, as you have alluded to.

So, Minister, I think quite frankly when you put together an Act like this, and it's going to sit here and be the law of the country and the law of the province rather, for I don't know how many years, because it'll probably take you five years to get back to this again, you open up the legislation, you put all this work into it, then you missed the important points. You're spending hundreds of thousand dollars worth of researchers, worth of people putting together paper booklets, sending this stuff all out, and you missed the very important points.

And I think that's a travesty of justice in our society, that a government would allow you to waste our time by putting out amendments and Bills that really don't effectively consider all of the problems when we have effectively, I think, as an opposition over the past four years, pointed out for you what you're job could and should include, and what your legislation, very pointedly, should have included in it.

And I think that that, as I will repeat again, may be a fault of government that allows rookies to come right into cabinet without ever having any experience.

(1530)

But anyway, as for my lunch, I have some Smarties and I'll share them with you and maybe we'll both get a little brighter as we go.

Now, Mr. Chairman, I want to have the minister consider this Bill. It's a long one. It's a big one. It's taken a lot of money, a lot of time, to put together. And I'm going to challenge you, Minister, to do the right thing by the people of Saskatchewan and specifically put in some amendments to straighten up the mess that you've got in this Bill. Because quite frankly you've missed the mark in it. You haven't done nearly what the people of Saskatchewan expect in terms of what they are going to be protected against in the future and in the reality, as the Premier likes to point out, of the 21st century that we're supposed to be coming into.

So why don't we simply put in some amendments to this Act and clean up some of these problems that have been pointed out to you?

Now obviously you're going to find some flowery way to get around that because a snowball has a better chance of surviving in Hades than we would ever have of making a suggestion that you would take. But on the other hand, maybe there is a need for you to be re-elected some time down the road, or maybe you would want at least your government to survive another election and perhaps it's time that you start putting laws in that genuinely reflect the needs and the concerns of the people of Saskatchewan.

So I'll let you be challenged by that and go on to ask you another, more specific question. Now you didn't answer the last question, incidentally. I did manage to get that through my hungry mind here — how you managed to evade answering the question and talk about things other than the question. But I will challenge you to answer another one.

Now in the situation where people are billed for things, services that they haven't received or aren't necessarily agreeing to get, and where they are billed for a service like that by someone who owes money to them . . . and I'd better get more specific in order to clear this up. I can give you a clear example.

A farmer phoned me the other day and said the Canadian Wheat Board had deducted from his final payment cheque so many dollars. He said he never authorized it; he didn't ask anybody to take that off; he didn't want that money taken off; and yet it was taken off. And the explanation was that the money is to go for goods and services in terms of spending the money on research or something else.

That farmer said that he didn't feel that the law should allow people to do that to him. So does this law protect people from that?

**Hon. Mr. Nilson:** — Now my understanding of the question is you're talking about an individual — this is consumer legislation — and you're talking about an individual farmer and you're wondering if that individual then has protection under this legislation over and against the Wheat Board. And are you talking about like a check-off kind of system that's introduced, I assume, by federal legislation or however they do this?

But basically this is to protect consumers, and I'm not sure . . . Maybe you should give me a little better explanation of what the question is and then we'll see if I can answer. But I think practically this legislation is dealing with individual consumers as, you know . . . But maybe you should give me a little more information.

**Mr. Goohsen:** — Well you're very probably right that this legislation likely doesn't protect people from that kind of thing. That's why I asked the question.

The problem, of course, is that the producer of agricultural goods sells them, but he is also a consumer in that his money is being deducted from his cheque to buy things for him as a

consumer, a consumer of research. He's asked to pay for it as a consumer of needing that research. Research becomes a consumer item then.

And if that money is deducted from his cheque to pay for that consumer item without his express desire or his request or his agreeing to it, then he feels as an individual that his rights have been infringed on.

Whether or not there is some federal law that could cover this, I'm not exactly sure. But my understanding was that it wasn't passed through a federal legislation; it was simply some kind of an agreed-on thing that the Canadian Wheat Board decided to do.

This is only one example. There are some other examples, but I'm going to stick to this one even though it's one of the kind of looser ones. But that's the kind of protection this particular individual is asking if he has.

**Hon. Mr. Nilson:** — I don't think it's possible to answer that without looking at whether the Canadian Wheat Board Act or the legislation that creates that also has the ability to create regulations which sets up a check-off system; that's under federal law. This particular legislation, I think, practically isn't meant to deal with that situation. And if that was something, I think it would be more appropriate to deal with the Wheat Board legislation.

**Mr. Goohsen:** — Well, Minister, let's get a little more specific and down home then. Suppose the co-op in Saskatchewan, Pioneer Co-op in Gull Lake, decides that they have a dividend and they issue a dividend for the end of the year but they take half of that dividend off to do research on behalf of the customers.

Then they are deducting . . . And this hasn't happened. This is just an example; this is nothing that has happened. This is truly hypothetical, so don't get the co-ops all mad at me. But I want to get it close to home so you'll understand it, and co-ops are something you folks are supposed to understand. So if they did that kind of thing, would that be legal or would it be covered under this law?

**Hon. Mr. Nilson:** — I think what you're attempting to do here is obtain some free legal advice and I'll answer it. I don't think this legislation deals with that, but practically, if you were dealing with a co-op and there was a system within the co-op whereby in the contract where you became a member, the board of directors had the power to access special levies against dividends for purposes of purchasing some kind of research, then that's how one would do it.

Now if there wasn't that clause in whatever membership form that you sign, then practically you would have a claim against the co-op to get your money and you would, you know, pursue that claim with either Small Claims court or the Court of Queen's Bench.

**Mr. Goohsen:** — Well thank you for the free advice and value it according to how much I paid for it. Anyway I always have my interest peaked, Minister, when I open up a book like this

and see one of the top items is "family farming corporation" and on page 18 that heading is at the top of the page. I wonder if you'd explain how this Act affects family farming corporations.

**Hon. Mr. Nilson:** — Could you please tell us what page you're referring to or what section?

**Mr. Goohsen:** — We were just having a little conference, Minister. I take it that you were asking about the question again. Page 18 in your Act at the top of the page is where we were looking and under item (g) there is reference to the "family farming corporation" and I wonder how this Act affects family farming corporations.

**Hon. Mr. Nilson:** — If the member would refer to page 17, the top of page 18 defines "family farming corporation" so that term can be used on page 17 in the definition of "consumer product" and in part (ii) of that "consumer product" definition it:

(ii) . . . includes any goods bought for agricultural or fishing purposes by an individual or by a family farming corporation but does not include any implement the sale of which is governed by . . . *The Agricultural Implements Act*.

So it's saying that if a family farm corporation purchases something in their agricultural business, then this Act would apply because that would be a consumer product. And it wouldn't apply if it was not a farming corporation. So basically, family farming corporations are included as consumers under this Act, as opposed to if you had a commercial operation in a small town, or even, I suppose, not a farming corporation that you are operating from your farm.

**Mr. Goohsen:** — Thank you, Minister. Because the Liberals were so good to let me in I'm going to allow them to carry on with the debate and the questioning, and I thank them once again for their cooperation, and I thank you for some of your answers.

**Ms. Julé:** — Thank you, Mr. Chair. I would just like to refer you to item no. 3, under part II, "Marketplace Practices". Okay. You have stated here it is an unfair practice to do or say anything, or fail to do or say anything, if as a result a consumer might reasonably be deceived or misled.

I'm just wondering if the member can tell me, you know, how on earth could this be monitored in realistic ways. I mean who is going to be able to prove that something has been said or done at the time. And how could you actually make any reasonable headway with that?

**Hon. Mr. Nilson:** — I think that the simple answer to your question is that if a matter cannot be resolved through mediation or, you know, some kind of a discussion between the consumer and the business, then it would go to a mediation with the director of, the person in charge of, the consumer protection branch. But in the final analysis, if there was a disagreement on what the facts were, a judge would decide.

Because this legislation has, as its ultimate remedy, a matter

being, you know, evidence led in court and then a judge saying, well I've heard two stories; I believe this one. So that's where the answer to your question would be.

**Ms. Julé:** — Thank you. I just would like to refer to the same page, item no. 4(d).

The Act includes several examples of unfair business practices to which the Act applies, including charging a fee for goods or services that grossly exceeds the price at which similar goods or services in similar consumer transactions are readily obtainable by similar consumers.

I guess that takes a lot of delving into, but I have to ask what criteria will be set out to determine if goods grossly exceed the price of similar goods? What constitutes "grossly exceeds," and who determines where the line is drawn?

**Hon. Mr. Nilson:** — I think the clause that you're looking at here relates to the area where we've had the most difficulty, which is that between sort of criminal fraud and some kind of unfair practice. And this goes right to the heart of those questions where we're dealing with people, for example, who are doing home renovations and for, like, a \$2,000 job that five contractors would all come within \$500 of 2,000, a person is charged \$15,000. This particular clause is set out there to deal with that specific situation or other similar ones.

**Ms. Julé:** — Okay. Would there be anything stated out sort of as guidelines of where you would determine grossly excessive situations?

**Hon. Mr. Nilson:** — I think where you would go is where you would go in any lawsuit where you were trying to lead evidence about this kind of thing. You would go to the market-place. And if I had a case like this and was trying to prove it, I would bring in these four other contractors who have said yes, we went out to that house; we saw the work that was done. Our estimate of the cost is 2,200; 2,400; 2,100. And then you actually have the bill that the vulnerable person paid, and it's 13,000. The judge would say well, based on the market-place, the price should have been 2,500 and therefore the price that was actually charged of the person who was being dealt with under this Act was way out of line.

(1545)

**Ms. Julé:** — Thank you. I recognize that the Act is certainly for fairness, but I'm wondering if some people may not say that this is sort of working towards a price control that they're a bit afraid of.

**Hon. Mr. Nilson:** — That's clearly not the intention of this, and it's one of the reasons that in the lengthy consultation that took place before this Act was brought into the legislature, it involved both the consumers association people and the small-business people through a number of different groups. And one of the issues obviously was whether it would be some way of lessening the competition.

But I think the clear consensus of everybody was that there were some people out there who were stealing or ripping off

people because they were not providing, for a fair price, the work that was requested. And so there's no intent at all to somehow limit the competition. I think it's just . . . the idea is fairness in the market-place, and as far as I can understand, all of the commercial people are quite pleased with that.

**Mr. Krawetz:** — Thank you, Mr. Chairman. Mr. Minister, under this section when you talk about the unsolicited goods and credit cards, the question that I have around, is this section looking after the . . . something as simple as membership in a book club? Membership is cancelled six months ago by a letter written to the company and then the company continues to send the particular book or records or whatever. Is that now in the category of unsolicited because you have cancelled the membership? You know, having met the obligations of that membership, is that now an unsolicited thing?

And what is the responsibility of the individual who has now received that unsolicited book or record or whatever? Is it now the obligation of that individual to send them back? I've had a lot of questions asked by some of my constituents around that particular topic.

**Hon. Mr. Nilson:** — I think what maybe should be recognized, that this is the same Act that's been in Saskatchewan since 1971, and basically the answer is there at the bottom of page 32: Where unsolicited goods are . . . (inaudible interjection) . . . right at the bottom of page 32, 73(2):

Where unsolicited goods are received, the recipient has no legal obligation to the sender unless and until the recipient acknowledges to the sender in writing his or her intention to accept the unsolicited goods.

And practically, you know, I think that's fairly clear. There's no obligation to do anything with them. But most of the time, I think people will send them back, just say, return to sender, or something on them. But there's not even obligation to do that. But this is the same legislation we've had for 25 years. It's just now incorporated into this new, omnibus Bill.

**Mr. Krawetz:** — What number of Acts are we combining in this one?

**Hon. Mr. Nilson:** — I think if you look at the next page there, page 33, you'll see that we're repealing The Consumer Products Warranty Act and The Unsolicited Goods and Credit Cards Act. So those two Acts are being repealed because they're being incorporated in this new consumer protection Act. There's basically a third Act, which is the whole new section on fairness and consumer transactions. So we're replacing two previous Acts and then adding the whole section on consumer protection. So it's kind of like there's three Acts in one.

**Mr. McLane:** — Thank you, Mr. Speaker. Welcome, Mr. Minister. It's a pleasure to be able to ask you a couple of questions on this Bill.

First I will make just a bit of a statement again regarding section 71, which is the regulations, and refer you to 71(a) where it says, "defining, enlarging or restricting the meaning of any word or expression used in this Part . . ."

I will note again my displeasure with the regulations and ask that you would . . . again urge you or your counterparts as well that we would have a chance to look at the regulations and debate them in this forum. And possibly at the end of this Bill, I might be making an amendment to that.

However, you hit on the part where we talked about family farming corporations on page 18. I just have a couple of questions on that, if I could. Mr. Minister, I'm wondering why you distinguished family farming corporation from farming corporation? Is there a difference there? And if there is, why aren't they distinguished?

**Hon. Mr. Nilson:** — I think this definition and this part of it is the same as what has been in that previous Act since 1976. And practically, what we're looking at is the consumer aspect as opposed to a commercial transaction between two businesses.

And so the one way to deal with that as it relates to family farms — they've given them a special status as family farming corporations — is this definition. And that's unchanged since 1976.

**Mr. McLane:** — Is there a definition somewhere of family farm then?

**Hon. Mr. Nilson:** — Yes, the definition is on page 18 at the top. That's the definition — family farming corporation. So there's not a definition of family farm because you don't need that, because a family farm would have individuals there who do business. And then they would be covered as an individual.

**Mr. McLane:** — Every family farm is not a corporation. I'm not understanding, I'm sorry. There's family farms that are incorporated and there's family farms that are not incorporated. There's family farms that have partnerships. There's family farms that are nothing; they're probably a co-op.

**Hon. Mr. Nilson:** — A family farm that's a partnership or some sort of unincorporated business doesn't have a problem because they fit into the definitions already because there are individuals involved. So basically we wanted to extend this legislation, back in '76, because it was our government that introduced it then, to include the family farm corporation so that they were treated in the same way as the family farm that wasn't incorporated.

**Mr. McLane:** — So for the purposes of this Bill then, the family farming corporation would cover basically anyone in farming other than a commercial operation. Is that what we're saying?

**Hon. Mr. Nilson:** — Yes, that's correct. Under the consumer products warranties part, which is part III.

**Mr. McLane:** — Good. So then we have that defined then.

The next question would be, is how this Act would relate to a farm product, and I'll give a personal example from one of my constituents. It maybe better explains it.

The farmer bought some seed from another person with a guaranteed germination level on it. The seed was not at that level. How does this Act relate to that sort of a situation?

**Hon. Mr. Nilson:** — I think that situation would be covered because it was a product that was not sort of fit for the use it was intended. It didn't meet the specifications in the contract.

**Mr. McLane:** — Would it matter, Mr. Minister, if the seed was bought from a private, another private farmer, under the family farming corporation, or if it was bought from a commercial enterprise?

**Hon. Mr. Nilson:** — It wouldn't be covered because it has to be purchased from a commercial operation. So this legislation, I guess, is there to protect the consumer over against the commercial operation. But it doesn't cover transactions between two individuals.

**Mr. McLane:** — I guess when I was talking about a commercial enterprise I was referring to large seed operators such as Saskatchewan Wheat Pool, Cargill. How does that relate to a, I guess, to a private seed registered grower . . . a private registered seed grower?

**Hon. Mr. Nilson:** — I think that a private registered seed grower would be a commercial operation and so therefore they would be covered by this legislation. I think the other thing to remember is if this consumer products warranty portion of The Consumer Protection Act is held not to apply, you still have a remedy in court under, you know, on a contract that was breached. There are many remedies at common law which would help you in that situation.

**Mr. McLane:** — Thank you. I'll just remind the minister that given the times on the farm, things are tough, and we can't always afford the expertise of people of your profession so we try and go things as most economically as we can.

Just another short question. In the last couple of years we've seen yellow-type trucks driving all over the province, out into the rural areas, delivering ice cream products. I'm wondering how this Act would relate to the seller of those products to individuals who purchase them?

**Hon. Mr. Nilson:** — No, I think . . . I mean the main legislation that would affect that type of operation is The Direct Sellers Act, which we discussed previously. But if there were something within the transaction that was unfair or was a problem, then this legislation could also apply. But the actual regulation of those people is under The Direct Sellers Act.

**Ms. Draude:** — Under no. 29, the unfair practice outside of Saskatchewan, I understand that this Act will allow the director to take action against a supplier on behalf of a consumer outside of . . . where the practice occurred outside of Saskatchewan. Is this a reciprocal Act? Does it work the other way as well?

**Hon. Mr. Nilson:** — I think what I can say is that our goal is to have reciprocity with every province in Canada and maybe with

some of our border states. This clause is put into our Act as sort of an incentive to other provinces to do the same thing. But at this point, we're the first one with this.

**Ms. Draude:** — Right now we are the only one that it'll work with.

Okay. I have another question and this is kind of . . . If I would buy . . . does this Act also cover second-hand cars that I'd buy from my colleague?

**Hon. Mr. Nilson:** — I guess the only way it would apply to a purchase of a car from him is if he had a business and it was a commercial operation to sell vehicles. But it doesn't relate to deals between individuals.

**Ms. Draude:** — Is there anything that . . . so there isn't any . . . This doesn't help us at all then. Is there any legislation that would help people if I would buy a car that had been in an accident?

**Hon. Mr. Nilson:** — No. I mean I think there your solution is in a claim on a contract under the common law so that you could go to court. I mean there are many remedies, but it's not a legislative solution.

**Ms. Draude:** — Another question I have. I understand that this is joining three Acts together, so that must mean . . . I don't know if it's three different departments, but the Act says now that a director will be appointed. Does that mean that now there's just going to be one for all three of them?

**Hon. Mr. Nilson:** — We have only one individual, right here, and he's had all those three jobs and he will continue to have them, only it'll just be one job now.

**Ms. Draude:** — And I just have one last question. I'm going backwards here. On no. 10(3) it talks about, in an investigation, the director, with the consent of the supplier, could at any reasonable time enter the business premise to look at their books, papers, and so on.

Does that have to be agreed on? Like is there some legislation that allows them a certain amount of time, so somebody can't come into my house at 2 in the morning?

(1600)

**Hon. Mr. Nilson:** — I think the key part of that clause is "with the consent of the supplier." So that the supplier is the business that the complaint was made about. And so practically it would be a cooperative effort. And so if the supplier said they needed 24 hours to get the papers in order or something, that would probably . . . would happen. But the director can't go in there without consent.

**Ms. Draude:** — What if I wouldn't ever consent?

**Hon. Mr. Nilson:** — Then if you wouldn't consent, then you just move down to section 13 where the director can issue a warrant. He can apply *ex parte* to a justice of the peace or to a

judge and get a warrant to enter.

**Mr. Osika:** — Thank you, Mr. Chair. And welcome to your officials, Mr. Minister.

I have one question, and please forgive me if it may have been asked earlier, but does this also include the advertising by product sellers in areas of misleading advertising? Is this covered as well under this particular Act?

**Hon. Mr. Nilson:** — I think I can refer the member to page 4 in the Bill where it talks about:

6(g) representing that goods or services are available or are available for a particular reason, for a particular price . . .

So you basically, that would include advertising. And then there's a protection in section 35 which says that if a radio station or a newspaper publishes an ad that's inaccurate, well it's not the person who . . . it's not the radio station or the newspaper that is charged under this Act. It would be the people who supplied the copy for the information that would be covered by the consumer protection legislation.

**Mr. Osika:** — Thank you, Mr. Minister. And the onus would then be on the person, the aggrieved party, to supply all the detail and report it accordingly. Thank you very much.

**Hon. Mr. Nilson:** — Yes, that's correct.

**Mr. Belanger:** — Thank you, Mr. Chair, and welcome, Mr. Minister, and as well to your staff. Northern Saskatchewan again, we'll go back — way, way back to northern Saskatchewan. I think I'm going to have a habit of doing that in the House. And one of the points I want to raise is that there is a lot of concerns and questions in reference to some of the unscrupulous business practices that many Northerners also suffer from various different businesses in the province.

The sale of cars for example, many of my people come from northern Saskatchewan. They purchase vehicles. What, if anything different, does this law do to protect the consumer when they purchase vehicles from what's already existing through the small claims court process and what not.

**Hon. Mr. Nilson:** — I think the answer to your question is that when a person buys a vehicle from a business, then this provides quite a number of remedies for the consumer who's purchased a vehicle whether there's some problem with the vehicle. The first remedy, obviously, is through some kind of mediation. If that doesn't work, then the director can step in and look at the transaction.

What it doesn't cover is where somebody goes and buys a car privately. And so that's difficult and this legislation doesn't cover that situation.

**Mr. Belanger:** — The second part of the question is the North does suffer through a great amount of power outages, in terms of the power being interrupted. And the example of myself as a home-owner, if I have say a deep-freeze full of food, or a water heater that as a result of the power outage or the power surge —

would then SaskPower be responsible for taking care of the damage caused by the interruption, in essence the poor service of that particular industry?

**Hon. Mr. Nilson:** — I think you've raised a good question. I'm not sure the Act applies directly, because SaskPower has supplied the service, or hasn't supplied the service, when the power outage is there. And what you're looking at then is the damage that's caused because that service hasn't been supplied.

I don't think the legislation would go that next step unless there was some unfairness to the original service contract. Once again, I think your remedy would be in a claim for damages — a tort claim for the damage that was caused because the power was out.

**Mr. Belanger:** — I raise that matter because it has been an ongoing problem for many years and I talked about, not only the private home-owners, but the business concerns. I talk about the community concerns, as many municipalities do use power for their water and sewer systems, use power for their arenas, and so on and so forth. And as consumers, you would suspect they would have the same protection with this law as a consumer on the street.

And it goes back to my second point. It's nice to have these type of Bills presented in the House, and I applaud the intent of the program to protect consumers from unscrupulous business practices.

The second point I want to raise is that again, going to the far northern communities, many times consumers let these things go. How will you make sure that they have an avenue to proceed with their justifiable complaint against a business that isn't practising business properly?

**Hon. Mr. Nilson:** — I think the answer to that is that the businesses have worked with us in this legislation because they wanted some very clear rules about what was fair and unfair and to catch some of the grey areas where it wasn't entirely clear whether a consumer could proceed with a complaint.

Some of the specific problems relating to the communities in your part of the province may be related . . . Are they related to people who come in and sell things and then leave the community, or related to the businesses that are located in the community? Because I think there are two different answers to your question, depending on whether it's the businesses that are there or some kind of travelling business person or direct seller.

**Mr. Belanger:** — I'm still not clear on the answer, but the question I have is, if I am . . . say I'm Ron Osika in downtown Ile-a-la-Crosse and I bought a car up in Saskatoon and the car wouldn't run after a couple of weeks. How will I get my money back or get some kind of thing going without knowing, without being aware of what avenues are out there for me? That's my point, is how will people in the far northern communities be able to respond?

**Hon. Mr. Nilson:** — Well I think if the question is about how one will educate the public, that there are some remedies. Then I think practically there are the types of education that go

through the MLAs' offices and other places like that. But also I think the businesses in Saskatchewan that we have consulted with are very interested in getting together around educating people about this legislation. Because it's better for them if people understand what their rights are, and so that the ones who aren't following the rules or who are unfair, like your seat mate there, that maybe they will be routed out and we'll send them to Alberta or some other place like that.

**Mr. Belanger:** — What's the interpretation of the word "business" in this particular Act? Is it a large business, a small business? Is it government business?

**Hon. Mr. Nilson:** — I think if you look at the top of page 3, the word "supplier", and the definition there is:

. . . a person who, as a principal or agent, carries on the business of:

- (i) selling, leasing or otherwise providing goods or services on a retail basis;
- (ii) manufacturing, importing, producing or assembling goods; or
- (iii) distributing goods or services;

So that's . . . you know, it's a very broad definition and does I think catch most of the people that we would want.

**Mr. Belanger:** — So I guess the Act does include the forestry companies and the mining companies of northern Saskatchewan.

**Hon. Mr. Nilson:** — Well if you ended up purchasing some of their products or other services, yes.

**Mr. McLane:** — Just one question, Mr. Minister, on the regulations if I could again. Could you just explain to me possibly how the regulations will work for this Bill, how they are reviewed, who has a chance to look at them and discuss them, and who reviews them.

**Hon. Mr. Nilson:** — I think what I can say is that the working group that helped us over the last number of years in preparing the legislation will continue to work with us in developing the regulations, so we will have the officials in the Justice department working on this together with them.

As well, there will be broader consultation throughout the Saskatchewan community, and that includes quite a number of groups — I'm sure all of the groups that we consulted with before. And I think practically, if you wish, if there were some members of your caucus who wish to be part of that process we would be happy to include you in some of these meetings.

**Mr. McLane:** — Thank you. Mr. Minister, has there been any work done on the regulations to date?

**Hon. Mr. Nilson:** — I think what I can say, there are regulations under the two parts of the Act that were here before. And the regulations under the new, sort of, consumer fairness part have not been developed yet because we're not in a position to do that until we pass the Act. I think practically,

some of the same kinds of issues that were dealt with in those other pieces of legislation would go into these regulations for this part as well.

**Mr. McLane:** — Mr. Minister, is there a standing committee or a committee that looks at, as a group, looks at the regulations to all the legislation?

**Hon. Mr. Nilson:** — Yes. There is a committee of cabinet that has that specific task.

**Mr. McLane:** — The committee is just . . . define that, is a committee of cabinet ministers. Is that correct?

**Hon. Mr. Nilson:** — There are some MLAs that are part of that committee as well. But that's basically . . . they look at what the people in our Justice department have drafted and worked on and done the consultation on. And then they go to this regulation review committee, who in turn they make suggestions. And often it goes back quite a number of times.

And I guess my suggestion on the consultation would be that on some of the issues, if members of your caucus wish to be part of that, we would include you as one of the groups.

**Mr. McLane:** — I appreciate the offer, Mr. Minister. Just a question. The committee that makes the final decision on the regulations for all the pieces of legislation is the cabinet committee. Is that right?

**Hon. Mr. Nilson:** — Well the people who make the final decision would be the cabinet. And so the committee, the regulations review committee, reports to cabinet. They say, we think this is what the regulations should be. But at the cabinet stage, it still can be further discussion and changes at that stage.

**Mr. McLane:** — So then the cabinet does have the final decision. If they don't like the regulations that are proposed by the study group, then they would have that right to change the regulations to their whim?

**Hon. Mr. Nilson:** — I think that's accurate because they bear the final responsibility for whatever the effect of that particular regulation might be.

(1615)

**Mr. Krawetz:** — Thank you, Mr. Chairman. Mr. Minister, just a quick clarification on page 28. And I know this may not be an amendment; it may be in the Act that is already in existence.

Reference to 63(3) part (a), when you talk about the consumer now eligible to recover damages for losses, are you talking about additional expenses, transportation expenses, the kinds of things that they may be entitled to claim as legitimate expenses? How can I as a consumer be . . . What will be the definition of the additional losses that I may sustain? I just want clarification on that, if you might.

**Hon. Mr. Nilson:** — Under this particular clause, what would happen is you would make a claim for what your losses are.



And practically you might set out, you know, if you were injured by a product for example, you might include some hospital bills or transportation, doctor's fees, chiropractor's fees. It could be a loss of clothing. You would set out all of the different claims, much as you might do in any lawsuit.

The final decision on what items you would have paid for would be by a judge if you couldn't work it out with the corporation that you purchased this from or the business you purchased it from. Usually at that stage you would be dealing with an insurance company or an insurance adjuster. And so it would be much like making, I think, an insurance claim. You'd be working with the people who have the job of assessing what the losses are. But if you disagreed with all of that, the final arbiter of the whole thing would be a judge.

**Mr. Osika:** — Thank you again, Mr. Chairman. Mr. Minister, you've imposed a great deal more responsibility on the director by taking on now the three Acts into one being combined. May I ask, and perhaps it was asked before, how many people are now available to assist the director in carrying out the investigations that may come under these particular Acts?

**Hon. Mr. Nilson:** — The present, sort of, compliment. So there won't be any new people added in this particular section of the department. It'll include the director and an assistant, and then five investigative officers. And I think, my understanding is they work pretty much as a team so that you effectively have seven people who are on the front line of these things.

**Mr. Osika:** — Thank you, Mr. Minister. I ask that question because I know that the case-loads for departments such as that can be quite extensive. And I'm wondering if they do have adequate resources to meet perhaps the demands of consumers who may be affected.

It comes to mind, currently I do not believe we have access to any consumer protection processes that are directly related to federal statute responsibilities. I'm thinking of predatory pricing. Is that included anywhere in . . . is there anyone in the department here within the province that would assist people who may have that type of a complaint?

**Hon. Mr. Nilson:** — I think the answer is that our staff will provide assistance in that area. But it is federal . . . it's the Competition Act that we were talking about earlier that applies. And we can provide advice on that because it's a concern for consumers and other businesses. But also they do have a federal 1-800 number which allows you to get access to somebody, and our staff know about that.

The other thing I would say is that one of the real advantages of this new legislation is that because we have the cooperation of the consumers' association and the small business groups, there's a fairly strong sort of encouragement in resolving many of the disputes directly between the consumer and the business. And so basically the role of the people in the Department of Justice is sort of one step back, if it can't be resolved at that level.

And we think that that's going to be a positive thing because we know that the small businesses want to resolve disputes without

causing a great deal of concern within the business community. We also know that most consumers don't want a big hassle, they just want things to be put right.

**Mr. Osika:** — Thank you, Mr. Minister. Just one other question relating to how the department operates. Is the department located primarily or mainly here in Regina, or do you have offices and accessibility to your department in other areas of the province?

**Hon. Mr. Nilson:** — The present office is in Regina. I think they're downtown by the public library I think is where they are. But what happens is they routinely get inquiries through the public inquiry lines, so they respond to issues all over the province.

The other thing is that the investigative officers, if necessary, will go anywhere where there's a problem. I imagine, you know, the example of some of these problems with home improvements, I mean they'd have to go out and see where the work was done and look at some of those things.

But I think practically, the plan would be that the department would not be sort of an intrusive force into the business. The idea is that they're there as a backup but that there would be an encouragement that consumers and small businesses or businesses would try to resolve things themselves first. And then the director and his staff would only step in as a secondary measure. And, you know, we'll see how that works.

I think part of what's going on here too is that we are giving some more powers to the director to deal with some of those cases which were traditionally in kind of a grey area or in a gap, and we'll have to assess carefully. If the demand can't be met, well then we have to look at providing the proper steps.

**Mr. Osika:** — Thank you, Mr. Minister, perhaps that may be an opportunity for some former police officers to have access to help you people out. With all due respect to the investigators you have, I'm sure they're very capable and competent, and I appreciate your answers. Thank you very kindly.

**Mr. Belanger:** — And you would make sure that these former police officers weren't former MLAs to be fair to everybody.

One of the questions . . . we all know that when people are indeed in trouble, they generally go to their MLA office. Would you feel that having a toll-free number posted conspicuously in an MLA's office regarding the Act as well as a ways and means that the consumer can gain support from your department . . . is I'm still concerned about the accessibility to your service and awareness of what the Bill is trying to do.

**Hon. Mr. Nilson:** — I would like to thank the member for that suggestion. I mean we're basically looking at any ideas that may be there to make sure that everybody knows about this legislation. I mean that goes everything from making sure it's included in courses at school so that younger consumers can learn about this and say this is part of what we have available for you in Saskatchewan when you buy your first whatever, Walkman, or something like that, all the way to, I think, the posting information in an MLA's office.

We don't have an 800 number right now that's specifically for this purpose, but the provincial inquiry line is a direct way to get into the consumer protection. So that number would be a way that people from your northern communities would be able to have access quite quickly.

**Mr. Belanger:** — Is that number a toll-free number?

**Hon. Mr. Nilson:** — I'm not sure. We're going to just see if we can get the answer for you on that. I don't know. I think he's going to go and try it.

**Mr. Belanger:** — The first couple of weeks I'm in the House, I stump a minister. I just wanted to know have you had any consultation with any consumer protection branches or the Better Business Bureau. Like how do these organizations fit in the whole scheme of things, because I would think having government involved with it tends to sometimes send a negative message to business that perhaps we're over-regulation and over-worrying about this thing and that perhaps we should fund consumer protection groups at a greater amount to protect the people they're designed to serve completely without having government be involved.

**Hon. Mr. Nilson:** — So the question is whether or not we're working with businesses, I take it, as opposed to just consumers' groups . . . or consumers' groups? Because we've met with all kinds of different groups. Sort of the main people on the consulting group that helped us in preparation of the legislation were Mr. Dale Botting with the Canadian Federation of Independent Business, I think it's called, and the other woman was Margaret Crowle with the Consumers' Association of Canada.

And the other people who were on the working group were: Craig Vickaryous of the Consumers' Association of Saskatchewan, Bryan Walton of the Retail Council of Canada, Mary Anne McFadyen of the Saskatchewan Chamber of Commerce, and Eleanor Corby from Saskatchewan Education — that's a government official — and then Doug Moen from the Justice department and Keith Laxdal from the Justice department. There were eight people who were on this working group and five of them were from . . . Well I guess we could say three were from the business community, two were from the consumers side, and three were government officials, out of that eight.

And then they in turn consulted with a number of different groups, and if you want I can tell you who they are because it's quite interesting. There's the Regina Police Service, the Saskatoon City Police Service, SUMA, Regina Chamber of Commerce, Seniors Mechanism, the Federation of Saskatchewan Indian Nations, Canada Post, the Direct Sellers Association, Saskatchewan voice of people with disabilities, Saskatchewan Home Builders' Association, Prince Albert City Police, the RCMP, SARM, North Saskatoon Business Association, Senior Power, the Metis Nation of Saskatchewan, Consumers' Association of Canada, Saskatchewan Property Management Corporation, and the Association of Saskatchewan Home Economists. So those are all of the different groups that the working group then had consulted with.

And I have the 1-800 number for you to write down here — no charge anywhere in Saskatchewan. It's 1-800-667-0666.

(1630)

**Mr. Belanger:** — Yes, I think with the triple-six number at the end of this toll-free line that I know a lot of consumers will still have a devil of a time getting to the bottom of some of their problems.

I guess I wasn't too clear on my question to the minister and I sincerely apologize for that. I guess my point, to make it clear, is do you think that it is probably wise to not have government involved with consumer protection? That perhaps you should give and finance and fund the organizations that are existing out there already to better police themselves.

I think if they're better . . . if they are able to police themselves it would be better for the consumer and for the business community as a whole. And has your government considered that in respect to drafting up this Bill?

**Hon. Mr. Nilson:** — Well I think what I could say is that there was extensive consultation with the business community and with the consumer community, and the recommendations are what we have here. And I think what you see is sort of a mix of what you're talking about.

It's very clear that businesses would like the chance to resolve the dispute without any intervention by government departments. And so this whole Bill or this whole legislation is set up so that a consumer can resolve the dispute with the business, has sort of the first line of . . . or the preferred solution. And so practically, if that happens, then none of this legislation takes effect.

If that doesn't work then they can get involved in mediation and that would end up using a private mediator of some kind; there would be some arrangement for a mediator.

If they mediate a dispute, then that dispute or the settlement that's as a result of the mediation is then enforceable. So in other words that encourages the business to use the mediated dispute mechanism because then they know that that will resolve the dispute. If that doesn't work, then the director can step in and take any steps that are necessary.

The final sort of level is, if none of those things work and there's still a complaint, then the matter can go to court. But obviously the court mechanism is sort of the least preferred. It's our anticipation that the court procedure part under this Act would be used quite rarely, and possibly only for education purposes to make sure that really bad cases were publicized widely.

**Mr. Belanger:** — I just want to clarify again one of my final questions here. According to this Act, in reference to the fact that SaskPower isn't involved with this under the description of business, then what you're saying to me today as Minister of Justice, that SaskPower could be liable for replacing a hot water tank problem created by the outage of power, or the fact that a deep freeze full of food that has been spoiled because of the

outage of power . . .

I think the last time they had a power outage in North was eleven and a half hours. And that unfortunately was a day when it was only minus 20 out there, and a week later it was minus 45, so that did create a tremendous amount of problems for the consumers of northern Saskatchewan.

I just want to make sure the minister is clarifying his position today that SaskPower is indeed subject to this Act when it comes to the consumer protection of people of northern Saskatchewan.

**Hon. Mr. Nilson:** — Well I think what I have to say there is that this legislation is meant to cover consumers, and if there's a problem related to SaskPower, it's possible that it could apply.

Now I think in every case you have to look at the facts. I don't know if it would extend to the full extent of the examples that you've given.

That would have to be dealt with under the provisions of the legislation. It's possible that they would; I don't know.

**The Chair:** — With the length of the Bill and that, the Chair would ask leave that we do it part by part. Is that agreed? Agreed.

Clause 1 agreed to.

Clauses 2 to 77 inclusive agreed to.

**Clause 78**

**Mr. McLane:** — Thank you, Mr. Speaker. I would like to move an amendment to the Bill to amend clause 78 of the printed Bill:

Clause 78 of the printed Bill is amended by deleting the words "on proclamation" where they appear therein and substituting the following words therefor:

upon consideration and acceptance by the Committee of the Whole of the Saskatchewan Legislative Assembly of regulations proposed pursuant to this Act.

The division bells rang from 4:36 p.m. until 4:46 p.m.

Amendment negated on the following recorded division.

**Yeas — 8**

Osika  
McPherson  
Krawetz

McLane  
Bjornerud  
Gantfoer

**Nays — 29**

Van Mulligen  
Shillington  
Tchorzewski  
Goulet

Mitchell  
Anguish  
Johnson  
Kowalsky

Calvert  
Bradley  
Serby  
Murray  
Kasperski  
Murrell

Koenker  
Nilson  
Stanger  
Langford  
Sonntag  
Thomson

Clause 78 agreed to.

The committee agreed to report the Bill.

**Bill No. 31 — An Act to amend  
The Municipal Hail Insurance Act**

**The Chair:** — I would ask the minister to introduce his officials.

**Hon. Mr. Nilson:** — Yes, I'd like to introduce my official, Mr. Jim Hall, who is the superintendent of insurance; and Darcy McGovern is here as well.

**An Hon. Member:** — And what's his job?

**Hon. Mr. Nilson:** — Legislative services.

**Clause 1**

**Mr. Bjornerud:** — Thank you, Mr. Chairman. Mr. Minister, I'd also like to welcome your people here today. I really only have one question. I think this one is very straightforward and to the point. I believe it's a good thing if what I'm seeing is in here.

The one question I have is, are there any regulations or provisions to be added later? Is what we see what we get here? I mean, is this strictly straightforward?

**Hon. Mr. Nilson:** — What you see is what you get. There are no regulations at all.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

**THIRD READINGS**

**Bill No. 9 — An Act to amend The Direct Sellers Act**

**Hon. Mr. Nilson:** — I move that it now be read the third time.

Motion agreed to, the Bill read a third time and passed under its title.

Draude  
Jule

**Bill No. 10 — An Act respecting Marketplace  
Practices, Consumer Product Warranties  
and Unsolicited Goods and Credit Cards**

**Hon. Mr. Nilson:** — I move that the Bill be read a third time and passed under its title.

Wiens  
Atkinson  
Whitmore  
Renaud

Motion agreed to, the Bill read a third time and passed under its title.

**Bill No. 31 — An Act to amend  
The Municipal Hail Insurance Act**

**The Speaker:** — It has been moved by Minister of Justice that Bill No. 31, An Act to amend The Municipal Hail Insurance Act be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

The Assembly adjourned at 4:57 p.m.