



STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES

Hansard Verbatim Report

No. 8 – June 16, 2004



Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES
2004**

Mr. Graham Addley, Chair
Saskatoon Sutherland

Mr. Wayne Elhard, Deputy Chair
Cypress Hills

Mr. Dan D'Autremont
Cannington

Mr. Andy Iwanchuk
Saskatoon Fairview

Mr. Warren McCall
Regina Elphinstone-Centre

Hon. Maynard Sonntag
Meadow Lake

Mr. Randy Weekes
Biggar

The committee met at 15:00.

The Chair: — I call to order the Standing Committee on Crown and Central Agencies. We have Mr. Cline sitting in for Mr. Sonntag. We have Mr. Iwanchuk, Mr. McCall, Mr. Weekes, Mr. D'Autremont, and Mr. Elhard.

**Bill No. 7 — The Automobile Accident Insurance
Amendment Act, 2004**

Clause 1

The Chair: — The first item before the committee is the consideration of Bill No. 7, The Automobile Accident Insurance Amendment Act, 2004. And I recognize the Minister Responsible for SGI (Saskatchewan Government Insurance) to introduce his officials.

Hon. Mr. Sonntag: — Thank you very much, Mr. Chair. And I'm sure Mr. Cline will represent Mr. Sonntag very well. I have seated immediately to my right, the president of the corporation, Larry Fogg. To my left is Earl Cameron, vice-president of claims. To the president's right and to the far right, Sherry Wolf, assistant vice-president of injury claims and rehabilitation. Seated behind her, to the right, is Bernadette McIntyre, assistant vice-president, driver and vehicle safety services. And seated directly behind myself . . . to the left, I should say, is Elizabeth Flynn, legislation advisor.

The Chair: — Clause 1, short title. Before I recognize Mr. Weekes, I just wanted to acknowledge that the brilliance being exhibited from the seat occupied by Mr. Cline is definitely higher than it usually is. Mr. Weekes.

Mr. Weekes: — Thank you, Mr. Chair. Welcome to the minister and his officials today. This Bill No. 7 is . . . A number of people have brought concerns and comments to the Sask Party caucus concerning it. Generally speaking I think it would be mainly housekeeping duties as far as the Bill is concerned. But there's certainly a number of areas that I want to talk about. And the concerns that people have are about the disappointment of people that have had trauma or tragedy and the problems they've had with no-fault in those areas.

Just to begin with, I'd like to . . . my first questions concern the Ombudsman, released a report a few weeks ago. And it was reported that the complaints with SGI has escalated dramatically. Do you have some numbers, percentages of complaints concerning SGI, this year over the last few years?

Mr. Fogg: — Yes, Mr. Chairman, I can go through some of this from the Ombudsman's report. I have got the 2002 compared to the 2003. For the SGI CANADA side, in '02 it was 15 complaints and in '03 it was 33. For the Auto Fund it was 48 in '02 and 44 in '03. For the claims division, auto claims went from 82 in '02 to 108 in '03. Other claims, 40 complaints in '02 and 35 in '03. And personal injury, no-fault, 84 in '02 and 81 in '03.

Mr. Weekes: — In some of those areas there have been increases. Can you explain, or have you looked into why there has been an increase of complaints?

Mr. Fogg: — Sorry, Mr. Chairman. The major increase was in the auto claims, and I'm not certain why there was a change there. We have always have a number of concerns with the auto claims, particularly in the valuation of total loss vehicles. But as to why it jumped in '03 over '02, I really don't have a definitive answer for that.

Mr. Weekes: — Another issue that has come forward is people feel that they've been pushed through the system too rapidly when they've had injuries, and they're kind of forced out, out of the insurance side, and then they're forced back to work, quite frankly because they then have no other options. Do you have any statistics as far as that's concerned? And is that a concern to you?

Ms. Wolf: — My name is Sherry Wolf, assistant vice-president, injury claims.

I don't have statistics as to the number of people feeling that they've pushed through the system. We have a new appeal commission the customers are able to take their concerns or their disagreements to. The percentage of those people taking their concerns are about 2 per cent, which is about consistent with other jurisdictions who offer no-fault insurance.

So certainly we have a concern if our customers are feeling not cared for. But in terms of the numbers, I think they are fairly low relative to the number of claims.

Hon. Mr. Sonntag: — Sorry, I just want to supplement that as well just because, I mean, I think the point you make again is a concern, and that is, to a large degree, why the change has been made to provide the choice of no-fault or tort.

You, in your preamble, indicated that there wasn't an option, but there is an option. Now once the injury has occurred, obviously there is not a choice. But prior to the injury, you have the option of staying in no-fault, or you have the option of moving into the tort system. So that particular circumstance does exist now, but did not exist prior to the change in legislation, I do add.

Mr. Weekes: — Thank you. No. I understand that they do have that choice. But my question or I just raise the concern on behalf of these people and it's been reported in the media. There was a fairly in-depth report done here not too long ago — and I believe last winter — concerning this issue.

And it's around soft tissue injuries and it's . . . quite frankly, I suffer from that myself, so I understand it. It's not something that's easily provable. But people have got themselves into very bad situations where they can't work, and they feel they've been forced into doing some therapy and work that they just, quite frankly, aren't physically able to do. And that's really where my concern is, is what is being done to deal with those people?

I suppose that some of those folks may . . . I guess everyone's threshold of pain is different as well, and I just want to bring that up and have you comment on that. And is there anything being done as far as to alleviate these concerns with those individuals?

Mr. Fogg: — Yes, you're absolutely right. The rehabilitation is the cornerstone of the no-fault program, and we are very interested in making sure people do go through the rehabilitation.

The rehabilitation though is provided, as you know, by the medical community. SGI pays for it, but we don't really have any input into the treatment that's being prescribed by the medical community. And there are, of course, occasions when people disagree with both SGI and their treatment and they have options of appeal. And one of the options that we introduced last year was the independent appeal committee that they can go forward to and obtain a ruling from that committee.

Mr. Weekes: — Just a little further on that. I know . . . Correct me if I'm wrong, but I understand SGI do send patients out of province for MRI (magnetic resonance imaging) and for rehab. Is that true for rehab as well as the MRIs?

Mr. Fogg: — We did send them out for MRIs, but we now have an arrangement whereby that work is now being provided . . . the MRIs are being done in Saskatchewan.

Mr. Cameron: — Just to correct that, we're working out an arrangement to have that in place with Sask Health. That hasn't been finalized yet.

Mr. Weekes: — And would it be fair to say that most of the out-of-province treatment . . . well two areas, MRIs and rehab . . . are patients going out of the province for rehab as well as getting the MRI treatment?

Mr. Cameron: — No, just the MRIs is what we're using out of province. The rehab treatments for the most part were being done here. There might be the odd speciality thing that would happen where there wouldn't be the service here, but it's mainly MRIs.

Mr. Weekes: — Would those patients be all going to Alberta, or would there be other areas that they would go for an MRI?

Mr. Cameron: — Most of them go to Alberta, but a few have went into the States from the eastern and southeast part of Saskatchewan. But for the most part it's been to Calgary and Edmonton.

Mr. Weekes: — Thank you. Do you have statistics concerning the number of customers that have gone to the tort provision versus staying in no-fault?

Mr. Fogg: — The number of customers that have opted for tort is 4,643.

Mr. Weekes: — Versus how many in no-fault?

Mr. Fogg: — Well technically a million people in the province of Saskatchewan had the choice and so the other . . . virtually everybody remained in the no-fault program.

Mr. Weekes: — Now again, coming back to that issue. We've had complaints from a number of people that, first on a couple of areas, just residents of Saskatchewan that lived here that they don't feel that they're given the proper information when they

go in to buy insurance, as far as the option with tort. And the second part of that is non-residents moving into Saskatchewan, they're under the . . . two points I guess, first they don't feel that they're getting the proper information, but they're also under the misconception that the insurance, if they sign up for no-fault, that it's the same type of insurance that they just came from. And they just don't feel they've been adequately informed.

I guess the . . . do you feel there has been concerns in that area, because we certainly have got a number of inquiries about that. And have you done any follow-up concerning that with your agents?

Mr. Fogg: — There clearly was some concern, not a lot of concern. When we provided the option, we spent a fair amount of money on providing information to all the residents of Saskatchewan. We sent out a fair bit of material. We did some information on television, radio, through all the media. And so we think that Saskatchewan residents that were here at the time the choice was announced were well informed.

You're correct about new residents. What we did for new residents was we sent them out packages of material. Included in that package was some information on the choice option. It was expensive to do that. We got some complaints from new residents asking why we were providing all this material.

So now we have a system whereby when a new resident goes in to register their vehicle, the computer system pauses and the issuer then explains the choice that the new resident has as to what type of injury cover they may want. We have cards in the issuers office, that are set up to say you have a choice. We have some material there as well.

But mainly we're relying on the system that, as I say, has a pause in it; the issuer then explains to the insured that they have a choice, and they then discuss it with them.

Mr. Weekes: — Thank you. I'd like to move on to the next issue around the issue around suicides and insurance and family members being excluded. Could you just clarify that whole situation.

Mr. Fogg: — As in any type of auto insurance, or life insurance for that matter, an individual who commits suicide or attempts to commit suicide has no coverage, and the reason being, the insurance is there to prevent . . . is there for accidents and not for deliberately causing the accident. And therefore there is no insurance for people who commit suicide.

Now I should, I should mention that we have a difficult time proving suicide or attempted suicide, unless there's a note, so it doesn't come up that often. But it is, as I say, common in all insurance policies across Canada to exclude suicide or attempted suicide.

Mr. Weekes: — Except in life insurance policies, I think there's a year or two waiting period, and then if there's suicide after that, then the policy would apply. So I guess, is there any consideration of having that as part of the Act?

Mr. Fogg: — No, actually there isn't. The Act is there, as we

say, is to cover people who are involved in accidents, not deliberately damaging themselves or their vehicle.

Mr. Weekes: — Now the obvious concern of course is totally innocent people that's involved with that accident, I mean that's the . . . I guess I can understand the individual that's committed suicide, why there wouldn't be insurance, but I mean this in some cases affects their family or total strangers involved with that accident. That seems to me that that's an area that should be addressed. What are your comments on that?

Mr. Cameron: — The effect of it . . . There is no effect on total strangers if someone commits suicide and injures someone else — an innocent party — they certainly have full coverage. It's only the person themselves and/or their dependants that would have no coverage in that case. So strangers, third parties, would be covered.

Mr. Weekes: — But dependants . . . But what you're saying, dependants would not be covered, so it's non-family members that would still be covered, but dependants or family members would not have any coverage.

Mr. Cameron: — That's correct.

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chair. Just on the subject that my colleague has been pursuing in the last couple of questions, would we as a matter of course provide insurance coverage to somebody who had other health conditions that resulted in an accident? As a matter of course, if somebody was driving down the highway and had a heart attack and created an accident, we wouldn't withhold insurance protection from the individual involved nor his spouse or family in this case, would we?

Mr. Fogg: — That's right. In that particular case, that would be an accident and we would provide the coverage.

Mr. Elhard: — I guess where I'm going with that Mr. Fogg is that in every definition of suicide that I'm familiar with, it involves a mental illness — an illness that is clearly identified as a medical condition. And while I understand that the purpose of the legislation is to prevent people from deliberately trying to cash in on the insurance protection, I'm wondering in how many instances we prevent a suicide using a vehicle with this type of legislation versus the number of people who could — innocent people — who could be offended or financially hurt by this situation even though it is a clearly, medically defined illness.

Mr. Cameron: — I can try to. The suicide itself, if someone's intentionally taken their life, the car is just part of what their doing to do that, whether it be drugs or a weapon or . . . the car simply becomes part of that. The insurance, auto insurance in North America, was in all cases was to be for accidental loss to the vehicle or to life or injury resulting from the vehicle and to stretch it that far would be I guess a major change to all insurance plans. This is not something new, under the old tort program prior to '94 suicide was excluded. All standard auto policies exclude intentional acts to harm themselves whether they succeed or not.

Currently under the program now, we have part of the coverage saying there is no coverage for suicide. And we were just simply making this consistent with the rest of the Act to make sure that either which . . . no matter which coverage you chose, that it would be treated consistently.

Mr. Elhard: — In that case would there be other circumstances, other medical conditions for which insurance protection would not be provided?

Mr. Cameron: — In a motor vehicle accident if you die as a result of a medical condition and not as a result of the collision there is no coverage. But if you die as a result of the trauma from the motor vehicle accident and it's not intentional it's accidental, regardless of your medical condition the trauma's what caused the death and of course there's coverage. And like Mr. Fogg said, there's actually very few of these where there's even some doubt.

Mr. Elhard: — So if I understand you correctly if an individual who is insured with SGI or any other insurance provider, if you were travelling in a motor vehicle and had a heart attack at the wheel and if it could be shown through medical procedures, autopsy, whatever, that you were dead before the accident happened, there is no insurance protection to the survivors? Is that how I read that?

Mr. Cameron: — That is correct. If you die from a heart attack and not from a motor vehicle accident of . . . the auto insurance will not respond. And again you'll find that the standard across North America.

Mr. Elhard: — That will come as news and quite a surprise actually to a lot of people who have insurance for their vehicles. I think that's not a commonly understood condition or provision of insurance. And I think the . . . you know that particular aspect should be probably publicly discussed either by the insurance agent when he's selling the insurance or through some other promotional campaign. Because, I think that there would be lots of instances where those kinds of accidents might derive from a medical condition that people automatically expect would be covered or they would derive protection from their insurance coverage if that kind of a situation developed.

So in your experience, how many of those kinds of accident situations would SGI not have paid a benefit to people?

Mr. Cameron: — My colleague says she can only think of one where there might have been an example. They would be very rare because if you're in a motor vehicle and you have a heart attack and then later, you know, die of that heart attack the . . . and there's no other injuries caused by your vehicle running off the road or — quite often you know you don't have a vehicle running like we see in the movies into a pole or something — running off the road, if there's no other trauma to your body then it's quite clear what the death report will say.

If it's a case where there's additional trauma to the body and if there's any doubt that those injuries would have caused the death, we're going to be paying those death benefits as a result of the trauma from the accident.

Mr. Elhard: — I guess my concern in the case of death from

suicide, I just . . . I think it's a clearly defined mental condition; it's considered a health issue, and there are innocent people who are going to be affected by that.

And we just want to be sure that those concerns are on the record here today because I don't know how providing the kind of clause in this particular Act will deter suicides, but I certainly know that if that kind of a situation does develop certain people are going to be affected financially as a result of an action that was of no fault of theirs either. And I don't like to see those kinds of situations develop.

That's all the questions I have for now. I'll turn it back to my colleague.

The Chair: — I recognize Mr. Weekes.

Mr. Weekes: — Thank you. Just somewhat on that same topic — illegal acts. I'm thinking of a situation and I believe this may have been addressed but if you could clarify it. Illegal acts where . . . I believe in the news a couple of years ago someone rammed another person between two vehicles, a criminal act.

Where does SGI stand there, both no-fault and on the tort system? And what's the implications concerning that type of situation?

Ms. Wolf: — Changes were made in 2002 to the no-fault provisions that in those situations where there was an intentional act and there was a criminal conviction resulting from that situation that you described, the innocent person would be entitled to sue the individual who attempted to create that situation — in other words the criminal who intentionally harmed — would be in a position to sue, they would be in a position to sue for loss in addition to the no-fault benefits that they would be entitled to.

Mr. Weekes: — Thank you for that. Just to move on to another item concerning off-road activities such as racing and so on and so forth. I guess I can understand why the Bill speaks to that. I guess my concern with that is how do you prove what was going on. And there may be many of the complaints that come forward maybe be concerning off-road activity that is in dispute.

Mr. Fogg: — You're right, Mr. Chairman. The decision as to whether that was a test of speed or off . . . or we could deny the claim would really be up to the court. We would have enough, we believe, evidence to deny the claim. And ultimately the courts would decide whether or not that was a test of speed.

Mr. Weekes: — Okay, thank you. I'd like to move on to the appeal process and the appeal commissioner. Six month is the time frame that an appeal has to take place. I just feel that that is not . . . not long enough, quite frankly. And not necessarily that there's anything that SGI is doing in particular, but when people, first of all they're injured and they're having to deal with a bureaucracy, and they may not have money for legal advice. Six months doesn't seem to be hardly long enough for that person to get everything in order and make the appeal.

Ms. Wolf: — The provision as written is intended to allow the commission to consider appeals for if they are abandoned. It is

not . . . if there is any concern on the part of the customer of if there's any delays along the process not due to the customer, that's not the intent of the change. The change is just there if the customer does not wish to pursue it. The commission can then do so by providing notice to both sides.

But if there was any delays, if the customer's waiting for medical information or is unable to proceed before health reasons that you describe, that wouldn't be the circumstance in which that would be used.

The Chair: — I recognize Mr. . . .

Mr. D'Autremont: — Oh, you're done? Okay. Thank you for the . . .

The Chair: — I recognize Mr. D'Autremont now.

Mr. D'Autremont: — Thank you for the opportunity. I'd like to follow up on some of the questions my colleague from . . . Randy was asking.

Part of your no-fault rehabilitation programs, you had one that was called work hardening. Do you still utilize that program?

Ms. Wolf: — Actually that's not a term that we've ever used. SGI, in concert with the medical community, has accepted recommendations from a rehab advisory council made up of all the practitioner associations, to develop the early intervention program. As part of that program there are timelines or suggested guidelines in which people will recover from soft tissue injuries. But they are only guidelines.

Out of about 6,000 injuries a year, 5,200 will be soft tissue. The vast majority of those people will recover at the hands of their primary caregiver, like their family physician. A very small number will move on to a secondary assessment or treatment — in the neighbourhood of about 1,400 a year. And only 400 of those will move on to a tertiary level care.

At tertiary there would be some active participation in rehab, certainly participation that would be working toward return to work. I don't think work hardening is the appropriate term, but certainly rehabilitation toward an employment goal is exactly what the motivation is.

Mr. D'Autremont: — Thank you. Work hardening is the term that the people that have been going through the treatment, through the rehab, have been using when they feel that there is . . . the treatment isn't appropriate, that they are being asked to do more than what they are physically able to do. And when they say I can't do this, then they are told that they need to be hardened up to get back to work, and that if they raise issues about this that they're in non-compliance with the rehabilitation goals set out by SGI, and are then threatened with the loss of their benefits.

And you know there may very well be some individuals who wish to take advantage of the situation, but most of those that I have been in discussion with are not that case. In fact is, one of the persons that raised this issue with me had an issue of pregnancy. She was pregnant and yet she was expected to do this, what she referred to as work-hardening program, and

which she felt was entirely inappropriate due to her pregnancy. And yet when she complained about it she was threatened with the loss of her benefits.

How do you monitor that the patients are being treated properly, that their physical conditions dictate the timelines and the strenuousness of the program that they can participate in?

It seems that while you have timelines that are guidelines only, that in some circumstances those guidelines become the maximum allowable time that a client can spend in the rehab. And if they go beyond that point then there are threats and restrictions placed upon them.

Ms. Wolf: — One of the changes that took place in 2002 as a result of the independent committee from government was to ensure that the primary caregiver or the individual . . . the customer had their choice of a family care provider, their GP (general practitioner), chiro, or physiotherapist to be the designated care provider. And we work through those individuals, so there's a better circle of communication with the customer's own caregiver at this point in time.

And certainly we rely on the medical expertise of the individuals within the secondary centres and the tertiary centres to monitor the health of our customers.

The Chair: — Why is the member on his feet?

Mr. Huyghebaert: — Leave to introduce guests.

The Chair: — The member has requested leave to introduce guests. Is leave granted?

Some Hon. Members: — Agreed.

The Chair: — That is carried. I recognize the member for Wood River.

INTRODUCTION OF GUESTS

Mr. Huyghebaert: — Thank you, Mr. Deputy Chair. And I thank my colleagues and officials for the interruption, but I'd like to introduce in the east gallery 21 grade 4 students from the Spruce Ridge School in Estevan.

They're here visiting today, and I just run into them in the hallway but I'll be meeting with them shortly. They're accompanied by their teacher, Mrs. Hanna, and chaperones, Mrs. Ross, Mrs. Taylor, and Mrs. Olsen.

What we're doing right now is in a field committee, and the Minister Responsible for SGI and his officials are answering questions from members of the committee. It's not as boisterous as it might be in question period, but I hope you enjoy the proceedings here for the few minutes you're in, and I'll be meeting with you shortly.

So I'd ask members to please welcome this group to their Assembly.

Hon. Members: Hear, hear!

Bill No. 7 — The Automobile Accident Insurance Amendment Act, 2004 (continued)

Clause 1

The Chair: — I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you. You've commented on the appeal process. I want to get into that, but I also would like to ask, is there an independent complaint area that a client can contact without fear of perceived retribution? So that obviously if client A comes forward with a complaint and someone within SGI then approaches their physician — the physician that's dealing with them, or the physiotherapists, or the social worker, whoever it might be — with their file, they're going to, that person is going to recognize that somebody has made a complaint. And who are . . . and when you are asked about a specific file and client that you know that in all likelihood it's either that client or that client's family that has, you know, issued a concern.

Is there some . . . do you have something in place in which to deal with those kind of complaints that wouldn't cause the client to be apprehensive about their possible future treatment by SGI?

Ms. Wolf: — We have an independent customer service unit that is outside of the injury claims department that researches, within SGI, claims matters of all kinds as well as other SGI issues. I think that affords the customer independence from the claims department.

But I would add that the branch managers would be a logical place to start if there are concerns from a customer or, certainly, head office is another alternative.

Mr. D'Autremont: — Are most clients made aware of this independent customer service that they could approach or how to deal with any concerns that they have arising from their contacts with the representatives of SGI?

Mr. Fogg: — Mr. Chairman, no customer should ever be apprehensive about dealing with SGI.

And they have a number of avenues. One, of course, is this unit that takes customer concerns. But certainly, many come through their MLA (Member of the Legislative Assembly), many come through the Ombudsman.

And obviously, we don't get everything right all the time and people certainly have every right to be concerned. But the difficulty is that if they have a concern and they bring it forward, it's necessary for us to get the claim file and look at the file, and so it would be very difficult to keep that confidential. But I don't think that anybody should be concerned about bringing their concerns forward.

Mr. D'Autremont: — I recognize and that's why I asked about it — is there some way — because it is easily identified which client is raising a concern.

On the appeal process, you mention an independent appeal

process. Who is this committee? Who do you appeal to?

Ms. Wolf: — There is an automobile insurance appeal commission that was set up in January 2003. It reports to the Minister of Justice. The Chair of that committee is Ann Phillips. Their head office is located in Regina. Most of the . . . They have brochures that are available and we provide information on the commission on each decision that we make. So a customer is provided that, their address and phone number and contact.

Mr. D'Autremont: — I actually know Ann Phillips. I didn't know she was on there. She's from Stoughton.

How many committee members are there on this committee? Do they sit as a total committee, or do they sit as single committee members reviewing an individual file, or is it a subcommittee of the entire committee that does this?

Ms. Wolf: — Right now, there are eight members on the appeal commission, but it's my understanding that there are more appointments being considered. They can sit independently or as a group, and have been doing both.

Mr. D'Autremont: — How many clients have taken the opportunity to appeal to this committee?

Ms. Wolf: — In 2003, there were 159 appeals and since the beginning of January 2003, a total of 248.

Mr. D'Autremont: — Of the appeals . . . I'm not sure that to say ruling in favour of either SGI or the client is appropriate but rather how many of these appeals have made adjustments to address the client's concerns?

Ms. Wolf: — I don't have the exact number but I would estimate between 50 and 75 per cent of them have been changed, that is of the decisions that we've received to date.

Mr. D'Autremont: — Of those changes that have been put in place, have they affected the way that the client reps are then dealing with the customers in general? Is there an opportunity to say, well this is a systematic problem and we are going to make adjustments or, of that 50 to 75 per cent are they simply individually related and don't bear on the general service that SGI provides to its clients?

Ms. Wolf: — Our intent is to make those changes. The cases are precedent setting so it's important that we learn from these decisions, and are doing so.

Mr. D'Autremont: — Okay, thank you; that's good to know. SGI, with the rehabilitation program, are you involved in providing aid to clients for work-related issues? I'm thinking particularly of people with physical or mental handicaps as a result of their accidents. Does SGI, through the rehabilitation program, provide assistance so that these people are more readily employable?

Ms. Wolf: — It's part of our rehabilitation program. We certainly seek to provide a better quality of life, and employment is part of that. If you're speaking specifically of brain injured people . . .

Mr. D'Autremont: — Or physical.

Ms. Wolf: — . . . or physical, one program that comes to mind is the acquired brain injury program which we, in partnership with Saskatchewan Health — SGI funds and Health administers — but that is intended to provide a better quality of life for those with brain injuries on a fairly large scale. We don't have a similar program for physically challenged but it's more on an individual basis through voc rehab specialists that we do try and provide a better quality of life.

Mr. D'Autremont: — Well being employed is one of those things that most of us look to as being part of life and a better quality of life. And the fact that a person has had an accident of some kind that restricts their abilities, I believe, is part of why people have insurance. When people need assistance with employment, does SGI, through its rehabilitation program, provide that assistance such that people will be able to have specialized equipment at their workplace that aids them? That . . . of any kind of assistance that way. And what of the personal needs that a person might have while on the place of employment? What kind of support might be available along that way as well?

Ms. Wolf: — Through both rehab specialists and occupational therapists we do provide those services to our customers. There is an onus of responsibility on employers as well to provide some accommodation in their workplace. But we do work very closely with employers to help people get back to work.

Mr. D'Autremont: — When you're working with the employer, and assuming the employer is providing some or all of this, the changes and the needs that the employee or the new employee may need, does SGI though participate financially in providing an accessible workplace or different kinds of equipment than would normally be the case for an employee dealing with that situation? Because the person is handicapped they may need specialized equipment?

Ms. Wolf: — Yes, we will work with the employer.

Mr. D'Autremont: — One of the other areas and I raise this . . . I see the Crown corporations minister is here but she was wearing a different hat that day, but I raise this issue as well. The transportation needs of someone who is physically disabled in getting to their place of employment — does SGI provide assistance for that?

I know that SGI will provide, for someone who is in a wheelchair, a vehicle once in a lifetime for their needs. But not everyone has the ability to drive that vehicle themselves. And lots of times they rely on friends or family to transport them around. But friends and family are not always available to do that in a work situation. Does SGI provide any assistance for that person to travel to and from their place of employment?

Ms. Wolf: — Normally we would not. Again we would look at providing a vehicle or providing assistance so that an individual can be independent, but as a matter of course we would not be providing mileage for to and from work. We provide mileage to and from medical appointments, rehabilitation, but not to a workplace.

Mr. D'Autremont: — Well I wasn't actually thinking of mileage. I was thinking of assistance for like, cabs, or paratransit, or even perhaps someone to be employed for an hour a day to drive the individual's own vehicle with them on board, to and from work sort of thing. Is there any assistance at all along that line that SGI provides?

Ms. Wolf: — No, there isn't.

Mr. D'Autremont: — That's one of the areas that has been raised with me by the paraplegic association, that the transportation access to work is one of the impediments that people in wheelchairs face. And there are a number of cabs in Regina — there's paratransit as well — but they're not always available at the particular point in time during the day either going to or returning from your place of employment, and that makes it difficult for someone in that kind of a situation in need, to gain gainful employment because of that limit.

And I'm just wondering if SGI is taking a look at that situation on how they can assist their clients that way.

Ms. Wolf: — That's not an issue that has been raised with me individually. It's certainly something that can be a consideration. I wouldn't think that we would let transportation be an impediment to an employment. If a job is going to help in the long run, return someone to a better quality of life and transportation was the only issue, I think we would want to look at that in perhaps a specialized way. But I have not heard of a circumstance like that.

Mr. D'Autremont: — Well that issue was raised with me at the . . . there was a conference up in Saskatoon here about two months ago. A number of people from across the various communities were represented there, and that was one of the issues that was raised with me, because they understood that in my family we face that kind of a difficulty as well.

One of the other areas that was raised with me was personal care. What does SGI provide currently for assistance with personal care to an individual who may wish to live independently?

Ms. Wolf: — Within our regulations there is a care grid based on an individual's independence. They range from making meals, cleaning their home, being able to care for themselves; and it's a fairly extensive grid. Based on an individual's ability, they are provided an allowance. And that allowance is up to \$600 per week and it's based on a scale of their own ability, and it's reviewed on a regular basis with the customer.

Mr. D'Autremont: — One of the areas — and I've had a number of phone calls on this — is that public care, home care in particular, and dealing with this issue, seems to have a difficulty with time frames. That it's not always available at the times that the clients need it, people who are in wheelchairs, particularly those that are quadriplegics and have difficulty moving themselves. Especially rolling over in bed is a critical problem. And most people don't even think about that as being a problem, but for someone who is a quadriplegic that's a major problem. In reality you shouldn't be in one spot, well they say eight hours maximum, but in reality you should be rolled over six to seven hours.

Home care though in a lot of cases, or in perhaps in all cases, but certainly in most cases does not provide service after 11 o'clock at night or before 7 o'clock in the morning. And you have an 8 hour time span in there, if they're available at the latest possible time and also at the earliest possible time, and so that causes problems. Has SGI had that issue raised with them, and what kind of possible solutions have you looked at?

Ms. Wolf: — That's not an issue that has been raised with me individually; that's not to say that it hasn't come up with some of our specialists. It's a matter that we can look into though. I understand the concern.

Mr. D'Autremont: — What does SGI provide in the sense of respite for families that may be caring for a person who is an SGI client? It is a 24-hour-a-day, 7-day-a-week job, and families do need some respite for that. What does SGI provide along that line for respite?

Ms. Wolf: — There are some guidelines within our handling of individual files, where families can receive some respite on an annual basis. I'm sorry. I don't know the exact amount of the dollar value, but there is some provision for it through policy.

Mr. D'Autremont: — Would that exceed the \$600 per week that is potentially available to a client?

Ms. Wolf: — It's independent of that, so it would be . . . it's an amount I believe set aside for respite, but the exact value I'm not certain.

Mr. D'Autremont: — Okay, I guess you can get this information to me. Would that be complimentary to the potential of \$600, or some component of that would be over and above that?

Ms. Wolf: — Yes.

Mr. D'Autremont: — One other issue, and this goes back to the potential agreement between SGI and Sask. Health dealing with MRIs. What kind of agreement are you looking at? And I'm wondering what kind of access an agreement between SGI and Saskatchewan Health would provide for clients of SGI.

Mr. Cameron: — We were looking at a expedited service agreement for after hours, similar to what WCB (Workers' Compensation Board) had made arrangements with one of the health districts. We're still working and looking at finalizing that.

Mr. D'Autremont: — So this agreement then would be that you wouldn't have to be into the normal health care queue for access to MRIs, you would be getting a premier service?

Mr. Cameron: — It would be an expedited service I guess in addition to their . . . adding additional hours to their schedule is my understanding of it.

Mr. D'Autremont: — Under this kind of an agreement, would SGI be hiring the staff necessary to operate the MRIs and to do the evaluations of the MRIs?

Mr. Cameron: — No, this was simply an agreement that . . . Sask Health would be looking after all that — or the health district I guess would be the correct answer — looking after all that and we would simply be providing the funding, the cost, of the MRI, and some additional costs because it does cost us extra to send someone out of province to travel.

Mr. D'Autremont: — Okay, so under the agreement that you're contemplating and hoping to sign, I'm assuming, you would be paying the regular costs associated with an MRI — a client using MRI — plus a premium on top of that?

Mr. Cameron: — Yes, that's what we're hoping to accomplish.

Mr. D'Autremont: — Doesn't that . . . to me that would sound like a two-tiered system, a user-pay system, that if you have the ability to afford to pay over the normal costs of health care services that you could do so? Now you can wait for the minister to come back to answer that if you'd like.

For the minister's benefit, we're talking about the agreement between — potential agreement — between SGI and Saskatchewan Health related to the use of MRIs that SGI would pay the standard costs of an MRI, as calculated by the district, health district, over and above that they would pay a premium for the utilization of that service.

Is that not a two-tiered health care system where someone who has the ability to pay, in this case SGI, is gaining access to health care above and beyond what that is available to the general public in Saskatchewan?

Hon. Mr. Sonntag: — The question is certainly outside of this legislation, but let me respond nonetheless very briefly. As it pertains to SGI, even as it pertains to the Department of Health, wherever we find a circumstance where the service that is required to our client is not available, we will endeavour to the best of our ability to provide that service. And that has been the circumstance as it relates to MRIs with SGI.

We are also now trying to, as was described earlier, facilitate the opportunity for the entirety of the MRIs to be provided to our clients here, in Saskatchewan, in the very near future.

Mr. D'Autremont: — Well that is a very good program and answer on behalf of SGI, the corporation.

How does that fit into the argument though — presented by the government and the Minister of Health — that all people of Saskatchewan should have equal access to medical services in this province, that fee-for-services for medical institutions are not allowed and this is clearly an additional fee over top of that normally charged . . . the normal costs of health care in Saskatchewan?

SGI is paying a premium. The same for health care. The same as if some private health care service came into this province and was prepared to pay an additional fee to gain access to MRIs. What's the difference between SGI getting premium additional access to MRIs and, say, the Saskatchewan Roughriders Football Club?

Hon. Mr. Sonntag: — Well again, I mean, the question is way outside of this legislation. But again, let me respond by saying the following: SGI — just like the Department of Health — wherever the service is not available, will do their utmost to provide that service. And again, SGI — as we just described at the very beginning — I think, would prefer in any circumstance to provide that service here in the province but would . . . also prefers the option being that they would not have to pay that premium.

Clearly I mean, the options — I mean this isn't any secret — the options exist for any individual as well to go outside of the province if they're going to pay it on their own. I mean, they do that and you'll be well aware that they go on their own outside of province.

You will know our province's and government's position clearly stated on this issue. And we would want a circumstance where, in all of Canada, we would have publicly funded and publicly accessible services. Having said that, we acknowledge the circumstances that exist in other provinces right now.

Mr. D'Autremont: — Well, Mr. Minister, SGI — because it has the ability to pay — is being allowed additional access to health care, paying a premium for that.

You say individuals can go outside of the province currently to gain additional access to health care and that's true. SGI was doing that in the past and to me it sounds like they're still doing it until this agreement comes into place.

So would . . . since SGI is now going to be coming back into Saskatchewan to gain access through an additional premium to health care for their clients, will individuals who have the ability to pay this additional cost for MRIs in this province that is being charged to SGI, will they in turn be given access to MRIs in Saskatchewan in a similar manner to that which SGI is being given?

Hon. Mr. Sonntag: — I don't think I can be categorical about this, but it would be my presumption that any clients of SGI once this new arrangement exists, would be treated exactly the same way as the majority of SGI clients are treated right now here in the province of Saskatchewan. The majority of them . . . the majority of SGI's clients who require MRI services are treated here in Saskatchewan.

It's a rare exception that they go outside of the province, I shouldn't say a rare exception, that may be a bit of an overstatement, but the minority by far go outside of the province. Once we have this new arrangement essentially you will see the same circumstance that exists right now with the majority of SGI's clients.

Mr. D'Autremont: — How many of SGI's clients will then be receiving MRIs for which SGI will be paying a premium usage fee?

Hon. Mr. Sonntag: — I'm advised about 80 people on an annual basis. That's the average.

Mr. D'Autremont: — So you're currently sending out, I believe, was a number of hundreds of people?

Hon. Mr. Sonntag: — Eighty.

Mr. D'Autremont: — So you're currently sending 80 people out of the province for MRI services?

How long of a waiting period is there in place that necessitates the need to send those 80 clients out of the province?

Ms. Wolf: — The waiting period in Saskatchewan can be fairly lengthy. The waiting period if they're out of province can be a matter of days, and it's only those circumstances that are extreme that are considered for expedited services.

Mr. D'Autremont: — Extreme in what kind of sense? Is it extreme in that they need emergency medical attention and therefore an MRI is needed? Is it extreme in that they need an MRI to do a diagnosis to recommend treatment? What is the . . . How do you define extreme — for what circumstances?

Ms. Wolf: — Anyone who requires emergency care is handled through the public system as a matter of course in any automobile related injury. A situation that would be considered for expedited service out-of-province, or perhaps through our new agreement would be . . . it is for diagnosis reasons that you would go for an MRI. That's the first part of it. The second part would be if there was a long lineup in Saskatchewan, there is a job waiting for instance, and a diagnosis . . . a faster diagnosis would speed up that return to work, that would be considered.

There are extraordinary rehabilitation concerns that a long delay might hamper an individual's recovery. Those are all concerns that are generally recommended by the physician. We certainly concern ourselves about the employment situation, but we look for recommendations from a doctor for those circumstances. But they are fairly rare.

Mr. D'Autremont: — Would not most clients who are involved in accidents have some form of employment — be they students going to school, be they actual employees or employers where they have their own work schedules, their own work? Would not most clients fall into that category? What is the average waiting time then for a SGI client for an MRI that does not meet the emergency criteria of the 80 people?

Ms. Wolf: — The waiting time for an SGI customer is no different than the public. It will vary on a location by location basis. So I don't have an answer for what the public system's waiting period is.

Mr. D'Autremont: — Oh, I just wonder how you can say one is an emergency when the average person in this province waits six to eight months for an MRI. Surely their opportunities for employment are just as critical to them and their families as it is to the 80 people that you have selected for the quicker access to MRIs, quicker access to proper diagnosis, and quicker access to rehabilitation.

Ms. Wolf: — Certainly everyone would like to have their diagnosis as quickly as possible, but we do rely on the medical care providers to give us advice as to what situation should be considered for expedited services . . . (inaudible) . . . piece is certainly something we consider because it's financial, but it's not the only consideration.

Mr. D'Autremont: — Well I'm sure that all the physicians would like to get their patients in, diagnosed as quickly as possible, and start rehabilitation as quickly as possible. What kind of guidelines or advice have you given to the physicians in making a determination whether or not — or to your own SGI client representatives — in making the determination whether or not one is an emergency situation and needs to have the premier service and someone does not fall into that category?

Ms. Wolf: — Every consideration for an out-of-province or an expedited service is handled and approved by our medical director, who is a practising physician, in addition to our medical . . . our manager, rehabilitation services. So the two . . . it's made in concert with that. So there is some, there are fairly strict guidelines in place.

Mr. D'Autremont: — What are those guidelines?

Ms. Wolf: — I could not give you the medical requirements; I'm not a medical person. Certainly the issues for unemployment are SGI related. There's an economic consideration for us, and we will look at a person's employment situation. The medical guidance will be made with our medical director in concert with an individual's care provider.

Mr. D'Autremont: — When your medical official is making this determination, is he aware of the employment and financial concerns? I'm sure that every one of them wants to get their client diagnosed and treated and rehabilitated as quickly as possible, but . . . so what weighting is there between medical and employment in making a determination as to which client receives an expedited premier service and which one does not?

Ms. Wolf: — Our medical director is not concerning himself about the economic issues; he's concerned about the diagnosis and the timeliness of it related to the individual's situation. That's not his role to be concerned about employment or the economic feasibility of it.

Mr. D'Autremont: — So who makes the determination then whether employment plays a role or not in expedited service?

Ms. Wolf: — Our manager, rehabilitation.

Mr. D'Autremont: — A client that would be a potential for an expedited service is seen by whom first? By the medical professionals or by your manager?

Ms. Wolf: — They're always seen by their own medical care providers.

Mr. D'Autremont: — So when the medical care provider then sees the client, how do they process that person up the line so that they may get an expedited service, and where does the manager come in to help make that determination?

Ms. Wolf: — A doctor will make a recommendation for an MRI, whether it's in province or out of province. Most of the physicians are aware that we do provide some expedited services. They will make a recommendation and provide SGI with a report as such.

And when there is a recommendation for an expedited service,

that then is forwarded to the manager of rehabilitation and to, at the same time, in concert with our medical director.

Mr. D'Autremont: — So a recommendation for an MRI starts with the original medical professional that's dealing with the client, it goes up the stream, and comes to your director of medical services. He makes the recommendation whether or not that person needs an expedited MRI, based on their medical condition.

So he makes a recommendation, then it goes to your manager who makes a determination whether or not that expedited MRI should happen, based on the economics — whether or not that person has a job, is employed, needs it right away.

So is the determination at the end of the day made on the medical need of the client or the economic need which benefits SGI?

Mr. Fogg: — I think that, as Sherry was saying, it's both. But we wouldn't look at an expedited service unless it was cost-effective for us to do so.

Mr. D'Autremont: — Okay. Cost-effective in that you mean by getting an expedited service you have the potential to get that client off of SGI's rehabilitation program quicker and therefore it's a cost savings to the corporation, you're saying?

Mr. Fogg: — I'm saying that yes, that if they're receiving income replacement benefits or there's significant care benefits and we could . . . If having the MRI would reduce that period of time that they were off work and it's cost-effective for us to, at one time, send them out of province or to pay for the expedited service, that is what we would do, yes.

Mr. D'Autremont: — So an expedited service is more an economic benefit to SGI than it is a medical benefit to the client?

Mr. Fogg: — It's certainly an economic benefit; it's certainly a major factor in doing so. If they were not receiving income replacement benefits or were not receiving care benefits, they would, for the most part they would just go through the normal stream.

Mr. D'Autremont: — Well that kind of seems strange to me that the economic interests of SGI are paramount to your clients' medical needs.

The Chair: — I recognize Mr. Weekes.

Mr. Weekes: — Thank you, Mr. Chair. Just a couple of points. I just heard a news report about a survey in the US (United States) about road debris causing 6 million I believe accidents in the US. Do you have statistics concerning road debris accidents in Saskatchewan?

Ms. McIntyre: — Bernadette McIntyre, Mr. Chairman. We just received that report this afternoon on the road debris. And the study period that they used for Saskatchewan, there were zero accidents found in that study over the two-year period in Saskatchewan that had been attributed to road debris.

Like I've only read the report once, so can't provide you any more detail. But I do have copies of that report that can be provided to you; it arrived this afternoon.

Mr. Weekes: — Thank you. I'd like to see that report. I'm surprised that it would be zero because just from my own experience . . . I mean there's road kill, and there's all sorts of things falling off vehicles that are on the highway, I'm surprised that it'd be zero accidents caused by.

Ms. McIntyre: — Well that was what was in the study, you know, and they may have taken a statistical sampling. Like I said I just sort of read it over quickly because it came in just earlier today. But there's definitely, in the overall summary, in their period that had looked at, I believe it was two years, and they'd done a sampling across all jurisdictions in Canada, and Saskatchewan was the number — from my memory, I didn't bring it with me — was zero.

Mr. Weekes: — But does SGI have any independent survey concerning various types of accidents which would include road debris?

Mr. Cameron: — We may have some numbers — and I wasn't aware of this report, or I could have looked it up — we may have some numbers because we do code each accident by accident circumstance, and there may be some numbers in there. I don't know what that survey period was or what they actually considered road debris. But we may have a definition that is similar, and we could provide that number.

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chair. We want to wrap this up here fairly quick now. I have just a couple of comments.

I want to talk briefly again about the appeals commission. From my understanding, any conversation I've had with individuals who've gone through the appeals process, they're reasonably satisfied with the way the appeals commission handles their affairs.

The complaint comes — repeatedly, I would say — on the length of time it takes SGI to respond to the appeal commission process.

I understand that the commission has said that anywhere from 21 to 45 days is adequate time for SGI to respond to an appeal that's been filed and that it takes up to six months for SGI to actually step up to the plate and participate in that process. What is your response to that? And if that accusation is true, how often has it been true?

Ms. Wolf: — Certainly there have been delays on the part of . . . with the appeal commission. There were . . . I think both the appeal commission and SGI were learning about the appeal process. So initially, there were some delays.

There are still some delays, not necessarily due to simply wanting to be late, but there's information that is required. So on occasion, there will be requirements for medical information which will delay the process of paper.

But I think both the appeal commission and SGI are taking steps to improve the turnaround time, because it has been recognized that it is a concern and both parties want to make that better.

Mr. Elhard: — So the possibility of having an appeal happen within that 21 to 45 day window is realistic now?

Mr. Wolf: — Having the appeal heard within that period of time, I would suggest no. I think that there is a reasonable time where both parties have to prepare their case and I think that is the goal; to be within that 21 to 45 day period, both on the part of the customer as well as SGI.

Then it's incumbent on the commission to schedule the hearing and there has been delays in the ability to schedule both parties. So realistically, I don't know that 21 to 41 days to a hearing is realistic.

I believe the goal that has been set through the Department of Justice is around six months and then a one-month turnaround for the decision. That's a goal for both parties. But at this stage, we're not there yet.

Mr. Elhard: — So the provisions in this particular Bill that talk about the appeal process do not, in fact, affect the process that exists if there are people wanting to move an appeal forward?

Ms. Wolf: — No.

Mr. Elhard: — I guess the last particular thing I want to say is that in spite of the length of the questioning here, you know, there's a number of things in the Bill that are actually quite positive. It cleans up and makes some of the language more understandable.

I think the fact that they acknowledge the reality of an aging population and forgetfulness in the population is a very important part of this piece of legislation. And I personally want to thank you for that.

But anyway, I think at this point we have asked all the questions we wish to on this particular piece of legislation. Thank you.

The Chair: — Members, this is a fairly lengthy Bill. Oh, I just wanted to thank the minister and his officials for being here today and we'll proceed with the vote on the Bill.

Members, the Bill is fairly lengthy. Is leave granted to deal with this by page? Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. Page 1, clause 1 through 4. Is that agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 30 inclusive agreed to.

The Chair: — Therefore Her Majesty, by and with the advice

and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 7, An Act to amend The Automobile Accident Insurance Act.

And could I have a member move that the committee report the Bill without amendment?

Mr. McCall: — I so move.

The Chair: — So moved by Mr. McCall. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried.

The committee agreed to report the Bill.

The Chair: — That concludes the work on Bill No. 7. Yes, Mr. Sonntag.

Hon. Mr. Sonntag: — I want to thank committee members for their questions and the officials for being here.

And let me just say as well, just in closing, that our president joined this corporation the same year that Saskatchewan joined confederation and I wished he would have stayed another year so I could have given him his 100-year pin, but that's not the case. Mr. Fogg, seriously, will not be appearing before any committees again as he'll be leaving at the end of the month, and I want to very publicly thank and acknowledge him for the years of dedicated service to the corporation.

I think I made reference last time not realizing he'd be back here again, but anyway, thank you very much, Larry, for your years of contribution to the province.

Some Hon. Members: Hear, hear!

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chair.

On behalf of the official opposition, I would like to also extend my appreciation to Mr. Fogg for his years of service to the province of Saskatchewan through SGI. I know that we've had some disagreements over the years, and I think that that's only natural, but nevertheless, he has served a prominent role in the provision of insurance to the people of Saskatchewan, and we want to thank him for his time and we wish him well in his retirement. I'm not sure what that's going to entail, but we'll wish him well anyway. Thank you very much.

The Chair: — Thank you very much, Mr. Fogg and Mr. Sonntag.

Bill No. 35 — The Crown Corporations Amendment Act, 2004

The Chair: — The next item before the committee is consideration of Bill No. 35, The Crown Corporations Amendment Act, 2004 and we'll take a brief pause while the minister assembles her officials.

All right. The next item is Bill No. 35, The Crown Corporations Amendment Act, 2004 and I would recognize the minister to introduce her officials.

Hon. Ms. Atkinson: — Thank you very much, Mr. Chair. To my immediate right is Tom Waller, president and CEO (chief executive officer) of Crown Investments Corporation. To his right is Doug Kosloski, general counsel and corporate secretary at CIC (Crown Investments Corporation of Saskatchewan). And to my left is Don Ash, Crown management practices.

Clause 1

The Chair: — Clause 1, short title. I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you. I would like to welcome the minister and her officials here today.

I guess the first question dealing with this Bill is the Crown corporation's opportunity to participate in promotional campaigns for the province of Saskatchewan. Does this Bill make it legal for Crown corporations to enter into those kind of promotional campaigns?

Hon. Ms. Atkinson: — Legal is not a term that we would use. It's a term that obviously the official opposition has used.

This amendment to our legislation is to clarify our authority to establish or contribute to programs and policies that enhance the economic development in our province. As well, the other amendments to the Bill clarify our authority to undertake human resource programs on behalf of our various Crowns, including funding for programs that CIC and Crowns develop and deliver in partnership with our post-secondary institutions.

Mr. D'Autremont: — Now let me rephrase the question then, Madam Minister. Did the Crown corporations — did CIC — have authority to carry out promotional campaigns for the province of Saskatchewan?

Hon. Ms. Atkinson: — We have a legal opinion that indicates that we do have authority to carry out promotional campaigns. The Provincial Auditor brought it to our attention that we needed to align our legislation with the mandate of CIC. That has been contained in CIC's annual reports for a number of years. The Provincial Auditor in his annual report indicated that it was his view that we needed to clarify the legislation, and we have followed his view, and we are clarifying the legislation. At no time did the Provincial Auditor indicate that we were not in a legal position to undertake promotional endeavours on behalf of the province.

Mr. D'Autremont: — Did the Provincial Auditor indicate whether or not you had the proper authorities to carry out this kind of a promotional campaign?

Hon. Ms. Atkinson: — The Provincial Auditor indicated when he released his annual report, that it was a matter of opinion. He said you could interpret it — if you recall his comments — that you could interpret the legislation either way, and we had a legal opinion that interpreted the legislation that said that we could endeavour to promote the province.

The Provincial Auditor pointed out to us that we should ensure that the Act was in sync with the mandate as contained in our mission statement, and we are following the Provincial Auditor's advice, and we're amending the Act.

Mr. D'Autremont: — Thank you, Madam Minister. Since you say you have a legal opinion supporting your contention, are you prepared to provide that legal opinion to this committee?

Hon. Ms. Atkinson: — We have been asked in the past I believe by the opposition to provide the legal opinion. We do not as a matter of practice provide legal opinions to the public, to the legislature, and that has been the practice of the government for many, many years.

Mr. D'Autremont: — Well thank you, Madam Minister. I recall the member from Saskatoon Massey Place once saying in this Assembly that if you hired 100 lawyers to get legal opinions, you could get 103 legal opinions from them. That is, while not a direct quote, is as close as I can certainly come from memory, that the member did say that.

Madam Minister, did you seek any other legal opinions, other than the one that you are saying supports your claim?

Hon. Ms. Atkinson: — We endeavour to receive a legal opinion from a law firm that is involved in corporate law, that is familiar with legislation, and is a reputable law firm, and that's the firm that we engaged for this particular matter. We are satisfied that the legal opinion endorses our view that we had the authority to engage in promotional campaigns on behalf of economic development in the province.

I do note that there have been past occasions that the Provincial Auditor believed that the government did not have the authority to spend money. The Provincial Auditor certainly related that to the public in his auditor's report. His auditor's report did not relate that to the public. The Provincial Auditor indicated publicly that we needed to clarify the legislation, and that's what we've done.

Mr. D'Autremont: — The legal opinion that you did — the single, the sole legal opinion — that you acquired, did it give a strong endorsement or a timid endorsement of your authorities?

Hon. Ms. Atkinson: — The legal opinion gave an endorsement of the authority. And I also want to point out that we had an internal legal opinion and we sought an external legal opinion. So when you asked, did we seek another legal opinion, we did not seek another outside legal opinion, but we had an inside, inside the corporation legal opinion that indicated we had the authority to engage in promotional campaigns.

Mr. D'Autremont: — Did you approach the Department of Justice for a legal opinion on this matter as well for the investment of Crown corporation dollars in the promotion campaign, the Future is Wide Open?

Hon. Ms. Atkinson: — Because we have corporate counsel available to us at CIC, we had our own internal legal opinion. And then we sought outside legal advice, and that legal advice confirmed our opinion.

Mr. D'Autremont: — The firm that you approached outside for your outside legal opinion, is it in any way, shape, or form associated with other, with government or other entities of government, or was it a strictly, totally independent of any other government enterprise?

Hon. Ms. Atkinson: — What I can tell you, Mr. D'Autremont, is that there are a number of firms in the province that do work on behalf of our various Crown corporations. I believe they are in the dozens and dozens and dozens of firms. So when you ask the question, were they independent from CIC, I would say it would be a matter of interpretation, given that so many law firms undertake work on behalf of our Crown corporations in the province.

Mr. D'Autremont: — Will CIC or any of the individual Crowns be continuing to supply funding for the provinces for your government's Future Wide Open campaign in this fiscal year or in future fiscal years?

Hon. Ms. Atkinson: — As has been indicated previously in the press and in the legislature, I believe the opposition did have questions to the minister for Industry and Resources. Industry and Resources will be undertaking a Future is Wide Open campaign outside of the boundaries of the province. For the purposes of inside the province, the \$2 million that was expended last year for the Future is Wide Open campaign is going to be expended this year on getting ready for our province's 100th celebration.

Mr. D'Autremont: — How much of the costs for the Future is Wide Open campaign will be provided . . . how much of the revenue will be provided by CIC or any individual Crown corporation?

Hon. Ms. Atkinson: — We are not funding any of the Future is Wide Open campaign. That funding is being undertaken by Industry and Resources. The Future is Wide Open campaign that had been funded by CIC for the year 2004, it's going to be directed to centennial projects.

Mr. D'Autremont: — And how much . . . what kind of funding are you looking at providing for the centennial projects?

Hon. Ms. Atkinson: — We have a \$2 million budget that was the budget that we had last year for the Future is Wide Open campaign that . . . we have \$2 million that is going to be directed to various centenary projects that is coming from that particular allocation of funds that we had budgeted last year, and we're simply continuing with the \$2 million budget, but it's being converted to centenary projects.

Mr. D'Autremont: — Part of the Bill deals with the ability of Crown corporations, CIC, to provide programming to enhance and foster employment and careers. This program will . . . the programs that CIC and the Crowns will be dealing with, are they directed solely at providing for training within the individual Crown corporations for use by that Crown corporation, or will they be providing employment training and career opportunities that will be portable for people to go to other areas of the economy, as well as going perhaps into their own enterprises?

Hon. Ms. Atkinson: — We have done some significant demographic work where we're trying to anticipate what our labour market will look like by 2017. And Doug Elliott has done a lot of work on behalf of government in order that we can begin our various labour market planning initiatives. So his work obviously applies to post-secondary education. His work certainly applies to what we're anticipating in terms of the public service and what we're anticipating in terms of our Crowns.

We believe that by 2017 over half of our present employees in our Crowns will have retired and we have to do some significant succession planning in the years ahead. So as part of that commitment to do some serious succession planning we've announced a \$20 million program that will take place over the next five years to address our anticipated labour shortages, our human resource shortages.

As part of that we want to ensure that those positions are filled by highly educated and trained young people, and Aboriginal people, because we also know from the demographic work that's been done that we have a significant number of Aboriginal youth that are making their way into the labour market. And we have said that we want our Crowns to be places where young people and Aboriginal people would like to work.

So with this amendment what we're doing is amending the legislation to clarify that we have authority to undertake program initiatives with our Crowns in order that we can enter into partnerships with post-secondary institutions.

So for instance last week we announced a significant initiative with the Aboriginal university here in Regina, in partnership with the University of Regina and CIC, where we will make available to Aboriginal young people \$2 million worth of bursaries over the next five years.

Our hope is that the young people or the people who are chosen for those bursaries will be able to work . . . move into our Crowns. So we're trying to match those young people with summer employment, and then internships or co-op education, so that they have a real sense of how the Crown sector works — whether its SGI, SaskWater, SaskPower, SaskTel, or SaskEnergy, or it could be Information Services, and so on.

So this is one partnership agreement that we've entered into. I might note we have not expended the money. We're waiting for the legislation to be passed.

We also have a partnership agreement with the University of Saskatchewan and we're just working out the details with the university now. And we have another partnership agreement with SIAST (Saskatchewan Institute of Applied Science and Technology). And there will be other initiatives that we're going to be announcing.

I might indicate, Mr. D'Autremont, that we will be announcing a internship program of 50 post-secondary graduates who will be able to intern at one of our various Crowns. And those positions will, I think, soon be posted on the Net. I shouldn't be scooping myself, but they'll be posted on the Net.

And I listened to you earlier, your remarks in terms of disabled

young people. Certainly disabled young people, Aboriginal people, visible minorities, any young people will be able to apply for those youth internship programs. And we're looking for some fairly highly skilled people in terms of computer technology, engineering, marketing, finance, and so on. So that will also be available. So that's also part of our program.

And this initiative will be fairly significant, given that we're spending \$20 million over the next five years. Sorry to be long-winded, but I just wanted to explain the details of the program to you.

Mr. D'Autremont: — Well thank you very much. You answered one of the questions I had written down here — was this going to be strictly for Aboriginal or was it going to be for other minorities as well? And I'm glad you answered that because that is very important. And certainly the Aboriginal community needs support and encouragement to participate in the educational opportunities that are available in our province, but others also need support along that line as well.

Hon. Ms. Atkinson: — If I might, Mr. D'Autremont. Certainly, the internship programs, we believe that the skills will be transferable to other places. But obviously we want young people to get a sense of our Crowns and when jobs become available, to obviously apply.

Mr. D'Autremont: — Well that's another one of the questions that I had was, in the training that you are providing, my concern is that you could provide training that does indeed lock those individuals into operating solely within the Crown corporations. Because you can take training . . . And I'll use as an example the electrical. You can get restricted journeyman electrician that only allows you to be an electrician for that corporation. And that means that that skill, while you still have the skill, you don't have the certification for it to be portable.

So as the training is being done, will people have the availability to have that skill as portable; that if they go through, say, electrical training — but it could be any of the other trades as well — they take the training, they take the proper educational steps, they get the certification, will they receive a general certification as a journeyman electrician, in my example, that is usable no matter where they're at? Or will they be restricted to solely that corporation or the Crown corporations?

Hon. Ms. Atkinson: — Now my understanding, and certainly this is the work that we've been doing in post-secondary for some time, is that we need to have people who have skills and education that is trainable . . . or that is portable and transferable, and that we do not believe that any of the internship programs or co-op programs that we're engaging in will limit a person to sticking at the Crown corporation for the next 35 years. That's not our intention.

I think it's fair to say that our young people have certainly said to us that they want to be given an opportunity to get some experience. And that's what we're looking at, providing young people with an internship program that gives them experience that then they can take elsewhere, if they're interested in pursuing jobs elsewhere.

Mr. D'Autremont: — Okay, thank you. The second part is the assistance to post-secondary institutions. What kind of assistance are you looking at in that area? Is it the bursaries that you have mentioned? Is it some other form of scholarship? What kind of assistance is provided, and how broad of a range will that assistance encompass?

Mr. Ash: — Thank you. What we're looking at right now is various partnership agreements with the University of Regina and the University of Saskatchewan and also SIAST. And SIAST has set up a consortium of regional colleges, and they're looking at the trades and technology area for us.

We're looking at a variety of things. I mean the announcement made last week was around bursaries and scholarships. But we're also looking at undergrad leadership development programs; we're looking at setting up leadership excellence centres, those types of things. Because what we've got is a situation where as people retire, we need to move people in the corporations, up in the corporations fairly quickly. So in terms of succession planning, there's going to be a variety of different programs that we'll be setting up with these post-secondary education institutions.

The educational institutions at this point are working on those proposals as, sort of as we speak. So as we roll out — this year is the first year of the five-year program — we're building a new foundation of the partnerships with the post-secondary education institutions.

Mr. D'Autremont: — In providing this assistance to students, what kind of criteria will the student have to meet? What kind of qualifications will they have to have to get access to these assistances?

Mr. Ash: — The program that was announced last week, the scholarship program, was . . . some of the criteria that was developed jointly with the university and the Crown corporations was Saskatchewan residents . . . being a Saskatchewan resident for at least a year; a grade point average of 60 per cent and above; that they're in a general management-type program, maths and sciences, those types of things. So there's definite, set criteria for the bursary and scholarship program that was announced last week.

Mr. D'Autremont: — Who will be making the determination as to who meets those qualifications? Will it be the institution itself where the training will be at, will it be the Crown corporations or some other agency?

Mr. Ash: — The ultimate decision will be made by the training institution. In the case of the scholarships, we're working out a joint selection process with the Crown corporations and the university, the University of Regina.

Hon. Ms. Atkinson: — We're working out a protocol for how we go about choosing who receives the scholarship or the bursaries, and it . . . the CIC, and the University of Regina, and the First Nations University of Canada will be involved in that endeavour. But if you're asking whether or not CIC is going to be choosing who gets the scholarships in isolation, the answer is no.

Mr. D'Autremont: — My colleague was talking to me as you said the last sentence, so perhaps you've answered my question before I ask it.

What role will the Crown corporation play on the selection committee? Will they have a single individual on there, on a committee of five or six or however large the committee might be? I'm wondering what influence will the Crown corporation have on the selection process?

Mr. Ash: — They'll be part of a committee. They will be a single member of, say, a four-person committee. They won't have veto power.

Mr. D'Autremont: — Okay. Thank you, Madam Minister, and officials. That's our questions on this particular Bill.

Hon. Ms. Atkinson: — ... Mr. Chair, I've just been told by Mr. Kosloski that there's a seven-member committee, and we will have two members out of a seven-member committee. So we will not be in any position to override the committee.

The Chair: — Clause 1, short title. Is clause 1 agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

The Chair: — Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 35, An Act to amend The Crown Corporations Act, 1993 and to make consequential amendments to other Acts.

Would a member please move the committee report that the Bill without amendment?

Mr. McCall: — I so move, Mr. Chair.

The Chair: — Moved by Mr. McCall. Is that agreed? Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried.

The committee agreed to report the Bill.

The Chair: — The next item before the committee is consideration of Bill No. 60, The Public Service Amendment Act. We'll take a brief pause while the minister brings in new officials.

Bill No. 60 — The Public Service Amendment Act, 2004

The Deputy Chair: — We'll call the committee to order, and I recognize the minister and her officials. I will invite the minister to make her introductions. We're going to be doing Bill No. 60, An Act to amend The Public Service Act, 1998. I recognize the minister.

Hon. Ms. Atkinson: — Thank you. To my immediate right is Wynne Young, the Chair of the Public Service Commission. And to my left is Rick McKillop, who is the executive director of employee relations with the Public Service Commission.

Clause 1

The Deputy Chair: — The clause before the committee is clause 1, short title:

This Act may be cited as *The Public Service Amendment Act, 2004*.

Is the committee ready for the question? I recognize Mike Chisholm.

Mr. Chisholm: — Thank you. And firstly, Madam Minister, I'd like to thank you for arranging the briefing I had with your people. I appreciated it and it's going to shorten up my questions considerably, and I apologize if I ask some of the questions that you've already answered because I'm just looking for a little more clarification.

The first part of this Bill has to do with designating authority in certain instances. And I guess my question is, when a permanent head designates authority, who is ... is the permanent head still ultimately responsible for the actions of the designate, or is that person giving up responsibility as well as ...

Mr. McKillop: — The permanent head would continue to be ultimately accountable, but the capacity to carry out the suspension would be delegated to a subordinate in the organization who could then legally carry it out. But ultimately the responsibility would follow the chain of command within the organization, and the permanent head along with the official who actually exercised the authority would share accountability.

Mr. Chisholm: — I guess my concern was that, especially when we're talking about kind of negative-type issues here, where we're suspending someone, if it ... hopefully it wasn't a way out for the permanent head to be able to step aside and say, except for this part, I'm the permanent head, but I don't look after this part of this.

Mr. McKillop: — It wouldn't allow them to step aside from the authority which is taking the action.

Mr. Chisholm: — That's really all I have on that whole first section on the ... We're basically dealing with just three sections here, as I see it.

The second section on section 31 — I guess I'd like an explanation again of why item (1)(b) is required, and kind of how it got omitted, and just a little bit of that history, so if you would.

Mr. McKillop: — In 1998 when we made the amendments to The Public Service Act for the first time I think in 50 years, the authority that had existed in the Lieutenant Governor in Council to both transfer positions to the unclassified service and to exclude positions from the operation of the Act and to make

regulations with respect to how positions or classes of positions who were so transferred would be treated — part of that authority with respect to making regulations was inadvertently omitted, specifically as it related to those positions excluded from the application of the Act.

When in recent months there was consideration being given to amend some regulations related to a group of positions excluded from the application of the Act and we sought out the legislative authority to make those regulations and to amend those regulations, it came to our attention that that authority had inadvertently been omitted in the 1998 amendments, and we therefore brought this amendment forward to re-establish that authority.

Mr. Chisholm: — I guess that was another question was, did inadvertently during the period where this clause was left out, was in fact . . . was it happening what happened before that was allowed by regulations? Like you said you caught it when you were looking at amending.

Mr. McKillop: — There was really only one group of employees that is excluded from the application of the Act, and those are ministerial assistants. Sometime prior to 1998 The Ministerial Assistant Employment Regulations were passed when the authority to make those regulations did exist. And then when we went to make an amendment to those regulations, we realized that the authority had been deleted in 1998.

Mr. Chisholm: — Thank you. I guess the third part of this Bill deals with the, as I understand it, the public service employee who wishes to run for the legislature, subsequently is elected and then on . . . is not re-elected, for example. Or I guess maybe you could just explain that to me exactly. We're picking out one section of people here and treating them either differently or the same as everybody else. So I guess that's what I want to clarify.

Mr. McKillop: — Currently under the provisions of the Act, when a public service employee seeks election to the Legislative Assembly and is successful in being elected to the Legislative Assembly, they are deemed to have resigned their position in the public service in accordance with section 33 of The Public Service Act. That is currently different treatment than is applicable to all other employees in the province who are covered . . . their provisions in this case would be set out in The Labour Standards Act, where their employers are required to give them leave of absence, reasonable leave of absence to serve as members of the Legislative Assembly.

And what this amendment is doing is repealing those specific provisions that relate to employees of the public service elected to the Legislative Assembly, therefore allowing the provisions of The Labour Standards Act to apply to employees of the public service upon election in the same way that they apply to all other employees, other employers in the province.

Mr. Chisholm: — How would this affect someone, a public service employee who decided to run federally and was successful and went through the whole thing? Would it apply? Like it doesn't . . .

Mr. McKillop: — Currently we administer federal, if you are elected to federal office, in accordance with The Labour

Standards Act.

Mr. Chisholm: — All right. Now I guess when I look at a practical situation where someone, let's say, a public service employee decides to run, serves one term, comes out, they're guaranteed their job, a job with public service if they took the leave?

Mr. McKillop: — They've been granted leave under The Labour Standards Act and they either choose not to run again or are defeated in some subsequent election, and they want to return to the employer, the employer is required to return them to their employ without loss of privilege.

The Chair: — I recognize Mr. D'Autremont.

Mr. D'Autremont: — Will this change, or what are the regulations under The Labour Standards Act or any other Act of the legislature regarding a member of Executive Council, who may or may not have been an employee of the public service previously, in returning to the public service after having been a member of Executive Council.

Hon. Ms. Atkinson: — Are you talking about — just for clarification — are you talking about someone who is a member of the public service who goes to work in the deputy minister's office to the Premier? So can you explain that a little further, please?

Mr. D'Autremont: — Someone who came from the civil service is elected, serves on Executive Council, and what is the standard, what is allowed under regulations for them to return to the public service?

Mr. McKillop: — They served as a cabinet minister. Is that basically the question? They would have the same protection as any other member so that at the end of their tenure in the Legislative Assembly, they would have the right to be returned to employment in accordance with the provisions of The Labour Standards Act.

Mr. D'Autremont: — Is there not — and I'm not sure of the piece of legislation, whether it's legislation or regulation, perhaps an Executive Council Act — that a member of Executive Council is not allowed to be employed by government or a government agency for a period of one year after they cease to be a member of Executive Council?

Mr. McKillop: — In our Act that provides for that time limit.

Hon. Ms. Atkinson: — Just for the purposes of the committee, Darcy McGovern, who's with the Department of Justice, is going to explain the members conflict of interest legislation and how it relates to this Act.

Mr. McGovern: — Thank you, Mr. Chairman. To the member, I believe the member is referring to the members conflict of interest Act and as he's suggested there is a one-year period after which a cabinet minister has finished serving during which they have certain restrictions on their employment. As I recall the operation of that legislation, the way that works is that where you have . . . where you return from employment with the Crown that that one-year hoist doesn't apply.

And the reason for that or the rationale behind that is essentially that, unlike a contract with the Crown where there may not be as clear disclosure, employment within the public service, of course the salary of any public servant and how they're employed and if there's standards of employment are fully disclosable and open to the public. So that's the rationale why that one-year rule doesn't apply with respect to the public service. Thank you, Mr. Chair.

Mr. D'Autremont: — Okay, thank you. I was wondering if there was a conflict between the two pieces of legislation and that's why I asked the question, because I wasn't familiar if there was or wasn't.

That's all I have.

The Deputy Chair: — Is the committee ready for the question? Is clause 2 agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Clause 3 agreed?

Some Hon. Members: — Agreed.

The Deputy Chair: — Sorry. We're going to go back to clause 1. Apparently we didn't agree on it to begin with. So we'll start with that. Clause 1 agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 8 inclusive agreed to.

The Deputy Chair: — Bill No. 60 of 2004, An Act to amend The Public Service Act, 1998. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act to amend The Public Service Act, 1998.

I would invite a member of the committee to move the Bill without amendment. Mr. Iwanchuk?

Some Hon. Members: — Agreed.

The committee agreed to report the Bill.

The Deputy Chair: — That concludes our deliberation on this Bill. I'd like to thank the minister and her officials. That wasn't an arduous task. It went quite quickly and I appreciate your attendance here today.

Hon. Ms. Atkinson: — I would like to thank the officials that attended here today, and also the previous officials that attended on the Crown Investment Corporation Bill.

The Deputy Chair: — The next item of business before the committee will be Bill No. 61, An Act to amend The Legislative Assembly and Executive Council Act and to make a related amendment. And we'll take just a momentary break while we change officials.

Bill No. 27 — The Political Contributions Tax Credit Amendment Act, 2004

The Chair: — Order. The next item is consideration of Bill No. 27, The Political Contributions Tax Credit Amendment Act, and I recognize the minister to introduce his officials.

Hon. Mr. Van Mulligen: — Thank you, Mr. Chair. Seated beside me on my right is Darcy McGovern. He's with the legislative services branch of Saskatchewan Justice. Seated on my left is Arun Srinivas. Arun is a senior analyst with the taxation policy branch at the Department of Finance.

Clause 1

The Chair: — Clause 1, short title. I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you, Mr. Minister, and your officials. One of the issues of concern on this particular Bill that has been raised with the official opposition was the impact it would have on corporations who may wish to make political donations. I'm wondering if the minister is familiar with the concerns raised with the . . . corporations have different fiscal years than the calendar years, and if you have made any moves to correct any problems there.

Hon. Mr. Van Mulligen: — Mr. Chair, I can advise the members that we are going to propose two House amendments, or would ask the committee to propose two House amendments.

In its review of the proposed amendments to the Act, that is The Political Contributions Tax Credit Act, the Canada Revenue Agency has now noted that the proposed wording did not adequately address corporations that do not necessarily use calendar years as their taxation years, and therefore does not parallel the determination of the federal tax credit.

And the proposed House amendments to the Bill are intended to correct the wording of the Bill to ensure that the determination of the provincial tax credit matches the determination of the federal tax credit in respect of political contributions made by corporations.

The tax credit will be determined based on the contributions that have been made during the taxpayer's taxation year, with a new formula applying for taxation years ending after December 31, 2003.

Mr. D'Autremont: — Okay, thank you. Another area of concern that has been raised with us is partnerships — corporations such as accounting firms, law firms, perhaps medical partnerships — how the allocation of those tax credits can be allocated between the partners. Have you looked at that situation to ensure that the tax credit can be distributed properly between the partners in a corporation?

Hon. Mr. Van Mulligen: — Mr. Chair, we're not positive on this. But as we understand it, if a partnership were to make a contribution, then the partnership should clearly indicate to what extent the contribution should be credited to any of the partners in question.

Mr. D'Autremont: — How would the partnership, a partner, indicate on the donation, and how would it be officially transferred — that information — transferred to the Chief Electoral Office or whomever is doing the allocation to the Finance department, perhaps the allocation of the tax credit? How do they formally indicate on any contribution as to the manner of the distribution of the tax credit?

Hon. Mr. Van Mulligen: — Mr. Chair, the legislation that we have, the Act pertains particularly to individuals and corporations, does not pertain to corporations per se. There are no specific provisions for corporations as we interpret at this point.

If a partnership — individuals in a partnership — want to make a contribution, then they would have to fill out the requisite tax receipts or receipts as required for each of the individuals so that the proper allocation can be made in terms of tax credit.

The amendments before us do not deal with the question of partnership. They deal with other aspects to make the Bill to ensure that it's in sync with federal changes to their Act. The question of partnerships has not been raised with us as an issue, but is something that we'd certainly be prepared to take a look at in the future.

Mr. D'Autremont: — Thank you. I know it was raised with one of my colleagues, so I'm not 100 per cent familiar with it either. But it was . . . Some of the accountants that were dealing with a partnership firm were concerned as to the allocation of the tax credits with the partners. So I'm pleased to hear the minister say that if the issue can be clarified and explained, that he's prepared to take another look at that and make any changes that may be necessary. Is that correct?

Hon. Mr. Van Mulligen: — Again, Mr. Chairman, it's not an issue that's been raised with us as a matter of concern. I'm interested to hear that it has been raised with a member of the legislature. And we'd certainly be prepared to take a look at that recognizing that, whatever we do, we want to ensure that the tax treatment provisions we have complement and are similar to what is taking place in Ottawa.

Mr. D'Autremont: — Yes, I'm not familiar whether or not . . . what the differences might be between the federal legislation and our own as how it affects partnerships. But this particular accountant, dealing with the partnership firm, felt that there was a difficulty there. And I'm not 100 per cent certain exactly how the difficulty worked, but that there was a problem there that might need some clarification.

Hon. Mr. Van Mulligen: — We've noted the issue, Mr. Chair. We thank the member for raising the issue, and we will certainly undertake to review this matter. And if it's appropriate, we would certainly come back with further amendments to the Act.

At the end of the day we want to ensure that the Act does as it's intended to do and that is to encourage the contributions by not only individuals but also corporations, no matter how those corporations might be structured. And that's our intent, so we'll make note of it, and we'll deal with it at some future time.

Mr. D'Autremont: — Thank you, Mr. Minister. On the two amendments that you will be proposing, can you give some sort of an explanation as to what impact this change will have between changing the dates by one day, making it one day previous to what it was, January 1 to December 31, how that has an impact.

Hon. Mr. Van Mulligen: — This gets very technical, and I'm going to let Mr. Srinivas take an opportunity to explain this to us.

Mr. Srinivas: — The original wording of the Bill referred to the eligible contributions being made either before or after January 1, 2004. And because for corporations their taxation year might straddle that date, it may end . . . the taxation year may include that date. The revised wording refers not to when the contribution was made — either before or after that date — but refers to contributions that are made within the taxpayer's taxation year, which may end before or after that date.

Mr. D'Autremont: — Okay. Okay, now that helps to explain it that . . . we were wondering, the people have already applied for their 2003 tax contributions, have made their donations and received their tax credits based on, as individuals, their tax applications April 31 . . . or April 30, yes, April 30, and wondering if this was somehow going back. But it's for corporations who have a tax year who may extend back prior to December 31, 2003. Okay, that explains it. Thank you.

The Chair: — Clause 1 short title. Is clause 1 agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 and 3 inclusive agreed to.

Clause 4

The Chair: — Clause 4? I recognize Mr. Iwanchuk.

Mr. Iwanchuk: — I'd like to move an amendment to clause 4.

Clause 4 of the printed Bill

Strike out Clause 4 of the printed Bill and substitute the following:

“Section 5 amended

4 Subsection 5(1) is repealed and the following substituted:

“(1) In this section, “total” means the total of the eligible contributions made by a taxpayer, and for which the taxpayer has a valid tax receipt, in a taxation year ending on or before December 31, 2003”.

I so move.

The Chair: — There's been an amendment to clause 4 proposed. Will the members take it as read?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Is the amendment on clause 4, is that agreed?

Some Hon. Members: — Agreed.

Amendment agreed to.

The Chair: — Is clause 4 as amendment . . . pardon me, is clause 4 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried.

Clause 4 as amended agreed to.

Clause 5

The Chair: — Clause 5. I recognize Mr. Iwanchuk.

Mr. Iwanchuk: — I move:

That clause 5 of the printed Bill

Amend section 5.1 of *The Political Contributions Tax Credit Act*, as being enacted by Clause 5 of the printed Bill, by striking out subsection (1) and substituting the following:

“(1) In the section, ‘total’ means the total of the eligible contributions made by a taxpayer, and for which the taxpayer has a valid tax receipt, in a taxation year ending December 31, 2003.”

I so move.

The Chair: — We have amendment on clause 5. Will the members take it as read?

Some Hon. Members: — Agreed.

The Chair: — That's carried. Is the amendment agreed?

Some Hon. Members: — Agreed.

Amendment agreed to.

The Chair: — That's carried. Clause 5 as amended, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried.

Clause 5 as amended agreed to.

Clause 6 agreed to.

The Chair: — Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: Bill No. 27, An Act to amend The Political

Contributions Tax Credit Act.

And I would ask the member to move that the committee report the Bill with amendment.

Mr. McCall: — So moved.

The Chair: — Moved by Mr. McCall. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried.

The committee agreed to report the Bill as amended.

Bill No. 61 — The Legislative Assembly and Executive Council Amendment Act, 2004

The Chair: — The next item before the committee is consideration of Bill No. 61, The Legislative Assembly and Executive Council Amendment Act, 2004. And does the minister have any additional officials?

Hon. Mr. Van Mulligen: — No, Mr. Chair, Mr. McGovern is still here to assist me.

Clause 1

The Chair: — Thank you. Clause 1, short title. I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you, Mr. Chairman. Mr. Minister, Mr. McGovern, welcome again. This particular Bill, we're concerned about the changes being made to the time frame in which to call a by-election.

Currently the legislation states that a by-election shall be called within six months of a seat becoming vacant, and that came into place in 1991. We happen to believe . . . That came in under the former NDP government of which the minister was a member, although not in cabinet at that particular point in time.

We happen to believe that that change to the electoral Act was appropriate and important to ensure that the people in each constituency had an opportunity to have representation in the House whenever the Assembly was . . . especially when it was sitting; but even outside of sitting times, that they had representation that could speak on their behalf on the issues of the day.

This change changes that. It goes from a minimum of six months without a representation to a potential two years without representation, if a government was to go for the full term of their mandate.

Now I know that the Premier has stated that he has no intentions of going for the full mandate, but I suspect that every premier across the country in the past, every prime minister in Ottawa in the past has never stated, when asked at some point during their mandate, whether they intended on going to the full term of their mandate, even though at times they may have done so.

The change, Mr. Minister, seems to remove some of the democratic process available to the people to be represented and to have a voice in their legislature. And it seems to me to be a step backwards on democracy rather than a step forward. I know that the minister in all likelihood supported the previous legislation when it was brought forward by the Premier Roy Romanow.

I'm wondering why the minister believes it is important now to leave the opportunity for the government to not call a by-election when two years is the possible total term of that. It's not that they, the government does not, cannot call a by-election after 36 months into their term, but rather it's left up to the discretion of the Premier whether or not he calls a by-election later than 36 months into the term. I wonder if the minister can explain the rationale for the change, and whether or not this change is related to a seat being vacant prior to the 36 months.

Hon. Mr. Van Mulligen: — Well I'm not sure I understand the last question of a seat being vacant prior to the 36 months because none of that would be affected by anything in this Bill.

I can say the following, Mr. Chair. One of the first pieces of legislation of the government in 1991 following the election of the New Democratic Party government was an amendment to The Legislative Assembly and Executive Council Act, to ensure that by-elections should be called within six months of a vacancy occurring. We were very concerned with the practice of the previous government of not calling by-elections in a timely fashion. And as a result, some constituencies went unrepresented for a very long period of time.

There is another practice of that government that also concerned us. And that was in one instance, I believe, taking four and a half years to call an election. Although that's not, that, by itself, is not an issue. But then the following term went a full five years.

In Saskatchewan the public may know that the pattern is usually for a government to call an election four years after being elected. Now in some instances, that might be three and a half years.

I remember in 1978 — I believe it was — Premier Blakeney called the election at three-and-a-half year point because he was concerned that the election, if called at the four-year term, would conflict with a potential federal election in 1979. And I believe there was then a federal election. Yes, there was a federal election in 1979, so Mr. Blakeney decided to call the election earlier. There have been other instances where the election has been four and a half years, but the general pattern is four years, and that changed somewhat in 1980.

So when we were elected, one of the first pieces of legislation then was to put a constraint on governments and to ensure that if there were vacancies that those vacancies should be filled within six months.

And I believe that has worked well with some exceptions. And the exceptions are where the government is required to call a by-election, and then we have a general election that follows shortly after the by-election.

And that has happened, and the government has been criticized. The government has been criticized by people on the doorsteps who are participating in a general election and they say, why are we having another election shortly after you've had a by-election, and isn't this a waste of money? And we find that, to our amazement, that in fact they're encouraged to express these comments after receiving visits from members of the opposition.

They say, well that's the government's fault. Well it may well be the government's fault, but we are encouraged then to think that perhaps there should be some solution found so that we do not run into that situation as often as we have or as often as we might in the future without knowing anything about any changes whatsoever.

But we think that some solution to that should be found, and therefore we think then there should be some relaxation of the requirements that governments must — shall — call a by-election within six months of a vacancy, if we think that vacancy and that by-election then might end up being called in close proximity to a general election. And hence the Bill before you.

The Bill before you tends to deal I think in some respects with an election that might be called, sort of, not three and a half years, but three and a half years plus a couple of months — so three years, eight months. But we're open to suggestions as to what might be a more reasonable time frame.

Perhaps it's not really necessary to devise a Bill that contemplates if there is an election or a by-election that is necessary because a member has resigned or there is a vacancy for some other reason, and to contemplate there not being a by-election in close proximity in time to a general election that might be called after the three-and-a-half-year point. Perhaps it's more reasonable to think in terms of a four-year time frame, and therefore an amendment to the effect that the government need not be constrained by the six-month rule after 40 months, as opposed to 36 months. I don't think that's unreasonable, because again we think the normal period of time for an election should be four years.

This was a concern that was raised when the legislation was changed 1991, and we did not at that point anticipate the need for an amendment. But I would say that in 1991, at least one member of the House made the comment, and I quote:

A general Bill legislating by-elections is important, but certain restrictions must be implemented. This side of the House recognizes the unnecessary costs and inconvenience that will be incurred by the people of Saskatchewan if a by-election was to be held in the last months of a government's mandate.

And I guess upon experience, we now agree with that sentiment and therefore have put this amendment forward. Again the amendment, or the Bill before you more or less anticipates that a government might be in a position of calling a general election in three and a half months — maybe a little bit more than that — but that the government should have the flexibility then of not calling a by-election, or being constrained by the legislation and being required to call the by-election and having

such a by-election being called for within a few months of the government's mandate.

And so again we'd certainly be open to any amendment that would mean that the government would continue to be constrained and required to call a by-election within six months, if the target were to respect the tradition in Saskatchewan that a government's mandate lasts approximately four years. And we think that 40 months would not be an unreasonable time frame.

But that's a long-winded response to the member's question and . . . But we are certainly responding I think now — some, what, 13 years later — to what was then a very, I think, valid concern and well expressed in the Legislative Assembly, about the unnecessary cost and inconvenience that will be incurred by the people of Saskatchewan if a by-election was to be held in the last months of a government's mandate. And that is a message that we have heard, and we propose that we should not hear it again.

Mr. D'Autremont: — Thank you, Mr. Minister. We'll I'm sure that the member who said that agrees with the statement that was made at the time and, in fact, still agrees with that statement — because that particular statement was made by myself in 1991. And the last months of a government's mandate is when it reaches the five-year point. That's the mandate of a government in Saskatchewan and the legislatures across Canada, is five years.

So in the dying days of a government's mandate as it approaches the five-year mark, certainly it would be inappropriate to have a by-election. And that's why the legislation in 1991 had the six months provision in there, that if a election was called, then there was no need for the by-election; a general election was called during that six-month period which would have run up to the end of the mandate, there was no need for a by-election to be called.

So the minister's actually, in my opinion, arguing that some of the arguments that were put forward in 1991 are no longer valid, that it is acceptable for a government to leave a seat vacant up to 24 months.

And now I know that the Premier, in his arguments said, oh well, I will never do that. But premiers and prime ministers have changed their minds and have allowed governments to run for a long period of time. In fact as . . . I remember back in the late 1970s when Pierre Trudeau ran up to almost a five-year period. And there was a great deal of discussion in the public media across the country whether or not he would actually ever call an election. And so it happens with various premiers and prime ministers from time to time when they find themselves in difficulty.

This particular original legislation took that gamesmanship out of the hands of the premier of the day and put him in the position of calling a election within six months, a by-election within six months of a seat becoming vacant.

You know, in my own case, in the case of Souris-Cannington, which I ran for and subsequently won in 1991, that seat had been vacant for 16 months. And I know that the commentary at the time — by the members of the government, the New

Democratic Party — stated that that was way too long to allow a seat to remain vacant.

Yet this proposed legislation — where a by-election would not be necessary after the first 36 months of a session of a legislature — means that, in 1999, a seat could have been vacant for a total of 15 months had the seat become vacant three months and a day after the original, the first election. In 2003, it meant that the seat could have been vacant for 14 months.

And the Premier would argue that those elections were called near the four-year mark. Well one of them was 51 months from the original election and the other was 50 months. So you're leaving an opportunity there for a extended period of time without any representation from that constituency.

You have the potential of at least one session in that 15 or 14 months not even going to the full-mandate time. Or you, depending on when the vacancy occurred, you could be going in through two sessions and still be within the Premier's about four-years term.

And I think that's just not acceptable, Mr. Minister, that a seat should be vacant for one whole session or even potentially two whole sessions, even being close to the four-year date. And you could potentially be going to three sessions if you ran the entire mandate out to the five years. And I think that's a . . . the public of Saskatchewan would not find that to be an acceptable time frame to have a seat vacant.

Hon. Mr. Van Mulligen: — And I guess we can reasonably expect that if we do not change the legislation and if in four years from the last election, less one month, we have a by-election and that is followed within a month by a general election four years after the last election, that we would have no criticism whatsoever from the opposition about that and none of them would be raising concerns about the inconvenience and unnecessary costs being incurred by the people in that particular constituency.

And I guess that's the issue that we have, is that we have been criticized for unnecessary cost and inconvenience, and therefore we desire to make a change and so that we do not . . . or that we limit the potential for by-elections being held in the last months of a government's mandate.

We think of our mandates in roughly four years, unlike previous governments, and I can appreciate the member's concern that the party that he is with, or was with tended to view mandates as five-year terms. We do not take that point of view and therefore we put forward the amendment that . . . The amendment that's before you in the Bill suggests that the government's mandate might be three years, eight months.

But we're perfectly prepared to look at an amendment to the Bill that would require the government to continue to respect the fact that a by-election must be called before 40 months of the government's term. At this point it's stated as 36 months. But we'd certainly be prepared to relax that and to look at 40 months.

Mr. D'Autremont: — Thank you, Mr. Minister. Well you state that there is no need to have the six-month provision after three

years because you could run into a situation where you'd have an election in month one for a by-election and then next month, you could have a general election.

Well that decision is made only by one person. That decision is made by the Premier. The Premier could have called a by-election earlier if he had gone for the entire six-month possibility that the legislation currently envisions. He could have called the by-election say at the maximum of six months from the time the seat became vacant, and then sometime within that six-month period he could call the general election. It's strictly up to the Premier. No one else makes that determination, other than the Premier.

And so you have the potential of not having a by-election really between the 36-month period and the 48-month period, minus a day or two, if the Premier wants to call a general election.

But it's when the Premier decides to postpone the general election beyond that four-year date that you now come into the potential of having a by-election shortly . . . a general election shortly after a by-election. But that's the Premier's choice. He makes that decision. He makes that choice. And then therefore any costs associated with repeating the election within that particular district is again the choice of the Premier because he had the ability to have called the general election prior to the by-election occurring.

Hon. Mr. Van Mulligen: — Now if the member is saying now that the six months is something that should be questioned, I would just point out that the six months is something that's common to . . . or not common, but those jurisdictions that do have some requirement in terms of the calling of by-elections, six months is, if not the rule, is fairly common.

And the reason they do that is that if there is a sudden loss of a member, then it takes time for the political machinery for both parties or for all parties in those constituencies to gear up for a by-election. There may be other reasons that a by-election would not be appropriate at a certain time. There may be issues such as the harvest; there may be issues such as holidays, Christmas, or vacation times that may make it difficult to call a by-election more immediately than six months. And that is why there is a six-months latitude.

Again we take the position that governments should be going to the election every four years. There may be reasons that one might advance that by some months or delay that by a few months. We are not of a mind — and certainly it's not the tradition of the New Democratic Party or the CCF (Co-operative Commonwealth Federation) before it — in Saskatchewan to last out by our fingernails to a five-year term. That may be the experience of other parties.

And it may benefit other parties to put forward legislation so that political parties are required by law to call an election every four years because then they send a message to the voters that they can be trusted again, should they form government, to call elections in a timely fashion.

But again it's been our experience, and the public will know this, of respecting the democratic process and calling elections in a timely fashion. And we also are obligated by legislation,

and as are other parties, because we don't want to see a repetition of calling by-elections in a timely fashion. That was also the experience of the NDP (New Democratic Party) and the CCF to do that, as I understand it.

And if three years is too early to relax the constraint on government, we'd certainly be prepared to consider a 40-month rule.

The Chair: — I recognize Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chairman. I just wanted to make sure that on the record our position is clear. We have no problem with the six-month window of requirement for a by-election; I think that's an appropriate time. I think the legislation has worked well; it's served its purpose. And people have been able to count on with some certainty the fact that their representation would be back in the legislature if they lost a member for some reason, and that they would have their interests represented at the provincial level within a timely point of consideration.

And I guess as the minister indicated earlier, part of the impetus for this particular piece of legislation, part of the motivation, is to avoid criticism because the government is on the end of the criticism of the public when they call a by-election and then just shortly thereafter end up calling a general election.

But I'd like to remind the minister that unfortunately in this business the government's going to be criticized either way. They'll be criticized for spending money unnecessarily by having a by-election within that six-month, legislated time frame. However if they don't, they're going to be criticized for not spending the money. And I don't think it's a game the government can win. I don't think it's going to be worse one way or the other.

The fact is that people have a right to expect representation in the provincial legislature. They have a right to expect it in a timely manner. And if the money is spent to undertake a by-election, and then a general election is held within three, four, five months thereafter, that's the cost of democracy. And I think that to avoid that criticism by introducing this legislation is just going to evoke the potential of other criticism by the general public.

It's one of the interesting anomalies of this particular piece of legislation that I'm one of the benefactors of the current existing legislation. I'm one of the people in this legislature who got here because a by-election was held in a timely manner in 1999, and I was one of the people who had the privilege of going back to the polls and on the hustings again, I guess, within six weeks. Elected on June 28, and we were back in the middle of an election campaign right in the middle of harvest, a general election campaign in August, and the vote scheduled for mid-September sometime.

And I know it wasn't convenient. I know it was expensive. I know it was troublesome, but I was prepared to do it because that's the way democracy works. It's not always convenient, and it's not always comfortable. And it's not always done on my timetable, our timetable. So I guess, Mr. Minister, you know I understand some of the compulsion that the government feels

to change this legislation, but I want to remind you that in this system — this democratic system — criticism is going to come either way, one way or the other.

I guess the other thing I would like to point out, Mr. Minister, is that if we had a legislated window, a legislated election window of four years, if that was in fact the law of the land, the law of the province, that would make this particular piece of legislation a lot easier for us to accept just on its face. But since we don't have that, what we're being asked to accept on the basis of history and tradition is that elections by the current government will be called more or less within four years.

And as well-intentioned as the current government is, as well-intentioned as the Premier may be . . . the minister himself gave us two examples in the past where the mandate was extended considerably, in one instance about six months and in the second instance almost to the full five-year period. And I'm not casting aspersions here. I believe the current Premier would like to call elections as close to the four-year window as possible. But we've seen that four-year tradition violated at least twice in the recent past, and we have no reason to believe that it won't be violated by some premier of either party or any party in the future.

So unless we get to a four-year mandate of electoral windows, it's going to be violated, I'm sure, by some premier at their convenience in the future. And then we will find us in a situation where an individual constituency could be unrepresented for a long time — as much as 24 months. And I don't think that that's appropriate at all.

So you know we have some difficulties with the legislation because it's based on the current government's credibility, but it doesn't speak to any future government's credibility on this particular matter. And I think that while the minister has shown some interest in possibly amending the legislation that's before us today, I'm not sure that the amendment that he's proposing will be adequate to satisfy our particular concerns with this piece of legislation.

Hon. Mr. Van Mulligen: — Well, Mr. Chair, I appreciate the member's clarification that he and his colleagues do agree that the six-month rule is a reasonable one. I certainly agree with the member that no matter what happens, and I quote the member, the government will be criticized either way.

This is a sense that we often get in government, that no matter what we do, the opposition will criticize us and that the government can do contradictory things and we will be criticized for whatever we do.

And I certainly appreciate the member's comment. He says it's a game the government can't win. And I think for those who watch the proceedings of the legislature, they will understand what the member is saying. That no matter what the government does, the government will be criticized. Which raises the question of what is responsible opposition and whether the opposition should have a clearer direction in its approach to the legislature, but that's another issue for another day.

The member raises the matter of a four-year election rule. We

do not have such a rule in Saskatchewan, and I guess at the end of the day people will have to vote for someone who they can trust to call elections in a timely fashion. The question of a four-year rule is an interesting one, I think, as the subject of a Bill before the legislature and may yet see debate in this Legislative Assembly and reflection by members of the Assembly.

But at this point we do not have such a rule. The legislation before you anticipates an election call, oh, any time after three years, eight months. We'd certainly be prepared to entertain amendments to change the 36-month rule to 40 months, which would then anticipate an election call in 48 months.

I think that if there were a four-year election rule, then the 40-month rule would be a reasonable one. That would mean then that if there were a vacancy at 39 months and three weeks, then the government would still be obliged to call a by-election within six months. And that by-election would then take place two months before the general election. I don't think, you know, that's unreasonable. In the cases where that occurs, yes, it may be a close juxtaposition, but not an unreasonable one. And I think the 40-month rule would be not an unreasonable one.

So I appreciate the member's comments, but we think the members were also right in 1991 when they stated that there may be unnecessary costs and inconvenience that will be incurred by the people of Saskatchewan if a by-election was to be held in the last months of a government's mandate.

The Chair: — Mr. D'Autremont.

Mr. D'Autremont: — Thank you, Mr. Minister. Well I'm glad to see that you have confidence in all future governments, that they will not abuse the circumstances of going beyond a roughly three-and-a-half year to four-month mandate. And as I said, I'm glad to see you have confidence in all future governments, that they will follow along with that. I think that governments from time to time though like to make decisions based on their own advantages, and that's why we have seen the last two elections go beyond 48 months. One has gone three months beyond that, one has gone two months beyond that.

And so while it might be argued they are close to four years, to go another six months could also be argued as being close to four years. I think it still leaves for too long of a time frame in there for a seat to be vacant, at the whim of whichever Premier may be sitting in the chair opposite.

I think though, at this time, we're prepared to start this Bill moving forward.

The Chair: — Clause 1, short title. Is clause 1 agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4

The Chair: — Clause 4? I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you, Mr. Chairman. At this point in time, Mr. Chairman, Mr. Minister, we would like to propose an amendment to this Bill which would change the time in which a by-election would be necessary to call from the proposed 36 months to 48 months. This allows then for the insurance that a seat will not remain vacant through a session in all likelihood . . . that a by-election could be called prior to a session when a seat was vacant or that it would be called shortly after the session if that was the Premier's wish to leave that seat vacant for whatever reason.

And there are sometimes valid reasons that the member has pointed out. We had a case in the House here not that many years ago where there was a valid reason to leave a seat vacant for the remainder of the session at that particular point in time.

We believe that while 48 months is not our preferred choice, that it is better though than the 36-month time frame that the government is proposing. So, Mr. Chairman, I would like to move that we:

Amend section 40.3(2) of *The Legislative Assembly and Executive Council Act*, as being enacted by Clause 4 of the printed Bill by striking out "36 months" and substituting "48 months".

The Chair: — It has been moved by Mr. D'Autremont. Will the members take this as read?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Is the committee ready for the question?

Some Hon. Members: — Question.

The Chair: — Is the amendment agreed? All those in favour say aye.

Some Hon. Members: — Aye.

The Chair: — All those opposed say no.

Some Hon. Members: — No.

The Chair: — I believe the nos have it, on division. The amendment is defeated.

Amendment negated on division.

The Chair: — I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you, Mr. Chairman. While I anticipated perhaps that that would not be as successful as we had hoped, so I have another amendment to propose in place of the one that failed.

And this changes the time in which an election must be called for a by-election, as proposed by the government's legislation from 36 months to 44 months. It again, as I said in the previous

one, is certainly not our preferred choice. It does take it up there to the four-year mandate that the government has been talking about.

Therefore I would move that we:

Amend subsection 40.3(2) of *The Legislative Assembly Executive Council Act*, as being enacted by Clause 4 of the printed Bill by striking out "36 months" and substituting "44 months".

The Chair: — Proposed amendment by Mr. D'Autremont, will members take it as read?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Is the committee ready for the question?

Some Hon. Members: — Question.

The Chair: — Is the amendment agreed? All those in favour say aye.

Some Hon. Members: — Aye.

The Chair: — All those opposed say no.

Some Hon. Members: — No.

The Chair: — I believe the nos have it, on division.

Amendment negated on division.

The Chair: — Okay, the question is clause 4. Is clause 4 agreed? Okay, all those in favour say aye.

Some Hon. Members: — Aye.

The Chair: — All those opposed say no.

Some Hon. Members: — No.

The Chair: — I believe the ayes have it, on division.

Clause 4 agreed to on division.

Clauses 5 to 7 inclusive agreed to.

The Chair: — And coming into force, clause 8, is that agreed? Okay, all those in favour say aye.

Some Hon. Members: — Aye.

The Chair: — All those opposed say no.

Some Hon. Members: — No.

The Chair: — I believe the ayes have it, on division.

Clause 8 agreed to on division.

The Chair: — Therefore Her Majesty by and with the advice

and consent of the Legislative Assembly enacts as follows: Bill No. 61, An Act to Amend the Legislative Assembly and Executive Council Act, and to make a related agreement. The committee adjourned at 18:01.

Is that agreed? All those in favour say aye.

Some Hon. Members: — Aye.

The Chair: — All those opposed say no.

Some Hon. Members: — No.

The Chair: — I believe the ayes have it on division. And I would ask the member to move that the committee report the Bill without amendment.

Mr. D'Autremont: — I so move.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried.

The committee agreed to report the Bill.

The Chair: — I would like to thank the minister and his official for the succinct questions and the pithy, short answers, and would appreciate . . . Thank you for being here.

And I would let the members know that this concludes the legislative business before the committee, and that when this adjourns we will be completed our business likely until this fall when we're doing annual reports. So thank you very much, members. And I recognize Mr. D'Autremont.

Mr. D'Autremont: — Thank you, Mr. Chairman. I'd like to thank the minister and his official for being here today and providing those pithy answers.

The Chair: — I recognize the minister.

Hon. Mr. Van Mulligen: — Well, Mr. Chair, that's the first time I've ever been accused of providing those kinds of answers. But having said that, I want to thank the members for their interest and their contribution to this debate. I suspect that this debate is not concluded and will carry on in some other venue. But it was very interesting, and I do appreciate the member's contribution. And I also want to thank Mr. McGovern for being with us here today. Thank you very much, Mr. Chair.

The Chair: — Thank you very much for again the pithy answer. This concludes the work before the committee, and I will entertain a motion to adjourn.

Hon. Mr. Sonntag: — I so move.

The Chair: — Moved by Mr. Sonntag. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried.

