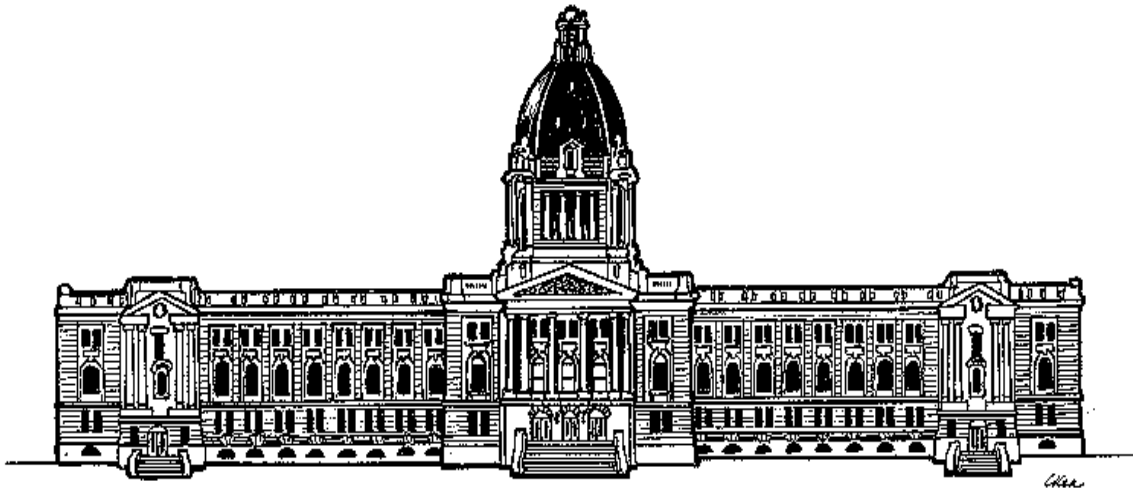




STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Mr. Trent Wotherspoon
Regina Rosemont

[The committee met at 15:30.]

**General Revenue Fund
First Nations and Métis Relations
Vote 25**

Subvote (FN01)

The Chair: — Good afternoon, ladies and gentlemen. Seeing we have quorum, we will start the meeting. And I'd ask the minister to introduce her officials and her opening remarks. And I would ask all her officials, when they get up to the microphone, to please say your name to allow Hansard to better record what is happening. So, Minister Draude.

Hon. Ms. Draude: — Thank you, Mr. Chair. I'm very pleased today to have with me Ron Crowe, the acting deputy minister; John Reid, acting assistant deputy minister; Kerry Gray, acting director of finance and corporate services. I also have Richard Turkheim, executive director of northern resource and industry development; Anita Jones, executive director of northern economic programs and policies; James Froh, the director of consultation; Trisha Delormier-Hill, executive director of lands and resources; Giselle Marcotte, acting executive director of Aboriginal policy and operations; Jennifer Brass, executive assistant to the deputy minister; and Mark La Rocque, acting director of strategic planning and policy.

I made opening remarks the last time I had an opportunity to have estimates, so I think we'll just go to work. Thank you, Mr. Chair.

The Chair: — Thank you. And to start the question, Mr. McCall, are you first?

Mr. McCall: — Thank you, Mr. Chair. And welcome to the minister and her officials. Welcome back.

I guess the place where we wanted to start today was with the whole question of duty to consult, the immediate agenda for the present government. There's a round table coming up on the second week of May. I guess if the minister could, just in a general sense, outline the objectives for the government, what they hope to accomplish at that round table?

Hon. Ms. Draude: — Thank you very much for the questions. I think this is the most important issue that our ministry is dealing with at the moment. We have two weeks to the round table, and we've been spending a lot of time and energy — just about all the officials are — working on the agenda.

Our goal is to develop new policy with respect to consulting and accommodating First Nations and Métis people which will result in successful business and business relationships, and we will begin by engaging First Nations and Métis people, industry, and key stakeholders in finding common ground.

The objectives of the round table: for First Nations, Métis Nations and industry participants to propose definitions, to propose principles, goals, objectives, roles and responsibilities of the parties; methods of implementation, of consultation and accommodation that balance the environment and business. For

First Nations and Métis Nation and industry participants to choose protocols, to propose protocols regarding the government's legal duty to consult and accommodate that'll work for all parties; to foster the development of relationships and reconciliation; to identify matters beyond the legal duty to consult and accommodate; to create confidence for First Nations, Métis and industry. And for the parties to better understand each other by listening, by learning, and by expressing interest in a respectful way.

Mr. McCall: — How does the minister see the round table impacting a question such as that of traditional lands? And how does the minister see duty to consult to plane out in terms of economic development activity taking place on traditional lands, be they deemed as such by Métis or a particular First Nation? How does the minister see traditional lands being accounted for in the go forward for duty to consult?

Hon. Ms. Draude: — One of the issues that we will be dealing with, and it's — I think we said it in number four of our objectives — is to identify matters beyond a legal duty to consult and accommodate.

When we've spoken to First Nations, we know that the first step is the respectful relationship and an understanding of what consultation means. And when we design those guidelines in consultation with First Nations and Métis people, we'll have the authority or the ability then to go forward and talk about areas that are beyond consultation. Traditional land is one of them.

Our Premier has spoken openly about the fact that we should have traditional land mapping in this province. I've spoken to the federal government about it as well. And it's an issue that's important to First Nations and Métis people. And it will be one of the issues that we will deal with as a go-forward step. It's an important issue. And in all the time that I was in opposition, I spoke to First Nations about it, understanding that what was their reserve area was not just the land that they could live on and hunt on and trap and fish. They had traditional lands as well. And that was what the Supreme Court talked about as well.

So we're really looking forward to working with the First Nations and Métis to develop traditional land mapping. And I think it'll be an important part of the consultation and actually being involved in the economy.

Mr. McCall: — Well I guess I'd agree with the minister. But I'm looking for a bit more clarity in terms of how the minister sees traditional lands and . . . Let's say for example there's an economic development possibility on Métis traditional land, say in the northwest region of the province. In terms of how the minister is interpreting duty to consult, do those traditional lands . . . Where does the final say rest in terms of access to those lands? Does it rest with the province? Does it rest with the affected — in this case in this example — Métis group in terms of allowing access to those lands? Where does that final authority rest, in the minister's view?

Hon. Ms. Draude: — Thank you to the member. This area is one of the most important ones that we've dealt with. And I know that I spoke to the previous member the last time we had

an opportunity to do estimates — when I was on the other side of the House — and talk about traditional lands at that time.

We know that under the NRTA [Natural Resources Transfer Agreement] that the province has the responsibility to deal with the Crown lands. We also have the permitting issue. That's one of the issues that we're talking about as well in the consultation table, is to determine when a company comes into an area and decides that they want to do some work, they have an opportunity to have the surface leasing and the subsurface leasing. And we have to identify these traditional lands.

And we believe that although the First Nations don't have . . . Consultation does not mean a veto. At the same time, when we consult with them, we believe that we can arrive at an area where there can be a voice in who's working with the resources. And it's not black and white, but that's why we need the consultation table. That's why we need a respectful relationship. And we can deal with the First Nations and Métis people on a case-by-case and permit-by-permit basis.

Mr. McCall: — Through the Chair, the minister has said that consultation does not mean a veto. Could the minister expand on that, please? What does that mean?

Hon. Ms. Draude: — It means a First Nations does not mean that . . . If there can be work done in an area, if there's an industry that wants to do some work in an area, that a First Nations can say . . . or Métis people cannot say this can't go ahead. What it means is we're going to talk about it and see how we can make it work.

That's when you get in the accommodation impact benefit agreements. I know that you would know through the Dene Tha' case and some of the Supreme Court rulings that in some cases it would mean that instead of building a road straight across a traditional burial site or in a hunting area, maybe it would mean that we'd move the road so that they could have access into an area. That's the type of accommodation that people would be looking at.

So it doesn't necessarily mean that a project would be stopped. It would mean it would be done in a way that would lessen any impact, and there would be more of a consensus on how the work should be done between business and First Nations and Métis people.

Mr. McCall: — The minister's raised the concept of duty to consult, and not just to consult but to accommodate. If the minister could expand on what she believes all else falls under the heading of, to accommodate, and again the minister's outline in terms of example of the road, but I was wondering if the minister has other examples as to what she regards as to accommodate.

Hon. Ms. Draude: — First of all, the government does not determine what the accommodation is. The accommodation is determined between industry and the First Nations. And there are many successful examples of accommodations where there is First Nations and Métis people working on a job site, whether it's a service contract, it's an opportunity to supply water, to bring equipment in . . . I even have some actual benefits from some of the resources. That's done between the First Nations

and Métis and industry. The government does not determine an impact benefit agreement.

Mr. McCall: — But in terms of the government having a responsibility around duty to consult and accommodate, how then does the government ensure that these things are not just proclaimed but actually practiced?

Hon. Ms. Draude: — Thank you to the member. Part of what we're talking about now . . . and the reason why there is a consultation is so we can build relationships, respectful relationships. Accommodation can be part of a duty to consult, but it doesn't necessarily arise in every situation where there is consultation.

The Supreme Court talked about the duty to consult and perhaps accommodate, and a duty to consult and accommodate if appropriate. And each case would have to be looked at separately to determine the degree of accommodation that is necessary. Sometimes it's a case of moving a road. It might be changing a location, and it depends on the area.

But I think the one thing that we know is that, when there is an agreement struck between industry and the First Nations, I expect both parties would have worked hard to come up with this agreement, and it would be in the interests of both of them to ensure that it was carried out.

The First Nations have a huge opportunity right now with very huge need for skilled workers in the workforce, and at the same time, industry is looking for workers. That's one example of how we can accommodate the needs of industry and ensure that the First Nations and Métis people are involved in the economy. It's the goal of both First Nations and Métis and industry, and it's not a them against us. It is working together. And that's, in the time that I've had the opportunity to work with both groups, that's what I've seen.

Mr. McCall: — Well certainly the minister will recognize that there are other jurisdictions where it's not being viewed as a win-win proposition. It's being viewed as very much an adversarial relationship and with some very, you know, dramatic consequences for both sides. I think of the situation in northwestern Ontario, for one example.

But I think the minister talked about the duty to accommodate applying in some cases and not in others. Could the minister describe for the committee a situation where the duty to accommodate would apply and where it would not?

Hon. Ms. Draude: — To the member, I have not been the one that's been dealing directly between industry and First Nations when it comes to dealing with the accommodation. Again that is not the role of government. The Supreme Court is the one that talked about the duty to consult and perhaps accommodate. And I think that that is what both First Nations, Métis, and the industry are saying.

And I really believe that we can look at this in a negative way, if we want to, or we can look at it in a positive way and try and make sure that we develop a relationship so people want to work together. I do know that some of the rulings that were made outside of the province — in Ontario and BC [British

Columbia] and Alberta — there was no opportunity for building further relationships. But at this time in our province, that's what we're trying to do.

We're trying to ensure that when we go to the round table, people will have a chance to talk about the guidelines for consultation and at the same time other issues that are affecting them. The needs that are in northern communities — whether it be for roads, for schooling, for jobs, housing — that's the kind of thing that can take place, and industry can seize it in many cases. I don't think it's up to government to judge or prejudge what's going to be happening in an area because we're talking about groups of people, businesses who very often have the financial capacity to design an agreement.

And we are working with First Nations to ensure that they have the capacity to, building capacity to ensure that they can be dealing on a professional level. This is an opportunity to work together. And as a government — whether we're in opposition or in government — that's the signal that should be sent, and I'm hoping that's what you're doing from opposition.

Mr. McCall: — Well I guess I just want some clarification on something that the minister stated at the start of her answer to this last question. The notion that it's up to business and First Nations and that the provincial government is somehow separate and apart from that equation — you know then why is the province undertaking a round table? Why is the province undertaking all this work on duty to consult, period?

Of course the province has a huge role to play in this, and it's not just up to the individual First Nations and the businesses. So perhaps the minister can clarify her statement in that regard for me.

Hon. Ms. Draude: — To the member, I either misspoke or didn't say it in a way that was clear. I know that the legal duty to consult lies with government. That is clear. The legal duty to consult, it's not with industry where the duty lies. By having industry at the table, we will be building relationships to ensure that people — First Nations, Métis, and industry — know that we're working together with government. The accommodation doesn't happen in every case, and I know that First Nations know that as well.

So we have an obligation as government, when we put together a round table which I believe was exactly the right thing to do. It didn't happen under the previous administration, and it caused problems, and we're trying to start again and say, government recognize their responsibility. But industry wants to be there because it's in the best interests of government, First Nations, Métis, and industry to be working together. That's what the round table is about. That's why we're talking about mutual respect and relationship building, and that's why we're talking about an opportunity to find common ground.

Mr. McCall: — Well I'm glad the minister's recognized that the provincial government does in fact have a role to play in all of this. I guess I've got some more questions on this score, Mr. Chair, but for a moment I'll turn the floor over to my colleague from Athabasca.

The Chair: — The Chair recognizes Mr. Belanger.

Mr. Belanger: — Thank you very much, Mr. Chair. Just very quickly, I guess I would ask the minister a question. In terms of the Supreme Court of Canada's ruling on a duty to consult and accommodate, has the minister read the actual ruling?

Hon. Ms. Draude: — Which one?

Mr. Belanger: — Well on the duty to accommodate and . . .

Hon. Ms. Draude: — Which one? Which ruling?

Mr. Belanger: — On the duty to accommodate . . .

Hon. Ms. Draude: — There's four or five of them. I haven't read them all.

Mr. Belanger: — You have not?

Hon. Ms. Draude: — I've read three of them.

Mr. Belanger: — Okay. Second question I had is in terms of the duty to consult and accommodate, there's a huge difference in what the First Nations and the Métis . . . and I'm pleased to see the minister include the Métis in her language. It's really important that that continues.

But on the interpretation, what the First Nations and Métis interpret the duty to consult and accommodate is radically different from what the business community and the government may perceive. And I've been in government and I've been in business and you're now in government. You've been in business.

Wording is really, really important on a duty to consult and duty to accommodate. And the wording is really, really important when it talks about the government wanting to do something. And we know that the terminology "perhaps," the terminology "may" when we put a document or discussion together is radically different from "shall" and "will."

And what I'm getting at is that the First Nations and the Métis people are looking at this duty to consult and accommodate at a much grander level and a greater importance than anything that they've ever had before when it comes to positioning themselves well.

So when the minister makes reference to the word — perhaps accommodate or perhaps negotiate a better deal — we hope this happens. It's kind of a bit discouraging, I think, because that's why they tie in the traditional lands argument.

Because they think — a lot of the First Nations do and Métis communities do — is that if they are positioned well, if they are positioned well to be given the proper tools and legal tools and sometimes blunt instruments such as government legislation to get it through to business that this traditional land area, the duty to consult, the duty to accommodate, we're going to use those for the full impact and benefit as the Supreme Court of Canada is willing to, intended to do from day one. And secondly is this is now our opportunity to share in the resources of our land? In some of your discussions, Madam Minister, would you say it is unreasonable that the entire province of Saskatchewan and Western Canada for that fact, somehow is traditional territory to

First Nations and Métis communities and bands in Saskatchewan?

Is it fair to say that's what some bands aspire their traditional territory to consist of, all of Saskatchewan, parts of the territories, parts of Alberta, and parts of Manitoba?

Hon. Ms. Draude: — To the member, I have no doubt that that is the belief of a number of First Nations and Métis people. But I also know from sitting here and listening to the questions here in the last couple of times that we've spoke about it, I know why there was a problem before. Because I believe that the members are still talking about we and they, there is still no idea that there is a shared vision and that there is commonalities and that we have an opportunity, even though there could be different interpretations, they're shared objectives. And that's what we are trying to ensure that we deal with . . . is shared objectives and relationship building and reconciliation.

And that's what we, we could continue to focus on the past or we could, as many of the chiefs have spoken to me about . . . In fact in the last of couple of days I've had an opportunity, in less than a week I've had an opportunity to speak to over 20 chiefs who talk about issues where they want to become involved in the economy, where they want to have a chance to have their people working. And sure there are differences, but there are more common goals than differences. And if we are going to forward as a province, we have to have an opportunity to deal with the common issues. And I'm hoping that that's where you're coming from.

Mr. Belanger: — Well, Madam Minister, I think, Mr. Chair, I think it's important just from my perspective and from what I interpret discussions around traditional land and the traditional territory, duty to consult, duty to accommodate, the positioning of First Nations and Métis people within the province's economic and social fabric — if you want to use that phrase. They are really putting a lot of emphasis, in particular the First Nations, they're putting a lot of emphasis on traditional territories, a lot of emphasis on duty to consult. And they think, it's not me saying it and what I'm trying to do is I'm trying to be helpful, I'm not trying to be political, because it's the same problem that the former administration wrestled with and were sometimes accused of not dealing with, because it's such a complex issue. So it's not an issue of, let's all hold hands and singing "Kumbaya" around the table and hope this thing will figure itself out. It's a very, very tough issue you're facing here, very tough because the expectations on the First Nations and Métis side are much grander, much grander.

And what if you come to an opportunity where the business says, well I'm prepared to invest, Madam Minister. I want to open up a new gold mine in Uranium City, but guess what? You guys go, through your duty to accommodate and to consult, but we're putting the money in. We're building this giant mine. We're going to invest. There are going to be a lot of people working. Yes of course you want First Nations and Métis people to work there, but in terms of sharing the resources and all this duty to consult stuff, what if industry says, we don't want to go through that? So you turn away an investment opportunity and there again you're at odds.

So what I'm trying to do is not add to the problems. I'm just

trying to ensure that you're aware that when you open up this process called duty to consult, you encourage the First Nations people to talk about traditional land mapping.

You talk about economic and social justice, and let's get together and build the economy. Those are all fine and good speeches and dandy commitments. But my point is, is the interpretations from the Aboriginal perspective — both Métis and First Nations — are radically different from what industry interprets this ruling to mean. Now who's going to be caught in the middle, is going to be government? What will you decide then?

So I'm only trying to point out to you that the Aboriginal people look at this as their opportunity. In fact some Aboriginal people even endorsed your particular party because they thought you had resolved this whole issue — this very contentious issue, very hard-hitting issue. They thought you were going to do all these things for them, and now we're hearing the word "perhaps" or "may" or we hope to get together, or we're not going to be actively involved in that. We're going to set up this conference.

Well I can tell you just from my experience, it's not going to be as cut and dried as people getting together making deals. There are things that could bring us together; I'm not arguing that point. But is it enough? Is it enough to determine goodwill on the larger scheme of arguments that are coming our way, to us as a province, from First Nations and Métis people? Is it enough to make sure that the goodwill continues on? We can't simply hope it happens. We can't simply hope it happens. We have to put in strategic measures. We have to put in some very solid initiatives. We have to even look at legislation. We have to look at all these issues and options and opportunities that this will present to us. So it's not a negative; it's a positive.

Because when I drive home, back to Ile-a-la-Crosse, I drive through most of Saskatchewan. It's an eight-hour drive for me. If I drive like some of your Northern Affairs staff, maybe it's seven and a half. I'm just kidding. They all follow the speed limit, I'm sure. I was just making reference.

When I drive home, I drive through cities. I drive through farm land. And every place I drive through, particular farm land, it's privately owned farm land. And guess what? It's not owned by Aboriginal people. And granted, some farm families say we've owned this area for the last five generations. Well First Nations and Métis people say well we've owned this for centuries. They have a very solid argument on that point too.

So as we hit the northern administration district, the Northern Affairs area that you represent, well guess what? There is no land ownership, or there's very little of it. It's a wide open, vast expanse of land that's rich in resource — rich in resource. It constitutes half of our province — forestry, minerals, tourism opportunity. It's great.

So now I begin to think in my travels home as I leave the cities, well we don't own nothing there. As I leave through the farm land, we did own some of this, and now we own none of it. Now the last kind of territory or pioneer or the last region now is northern Saskatchewan. And guess what? People are going to be resisting at every level. The notion is that this duty to consult

and accommodate is a minor process. To them it's a major opportunity.

So I'm trying to point out, Madam Minister, there are some people within the First Nations and Aboriginal community, Métis community that are going to radically shift the argument from duty to consult to demanding shared benefits of the resources in some of the traditional territories that they've occupied in the past. And if they don't get it, if they don't get it, then there's going to be a huge battle because they figure this is their last stand, so to speak, when it comes to land, resource development, opportunity, and power.

So I would point out that it is an incredible, incredible task that you're faced with, and you know it's going to be a tough one. And the reason why I say that is because we'd struggled with that whole issue as well. So when you talk about this whole notion of hoping industry comes forward and hoping that we can work together and hoping that there's all the goodwill, sooner or later it's going to create some division.

So I guess my preliminary statement is longer than my question obviously. But in mapping your traditional territories as your Premier has suggested be done, what does it mean? What is the intent behind the mapping of traditional territory? What are we trying to accomplish there, Madam Minister?

Hon. Ms. Draude: — Thank you to the member and I will get to your question. But I first of all have to, I have to comment on some of the points that you made.

For 12 years the member was a member of government, and he talked about some of the issues, that the strategic measures and the legislation that wasn't enough. For 13 years you had an opportunity to do that. And the only thing that happened was a booklet that was out and out rejected by the First Nations and Métis people. There was no consultation. There was no voice for them. There was no opportunity for them to say what are we going to do?

I know that expectations are high. I also know it's an incredible task we're faced with . . . not I, on my government. It's tough. But you know what? We actually believe that if we were working with people that they . . . and building relationships, actually talking to them in a way where we know that the duty to consult is not an option. Your earlier comment about perhaps a big company would decide not to consult, that's not an option. That's part of the laws of the land.

And I also need to make sure that the member realizes that this consultation, round table, is a process. It's not a single event. The issue is not going to be resolved at one round table. It's an opportunity, a beginning step, to get people together — First Nations and Métis and industry and government — sitting together to see if we can arrive at some common ground.

I'm looking forward to the event. The process is going to continue on after the round table. There's work being done today. There's work going to be done in November. We're dealing with treaties that are a living document. We're talking about a consultation process that can't be cut and dried in one round table. But we also know that working towards developing relationships so that people can sit down and talk about issues is

part of the way to solve the problem. You can't solve a problem till you identify that there has been one, and you definitely can't say, well it's going to be such a big issue we can't deal with it. This is our opportunity in Saskatchewan to build our economy with resources, people and natural resources, and I'm looking forward to it. Sure it's going to be a challenge, as everything in life has got some diversities involved in it. But yes we are working on it and with it.

And the traditional mapping is expressing interest in lands, and it means ensuring that we have a credible process that will allow people to show an interest in it. I'm not going to presuppose how it's all going to be done. That's another thing that government has done for too many years, is tell the First Nations and Métis people this is the way it's going to be.

When it comes to the mapping opportunities and to determine where traditional lands were held by which bands, there's going to be overlaps. There's critical areas. There's times that the First Nations and Métis are going to sit down and determine themselves where those lands are.

I find it really hard to believe that the members opposite can think this is amusing. It is the most challenging issue that we have facing us right now, and we're going to face it. It has to be done. It can't be something you put on a back burner and draw up a booklet and tell them this is the way it's going to be done. If there's a respectful relationship, then yes, that's what we're going to do. It's a process and we've got difficulties when we face them as a government. We'll face them. We're not going to develop a book and then hand it to them and say, this is the way it is.

Sure I'll be the first one to say that there is lots of questions we don't have answers for yet, but we're seeking to find the answers. Thank you.

Mr. McCall: — Thank you, Mr. Chair, I'd just like to ask a number of questions if I could.

The Chair: — Okay. I now recognize Mr. McCall.

Mr. McCall: — Thank you very much. And again, the minister made reference to us finding this humorous. We don't find this humorous. We find something that my colleague had said, not related to this, humorous.

But this we find actually kind of alarming because, I'll tell you, at the winter Assembly of the FSIN [Federation of Saskatchewan Indian Nations], the minister was asked by a number of chiefs in terms of they expect a substantive process at this round table. They're expecting some kind of concrete decision to be made at that round table and that things will be different.

We have been part of an administration on this side that worked through an evolutionary process that worked in good faith, that worked to try and improve things and step by step in terms of the way that the minister is describing right now.

But it wasn't us out there raising expectations, that all you got to do is vote a certain way and then everything's going to change on duty to consult. And now there's a round table

coming up where there are expectations as to how things are going to change. So I guess I want to know, along with those chiefs that put the question to the minister in that forum, what's going to be different the day after the round table? What's going to change?

Hon. Ms. Draude: — To the member, thank you. Maybe the member isn't aware of this, but the FSIN and the MNS [Métis Nation of Saskatchewan] are engaged in the planning. They are at the planning table. They had a full voice in the way the table was planned and the different events at the table. We not only appreciated but we needed their ideas. They've been there with us from the very beginning of the planning table. We're talking to the First Nations and tribal councils on expectations.

And things are different. After November 7 things are different in this province because we have a government that wants to talk to the First Nations. And we are ensuring that not just this ministry but every ministry in government knows that there is a place for First Nations, and they have a place to ensure that they're working with First Nations and Métis people. That's the things that have changed.

Mr. McCall: — What's concrete, is going to change after the round table takes place? I know that the minister's, you know, liking to pat her government on the back and engage in some self-congratulation. But what is going to be different after the round table?

Hon. Ms. Draude: — I'm going to repeat that the round table is the first step in a process. It's an event that's taking place. It's not the final event. So what'll be different is that we will have had people sitting together that have the common concerns — First Nations, Métis people, industry, and government — sitting at the same table at the same time, discussing the same issues.

And I'm not saying everything will be solved at that table. But I am saying that we will go away with a better understanding of the perspectives of all First Nations and Métis people, of industry, and government. And it's way more difficult to say, well I can't work with that — with any issue — if you know what the other people are talking about. That's what's different — is we have started a process that we are hoping is going to make a huge difference in the lives of the First Nations and Métis people in our province, and through that, hopefully growing our economy so that everybody can benefit.

Mr. McCall: — I'd return the floor to my colleague from Athabasca.

The Chair: — I recognize Mr. Belanger.

Mr. Belanger: — Thank you, Mr. Chair. And, Madam Minister, again as I pointed out, it's going to be a tough task. It's not going to be an event. It's going to be a very, very tough task.

And yes, from our perspective as an opposition, you know, we can certainly reiterate our belief that treaties are a living document and that these agreements were signed as long as the sun shines and the river flows. And we can go through all that process. But, you know, I think when you talk about respect is that this is about you now. It's not about a 16-year-old

government. This is about you because I can argue for the last 16 years we were cleaning up the mess left by that last administration. We didn't have nothing to work with.

Your government now has handed to them a booming economy, no \$15 billion debt bill hanging over their head. You had record number of people working. There's record revenues in oil and gas and potash, and even agriculture is seeing a huge spike in terms of some of the commodity prices that are out there.

So five months after you form government, if you truly want to talk about the word respect when you talk to the First Nations, don't waste my time because you're not going to convince me, but especially don't waste their time when you say, well don't talk to those other guys because they're there 16 years; they didn't do anything for you guys. That's disrespect. That's disrespect, especially after when you say that you start talking about very important principles of treaties are a living document when you follow your charge against us.

Because I've often said while in opposition, as you guys are using the 16 years too much as a crutch for the fact that you're not thinking beyond your 16-year mentality, the NDP were in power. And that's not very good respect to the First Nations and the Métis people. They are now saying to you in many ways, what are you going to do about it now that you're in power? That's my point and my colleague here. What is going to change?

So when you talk about all of these issues, all of these issues . . . If you're in a process where, I think Highways has the ability to do this, that if you're going to put a road to a certain area and certain people that own land don't want to sell their land, I think Highways has the ability to expropriate that land. I'm pretty certain they do.

Now what happens now if there's an opportunity where the band says, well let's expropriate certain lands. We want to get a mine built there in concert with this company. It's in our traditional territory, and boy, it will create a lot of jobs, and we'll have 60 per cent of the income come our way. And these are real possibilities in Saskatchewan, real possibilities.

And so where do we square that circle of duty to consult? You can expropriate land to highways but can you expropriate land through this duty to consult argument? And is there a principle behind TLE [treaty land entitlement] where buyer willing, seller willing, does that override this? How are you going to determine the value of that land? Where are the legal ramifications? Where is the precedence set? How are you going to interpret our laws versus the Supreme Court of Canada's laws? And what about the laws of people that occupy the current land now? And what happens if we have a disagreement on traditional territory? Who's going to settle that argument?

Like it's just, it is a very, very tough task. So you know, in the future in the discussions you have, if you really truly have respect for the Aboriginal people, you will not tell them about the 16 years the NDP [New Democratic Party] had been in power. That is such a passé argument even five months after the fact. It's not doing any justice, nor is it showing any respect to First Nations or Métis people when you say that. To me I think it's skirting the issue. It's deflecting responsibility, and it's

really not dealing with the issue. So when I hear that from your particular government and your party across the way, I shake my head because to me it's a great, big insult to all the people of Saskatchewan. It's not a crutch that people want you guys to rely on, but you have been and it seems odd.

You take credit for all the great news on the economy and the record number of people working and all this money that you have in the bank account — oh well, we did it. But all the problems that we can't solve, well guess what? It's those guys' fault over there. Well that just doesn't, doesn't fly.

So, Mr. Chairman, you know, if the minister's serious about duty to consult and making a significant difference . . . and I really, truly believe at the start she was. And then she gets political to the sense where it becomes, it becomes disrespectful. Then I'm led to believe that she will not succeed nor will her government succeed on what she said and what they promised during the election to the First Nations and Aboriginal people that there'd be a significant difference. To me I think there will just be the same old routine. And then as soon as they get challenged, oh we're doing more than that administration did 16 years they were in power. Like it just becomes tiresome. It becomes cumbersome. And what happens is you have people that become discouraged and lose their spirit and their focus, and that's very, very dangerous.

So again, Madam Minister, when you talk about traditional territory, what does it mean?

Hon. Ms. Draude: — Thank you to the member. I'm having a hard time believing that he was talking about getting political, when three-quarters of the rant I just heard was about politics. And he didn't want to hear about the past. He didn't want to hear about high food bank usage or the high incarceration or high crime rates and the story that's he left behind for the First Nations even though he had an opportunity to make a difference in the last 16 years.

But I do want to make sure that I leave on the record the fact that we are dealing, taking action in five months, after 16 years of NDP action. In this first budget we spent another \$500,000 for school lunch and anti-hunger programs. There was \$5 million for community-based organizations to provide for life skills and job training; \$1.1 million in increased fund for transition homes and sexual assault centres; \$5.1 million for an additional 88 addiction treatment beds. There was increase in Saskatchewan employment supplement. There was \$3 million increase for intensive support factors for vulnerable children, \$15 million for electronic case management system for child protection. The list goes on and on.

We're looking at not just First Nations and Métis people, but people that need help by government, by our government, and we've addressed a lot of issues that remained not a focus of the previous government.

One of the biggest issues that I believe and many of the leaders — the First Nations and Métis leaders — talk about was the opportunities we have through education. That's why we spent an extra \$1 million on SIIT [Saskatchewan Indian Institute of Technologies] this year for additional training seats. The Dumont Technical Institute has an extra \$235,000; \$1 million

for on-reserve adult basic education; \$3 million for increased special needs funding; an extra \$1 million for Aboriginal health. These are all issues that we know are very, very important.

The funding that we received from the taxpayers, from the natural resources go back to people in this province. We are working with people. We are dealing with the issues that are affecting everyone. We want the whole province to be involved in an economy that's growing. And our most important goal is to sustain that growth, to keep the promises we made. So I think that going forward and talking about a principled approach to dealing with the consultation, to building a relationship so that we can deal with the consultation issue, that's what we have to do.

And to be fair to the member that's here right now, a lot of these issues are fairly new. The Supreme Court rulings are five and six years old, and they've come to our province in the last two or three years.

And everybody was wondering, how do we deal with it? The approach that was used by the previous government isn't one that we're using. I'm hoping that there will be an opportunity to say, okay, what we did didn't work; let's work together on this one. It's going to make a difference to the whole province. So I thank you for your questions about the most important issue that we're dealing with at the moment.

The Chair: — The Chair recognizes Mr. McCall.

Mr. McCall: — Thank you very much, Mr. Chair. Just very quickly, the meeting that we'd had April 17, at that time the minister had undertaken to table with the committee information with regards to measures in this budget that affect First Nations and Métis people in a broader sense, outside of the narrow purview of First Nations and Métis people. That hasn't been tabled with the committee yet. Perhaps the minister could take . . . When we'd asked if she could table that with the committee for our edification, Hon. Ms. Draude said, yes I will. So is that what's coming our way right now?

Hon. Ms. Draude: — I have one document that's a fairly brief one. We will give you more information. I know that the ministry is working on getting the monies that are spent from the various ministries. But right now I have a brief overview of it, and I'll hand this to the member right now.

Mr. McCall: — Well I appreciate the minister making good on that undertaking. And again, one of the things that we discussed in the last meeting was that the first budget of the new government, essentially there's an operational cut of \$1.4 million, a cut of 15 FTEs [full-time equivalent]. And again in politics words are good, but you back them up with deeds. And of course there's no better road map for that than the budget of any given government. And again the government has, in the operational budget of First Nations and Métis Relations, chosen to cut by \$1.4 million and reduce by 15 FTEs. So I find that a better indication of where the government's at in terms of the jobs it sets out for First Nations and Métis Relations.

The minister has touched on a couple of things, in particular the funding extended to SIIT, the funding provided to enable or to expand on on-reserve adult basic education. Those were two

initiatives that the previous administration — that I was proud to be part of — undertook because we got sick and tired of waiting for the federal government to show up to live up to its treaty rights in terms of provision of education. And you know, be it the schoolhouse clause or pick your treaty undertaking, that the federal government has for far too long underfunded.

I know that we've had debates in this House previously concerning the Kelowna accord, and I guess I'm interested to know what plans the minister has in terms of advancing files with the federal government. I know that there's an effort underfoot in this minority parliament to have some kind of statement around the Kelowna accord. Paul Martin was through town just in the past couple of days. He's trying to get the Kelowna accord up for reconsideration.

So I guess in a broad sense, what is the minister doing to ensure that we get a better share from the federal government, a better living up to their obligations to the people of Saskatchewan under the treaties around things like the post-secondary student support program, around things like adequate funding for these vital institutions like SIIT, like FNUC [First Nations University of Canada]? What is the minister doing to advance those files?

Hon. Ms. Draude: — Thank you to the member. First of all, I acknowledge and I applauded the previous administration when they were in government for their work with SIIT and on-reserve education. It was a good idea then; it's a good idea now. That's why we put more money in it. Education is the key to solving so many of the issues we have now, and I know that the First Nations chiefs and leaders in the Métis community agree. So it wasn't a bad idea, and I thanked you for it that time, and we continued on it.

I also know that the federal government has got a lot of work to do. But in the last five months, we've had an opportunity to deal, to talk to them a number of times. Provincial governments or all levels of government don't move as quickly as we'd like them to. And neither does the federal government. But we've had discussions with them not only through Health Canada branch but also through INAC [Indian and Northern Affairs Canada] and through the ministers. And not just minister of First Nations . . . I'm not sure what the . . . Indian and Northern Affairs but ministers of Education. And acknowledging that there is much work to be done. And I really, I'm looking forward to it. I know that there is an understanding. It's an investment. We're not spending money on people . . . on education. We're investing in education because that's what we need in our province for our people. So I'm hopeful that there will be a relationship, that there'll be a recognition that there should be more monies put into education.

In the meantime, we're doing what we can as a province to spend money on First Nations education because it is, in the long run it saves everybody money. And better than that, it gives everybody a lifestyle that they deserve.

So I assure you that on behalf of the First Nations and Métis people of the province, we will continue to press the federal government to ensure that they live up to their responsibilities. And in the meantime, we will be working to ensure that we as a province can do what we can.

Mr. McCall: — In preparing for these discussions, I had occasion to look over previous estimates for First Nations and Métis Relations. And I guess I was interested to note the then critic's interest in the situation around Muskeg Lake and the care home there. Can the minister outline for the committee what has changed in terms of the province's relationship to the Muskeg Lake care home? And has the government made any undertaking to provide funding for that care home?

Hon. Ms. Draude: — Thank you to the member. In the five months since we have become government, opposed to the 16 years that the opposition was in government, we've been talking about the issue and dealing with the issue. It's not something that there is a solution to right now, but it's something that's very important for us, and we'll be continuing to talk to the chief.

Mr. McCall: — So the new government's been around long enough to blame the old government, but not long enough to take any action on the file. Is that what the minister's saying?

Hon. Ms. Draude: — I'm saying that 16 years as opposed to 5 months is quite a difference.

Mr. McCall: — Yes. The *Hansard* I'm looking at is dated April 30, 2007, so it's not like this has sprung up overnight. And I'm sure as well in terms of positions taken by the members opposite and by the previous opposition in terms of their campaigning that it's kind of interesting to hear that it's about a matter of not being in long enough now.

On another matter with the federal government, Jordan's Principle — I know that the minister is familiar with Jordan's Principle — what action is the minister taking on having Jordan's Principle made the acting principle in Canada?

Hon. Ms. Draude: — Actually that is one of the issues that I find really important, and it's one that we will be . . . We've talked to the federal Minister of Health. We've talked to the federal minister of Indian and native affairs, and it's one that our Premier has taken an interest in. We will be talking about it in the near future.

But the whole idea, whether we are on this side of the House or that side of the House, the fact that we would have children — First Nations and Métis children — who may not get the care they deserve because of jurisdictional issues is not acceptable. I've made that comment publicly. So has some of my other colleagues. We've spoken to ministers in other provinces about it. I believe the unanimous decision on this issue was passed in parliament in December, and we've had calls from other jurisdictions saying we should be working on it. I'm pleased to say that this is an issue that, by the next time we speak, I'm hoping that we can say we've made some headway on. And I know that it'll have the support of everyone because we're talking about children.

So I know that, at the Aboriginal Health Summit in Winnipeg a month or so ago I had an opportunity to attend, it was an issue that was brought up at that time. And every jurisdiction knows that that motion that was passed by the federal government is something that has to be enacted.

There's nothing I can say today that means that we've completed any steps, but I can tell you that we've initiated a lot. And it's something that we as a government will be proud to make sure we bring forward on behalf of all the people in the province.

Mr. McCall: — Well I guess, you know, British Columbia Premier Gordon Campbell came out publicly in favour of this in January. Premier Gary Doer I know is undertaking negotiations with the feds to make sure that the critical protocol aspect of Jordan's Principle is sorted out. I know that this was a topic of much discussion at the FSIN Assembly in February. And I appreciate that the minister is saying favourable things about it. I'm just wondering what's taking the Premier so long to come out in favour of this publicly.

Hon. Ms. Draude: — I know that when I was in Ottawa and sat with Premier Doer, he actually made the comment of . . . Pardon me, when I sat in Winnipeg and talked with Premier Doer about the issue, he said there's an undertaking going on. And I think when we come forward, we would like to be able to be specific about what we're going to be saying. I don't think there's anything that anybody's going to object to, but it's really the process and how do you, as a province, put forward a process that we can be sure will be bought into by the federal government and other jurisdictions.

I think in Saskatchewan, with our demographics, we have an opportunity to lead the way and say this is something that's important and this is how we'd like to deal with it. So it's not good enough for me to say we haven't dealt with it yet, but it's truthful that it's still on the table. We are working with it, and it's something that's very important to us.

Mr. McCall: — Well I thank the minister for that response. I guess we've reached the agreed-upon termination point for the consideration of First Nations and Métis Relations estimates, and as such I'll thank the minister and her officials for their time with the committee and for the work that they do.

Hon. Ms. Draude: — Thank you very much to the members for their questions, and I too want to take time to thank my officials. There's been a lot of learning that's taken place on my part in the last five and six months, and I really appreciate their help, their diligence, and I know how much they care. Especially right now with the work that's being done on various fronts, they're putting in a lot of time and energy and they're doing it because it's more than money; it's because they like what they're doing and they believe in what they're doing. So publicly I would like to thank them for their work.

The Chair: — Thank you, Madam Minister, and thank you to all the people. We appreciate your time here, and our time is elapsed, so the estimates for the Ministry of First Nations and Métis Relations is adjourned. And we will quickly return with a new batch of ministers, and we will be doing Bill No. 33, The Active Families Benefit Act. Thank you.

Bill No. 33 — The Active Families Benefit Act

Clause 1

The Chair: — Good afternoon ladies and gentlemen. We will

now be considering Bill No. 33, The Active Families Benefit Act, and I'd like the minister to introduce her ministers and have a brief opening statement.

Hon. Ms. Tell: — To my right, I have Van Isman who is the deputy minister, and to my left is Susan Hetu. She's the acting executive director of culture and heritage. My opening statement will be very brief because I won't be able to speak for very long, and there will be little difference between this and what I spoke about earlier in our other committee meetings with respect to this active families benefit.

In 2008 the provincial budget, the government announced the active families benefit to help Saskatchewan families with costs of their children's participation in cultural, recreational, and sporting activities by providing up to \$150 per child effective January 1, 2009. The purpose of the active family benefit is to help Saskatchewan families with the costs of their children's participation in cultural, recreational, and sporting activities. Parents and legal guardians of a child age 6 to 14 can claim the active family benefit of up to \$150 per child. Approximately 120,000 Saskatchewan children and youth will benefit from the active family benefit.

The Ministry of Tourism, Parks, Culture and Sport will consult with global organizations such as SaskCulture, Sask Sport, Saskatchewan Parks and Recreation, in determining the criteria for eligible activities and in assisting in promoting the active family benefit. The active family benefit will take effect January 2009. Thank you.

The Chair: — Thank you, Madam Minister, and I understand first questions will be from Mr. Furber so the Chair recognizes Mr. Furber.

Mr. Furber: — Thank you, Mr. Chair. And thank you to the minister and the officials for being here to answer some questions. Could the minister define for us here today who has been consulted thus far respecting the drafting of the Bill?

Hon. Ms. Tell: — I will refer that to Ms. Hetu, to my left.

Ms. Hetu: — We've consulted with the Ministry of Justice and the Attorney General around drafting the Bill itself, the Ministry of Finance, and we had some preliminary discussion with the global organizations.

Mr. Furber: — The global organizations are?

Ms. Hetu: — SaskCulture, Sask Sport, SPRA [Saskatchewan Parks and Recreation Association].

Mr. Furber: — Nobody from out of province?

Ms. Hetu: — Well actually we did a lot of research on what's going on in other provinces, including Nova Scotia and the federal benefit.

Mr. Furber: — In terms of the eligible age, the Bill reads "at least six years of age and not greater than 15." I asked the question in estimates about the age and the minister was quoted as saying:

As I said earlier, we're undertaking consultations. If there is something that needs to be amended at some point with respect to the age . . . if changes are needed or that we believe, and we will make that recommendation to cabinet. We're certainly not afraid to do that.

Does the minister made the recommendation to cabinet?

Hon. Ms. Tell: — No, I have not.

Mr. Furber: — Does the minister believe that a change in the age criteria is warranted?

Hon. Ms. Tell: — Not at this point in time I don't. The consultations in a formal sense have not yet taken place. And until such time as those are completed, I can't speak to the current age requirement.

Mr. Furber: — Just a question in terms of philosophy then. The cut-off age seems to be the same as the Saskatchewan Party's drug benefit cut-off. I guess the question is why the government believes that children over 15 years of age are not a priority in programming, for dollars.

Hon. Ms. Tell: — The program as outlined was part of our election platform. The ages included into this, 6 to 15, were part of a picture, were part of a panoramic view, I suppose, of what we believed at the time that the province could afford. This has absolutely nothing to do with the drug benefit and any ages related to that.

This has got to do with . . . We've created a starting point here. This is our starting point. This has never been in this province before and exclusively to this province. And this is the starting point, and in our best estimate and our dealings with it, that these are the ages that we needed to focus in on to get them involved in activities, in sporting activities and cultural activities.

Mr. Furber: — I guess, does the minister think it's appropriate that the starting point is a Bill that's brought to the House to be voted on that has the age of the eligible child already defined? It doesn't seem like a starting point to me.

Hon. Ms. Tell: — The ages as set out were part, obviously, of our election promise, and this Bill is following through on that particular election promise. And I don't believe that the age as defined in this piece of legislation varies a great deal from what is offered in the federal program. Even though there are many differences between this program and the federal program, the ages I believe are pretty close. They're not significantly different.

Mr. Furber: — Well having worked in the Saskatchewan school system with at-risk youth, I know first-hand the positive benefit of recreation for at-risk youth, and I know that the risks for these youth don't end at the age of 15. Why would the minister not expand the program to include children up to age 18 if they're still at home?

Hon. Ms. Tell: — I'll reiterate what I spoke about earlier. This is part of our election promise, and this is what the ages that were grouped in there, and that's the ages that have been put

forward. If at some point in time, as with anything, upon further review probably a few years down the road when we look at the program and see the benefits and weigh the benefits, then these types of issues will be discussed and people consulted with. And if there's something that indicates that there is some changes needed, then we will of course entertain and look at potential changes to the legislation. This is what was promised in our campaign, and this is what we're following through on.

Mr. Furber: — In terms of a campaign promise, I don't think that people would object or that they would consider that you hadn't kept your campaign promise, if you expanded the program to include more people. So I don't understand that as a defence.

Additionally it seems that I'd raised this in estimates and that you'd mentioned that you were undertaking consultations, and now you mentioned that it'll be a few years before you might make changes to the program. Is it still a possibility that with the consultations that you just stated that you were undergoing that changes might be made to the age?

Hon. Ms. Tell: — With respect to the ages outlined in our campaign promise and now outlined in this proposed Bill, the view was and still is today, that ages 6 to 15, \$150 refundable tax benefit is something that the Province of Saskatchewan at the time could afford. In our preliminary consultations — and please make note of the fact that consultations and evaluations are two different things at this point in time — that our initial consultations informal. There has never been any issue raised with respect to the age groups cited in this particular Bill.

Mr. Furber: — Well perhaps you don't consider your discussions in estimates a consultation with the opposition, but I had raised them there on behalf of residents of Prince Albert Northcote, including examples, specific examples from my own family. Now I guess the question will be then, what will the consultations look like and when will they take place?

Hon. Ms. Tell: — I'll have Ms. Hetu answer that question.

Ms. Hetu: — As we said before, the consultation will occur with Sask Sport, SaskCulture, SPRA [Saskatchewan Parks and Recreation Association] and In Motion. The consultation will inform the regulatory regime attached to the legislation. It will primarily focus on defining the various activities that will qualify for the benefit.

Mr. Furber: — Sorry, could you repeat the last part.

Ms. Hetu: — The consultations will focus on defining eligible activities for the benefit. I can give you some greater . . . I can paint that picture a little bit more clearly for you if you like.

So one of the things that we need to do in the regulation is define cultural activities — what recreational activities would, what sport activities would qualify for the benefit. Some of the things that we're proposing would be very similar to the federal benefit in that the activity would need to be ongoing, supervised, structured, that activities that are self-directed or drop-in wouldn't qualify.

Mr. Furber: — So at no point in your consultation will any

discussion take place with people from the general public?

Ms. Hetu: — No.

Mr. Furber: — Okay. I understand who you're speaking with regarding eligible activities, but how will it be decided? Is there a model currently?

Ms. Hetu: — Some of the modelling that we can look at is being provided by the federal government and their program. You know, so some of those criteria that I just read to you about ongoing, supervised sport camps, those kind of things, are very similar.

But, you know, for instance when we use the word culture and cultural activity, we need to define, well what does that mean? And it means things like heritage language. It could mean the dance classes, could be piano lessons. So we need to spell those things out clearly for families in order to take advantage of the benefit.

Mr. Furber: — Why was \$150 chosen as the refund amount?

Hon. Ms. Tell: — As I referred to earlier, this is a platform initiative that was cited during the election, and we are following through on the platform item as presented. The \$150 was chosen. It was affordable for the province for the potential 120,000 children in the province. And as a result of that affordability, we see the \$150 refundable credit, or tax benefit, sorry.

Mr. Furber: — How will the benefit be advertised to people?

Ms. Hetu: — That would be the other part of the consultation . . . is working with the globals around promoting the program. We've also had some initial conversations with some of our colleagues with the Ministry of Social Services in ensuring that this benefit is advertised with low-income families.

Mr. Furber: — Now I understand, having worked there, the difficulty in advertising to some families who don't necessarily own a television, who don't receive the newspaper on a daily basis. Do you have a specific idea about how you're going to advertise to those folks?

Ms. Hetu: — I think that we have to explore a variety of mediums for advertising and in keeping with what you're suggesting around literacy levels and not everyone being plugged into radio and television. So we're certainly prepared to do a broad based approach and the consultations will inform that.

Mr. Furber: — Just going from recollection, you said an \$18 million program. What proportion of that will be spent on advertising?

Ms. Hetu: — The \$18 million is for the benefit. The advertising costs will be above that.

Mr. Furber: — Borne by whom?

Ms. Hetu: — Pardon me?

Mr. Furber: — Come out of where?

Ms. Hetu: — They'll be assumed by the ministry.

Mr. Furber: — How will this program — the entire benefit program — measure its own success?

Mr. Isman: — That's an excellent question, and it's one that we've been looking at. We have a small evaluation unit within the ministry as you may be aware, and we've actually been studying that. We want to put some measures in place that will specifically follow on, number one, activity levels. And by working with the global organizations that Ms. Hetu referred to — Sask Sport and Sask Culture and the Parks and Recreation Association — we already have the ability to draw on some baseline data in terms of things like music lessons and dance classes and things of that nature.

So ultimately we'll be able to follow through with some of the participatory levels that are happening within the different types of activities. But it will take a couple of years after implementation before we have meaningful data to determine whether or not the program has really made a difference.

Mr. Furber: — Thanks, Mr. Chair. There are some other questions.

The Chair: — The Chair recognizes Ms. Higgins.

Ms. Higgins: — Thank you very much, Mr. Chair, and thanks to the minister and her officials for being here to answer some questions on this piece of legislation. I guess first and foremost, every time I think of this legislation I think of a federal government advertisement that talks about one in three children not being able to access organized, structured activities because of lack of money.

And I wonder, I spent the weekend on Stats Canada looking at statistical information for Saskatchewan and the demographics that we have. So in your estimation — and you must have done some research — what kind of numbers of families and children in Saskatchewan do you expect don't access, can't afford to access, or don't have access to structured activities in our population? Is it higher than the national average? I would almost expect, but you must have done some research on this.

Mr. Isman: — At this stage we're not in a position to provide you with specifics with regards to what proportion would not be able to afford those types of activities. As was indicated by Ms. Hetu, we've had discussions with our colleagues at the Ministry of Social Services with regards to finding mechanisms to ensure that activities would be eligible . . . or, pardon me, youngsters would be able to participate within activities.

We've also had a number of discussions with organizations, although not specific to this consultation process, such as KidSport in terms of ensuring that those participatory opportunities are available for lower-income children. In terms of a specific number or percentage, we're not in a position to be able to provide that information.

Ms. Higgins: — So then there hasn't been any actual research done on this Bill as to how many families and children it will

affect or touch. This is purely just to keep a campaign commitment — that we have no research or understanding of any kind of background to that campaign commitment.

Hon. Ms. Tell: — This active family benefit is providing an opportunity for people regardless of economic status. It provides that opportunity to people and their children that might not otherwise be there.

This isn't about us, the government, funding an entire fitness or cultural program. It is a starting point upon which the platform commitment was made. And that's what we are doing here, is that we are following through on the commitment made during the election.

Ms. Higgins: — No, I understand that. I understand that, but I had assumed — and obviously wrongly — that there would have been a little more of research done on the Bill, being you have at your disposal the resources of the Government of Saskatchewan, meaning research, numbers, Saskatchewan families, demographics, wages, income. I mean, the list goes on and on. And you must have access through, when you're talking about doing consultations with Sask Sport, whomever, there has to be numbers and estimates, average, should be fairly accurate numbers, I would think, as to the children in Saskatchewan that partake in organized activities and those that don't. I would have thought this would be kind of general information. I mean you can get into a lot of detail in Stats Canada, the type of information that's contained there.

I would've assumed your department would have done some research to back up this Bill and to give us a broader idea of who exactly it affects. I mean, how did you pick the number of \$18 million? You have to have some kind of a number behind you as to . . . I mean, how many families are going to apply? How many kids are active? And it will take approximately this kind of money? Not just, well I got a spare 18 million; we'll put it in this program, with no idea if that's enough, an excessive amount, or what it is.

I guess that's what I need to know . . . is how the 18 million, and there's got to be estimates on numbers of families that it will reach.

Hon. Ms. Tell: — And there are estimates. We have 120,000 children that would be eligible for this particular program. This is about creating an opportunity for children within this certain age group.

It was also determined at the time that \$150 per child in this age group is something this province could afford. There was the platform put forward in part, this part of it, was something we knew that the province of . . . we could follow through with by the view of the province's finances at the time.

We are not about to . . . This is, as I said, creating an opportunity. This isn't about analyzing what is happening right now, who's involved in what, and putting those forward. This is about creating an opportunity, and we are going to keep the information that we get and use it as a benchmark as to how many kids are registered now within this age group and how many kids are going to register after that.

What our concern was is that this is an opportunity thing, and we had to start somewhere with the amount and with the ages. This is a starting point, and this isn't about creating and complicating this. This is pretty straightforward and pretty simple, and I mean as the time wears on and as the program is under way, then of course we can look at more statistics to make sure who's accessing these.

But at this point, yes we could have gone and looked through Stats Canada, and Stats Canada does indicate our obesity rates in our children are out of control in Canada, in North America. So I mean without getting into great depth and detail as to what Stats Canada says, I think the studies that have been done would indicate that what is being proposed here is a good thing for children of Saskatchewan, not only from a physical fitness standpoint but just from a lifestyle and cultural standpoint.

So no, we do not want this to be . . . This is an opportunity. And the Stats Canada and all of those studies that have been put forward, no, they haven't been looked at in any great detail. What's important here is putting the program forward and acting on the consultation to make sure that we're hitting the right people and that we're targeting the right group of people and that everyone, everyone has access to this program.

Ms. Higgins: — Just a quick question. I see we're out of time. What's the population between 6 and 15 in the province of Saskatchewan?

Hon. Ms. Tell: — Our figures that we had is 120,000.

Ms. Higgins: — 120,000 people in the province between the age of 6 and 15.

Hon. Ms. Tell: — That is our numbers and based on Stats Canada.

Ms. Higgins: — Okay. Off- and on-reserve or off-reserve?

Hon. Ms. Tell: — That's total picture in the information that I . . .

Ms. Higgins: — So that's on-reserve then.

Hon. Ms. Tell: — The total population. On-reserve, off-reserve also.

Ms. Higgins: — I mean we've got more questions, but it's also supper break.

The Chair: — Being the appointed time is up, we will recess and thank you very much, Madam Minister, and thanks to your officials. And we are adjourned till 6 o'clock, and we will be back with Ministry of Education, Bill 29.

[The committee recessed for a time.]

Bill No. 29 — The Education Amendment Act, 2008/Loi de 2008 modifiant la Loi de 1995 sur l'éducation

Clause 1

The Chair: — Good evening ladies and gentlemen. Welcome

back. Being the hour, we will start now with Ministry of Education, Bill No. 29, The Education Amendment Act, 2008. And I would ask the minister to introduce his officials.

Hon. Mr. Krawetz: — Thank you very much, Mr. Chair, and good evening to committee members. It's my pleasure to introduce to you a number of individuals that have joined me to assist with the discussions on this Bill.

Seated to my right is Audrey Roadhouse, deputy minister. And seated to my left is Helen Horsman who is the assistant deputy minister. Directly behind me on the right side here is Frances Bast who's responsible for special projects. And over on the left side — we'll go ladies first — Elaine Caswell is the director of children's services, and Drew Johnston is the manager of legislative services and privacy.

The Chair: — Thank you, Mr. Minister. If you have no opening remarks we will . . . or . . .

Hon. Mr. Krawetz: — Well thank you, Mr. Chair. I think the opening remarks have been put on the record regarding the speeches that were made in the Legislative Assembly, not just by myself, but I think the opposition has already placed some of the questions on the record. So I think we want to spend the hour trying to explain the Bill to the public, to those people who haven't yet had a chance to understand the changes to The Education Act, and that's what we'll try to do this evening.

The Chair: — Thank you. The Chair recognizes Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you, Mr. Chair. And I'd like to also thank the minister and the minister's officials for being so gracious to attend here tonight, and thank you for that opportunity. I appreciate the opportunity to ask some further questions on Bill 29, The Education Amendment Act. I did have a time already, I guess, to share sort of broader views on this Act and I guess I'm not going to go through that complete message again.

But I think it's really important, Mr. Chair, that the public's aware that I guess where I contend that this Act really fails is that it fails to deliver on promises of politicians and that we did have an opposition government, or opposition party — my apologies — or Sask Party that have many statements, both from their leader, now high profile ministers, who criss-crossed this province and offered promises to communities and to parents alike that they were indeed offering real hope to keep schools open.

Well of course the minister and his officials are very aware that it's a very, very difficult process that school boards and communities engage in — very, very difficult to effectively, I guess, change the process for which schools . . . effectively offering solutions for school divisions and school boards, for them to keep schools open.

The problem is the number of statements, the number of commitments, and the broken promises that we're now left with, the public's left with. But we will move into the Bill here on some things and I'll ask the minister . . . We'll talk a little bit about the consultation process. I'm wondering if the minister

can share who was consulted throughout this process.

Hon. Mr. Krawetz: — Thank you, Mr. Chair. Mr. Chair, before I get into the question posed by Mr. Wotherspoon, I want to begin by clarifying a few things if I might. I believe that in the comments made, in fact in the platform back during the election campaign, the Saskatchewan Party as an official opposition has always indicated that there needed to be a broader consultation process, that there needed to be greater involvement of people who were feeling that their concerns were not heard by boards of education during the short six and a half months approximately that the current education Act allows for boards of review.

Now I made it very clear, Mr. Chair, when I was selected as the Minister of Education by the Premier on November 21, the very first question asked of me by reporters was whether or not I was going to impose a school moratorium on school closures. And I indicated that that answer was no, absolutely not.

I also indicated that the boards of education are autonomous and that we were going to insist on a far great consultation process which I think mirrors the position taken by the Saskatchewan Party when it was in opposition. We indicated that there was going to be some assistance that was going to be provided for those communities who feel that they may be schools of opportunity, that they may have the ability to grow. And that is the promise that we are keeping, Mr. Chair.

So for the member to suggest that we have a multitude of broken promises is in fact completely wrong because everything that we have stated regarding the position that we have taken, the only thing, Mr. Chair, that might be slightly different is that when the official opposition was making statements back in, I believe 2006 — long before the election was called — that for that fiscal year there was some concern as to whether or not those conditions would be retroactive.

Mr. Chair, I can say that I have always been clear that we would not make this retroactive for any of the closures that are being contemplated by boards of education right now. And in fact, Mr. Chair, if this Bill, if this education Act amendments do pass and we are having a new education Act in place, then boards of education will now fall under the new timelines and the new guidelines. And that will be effective for this fall, Mr. Chair.

So when the member questions as to whether or not there are broken promises, there are not. Is there money being provided for schools of opportunity? There is. Is there a broader consultation process? There is. Is there involvement by community members? There is. Is there an appeal process within the legislation? There isn't. And that I was also very clear.

So I think I may have answered a few of the questions for the member of the opposition. But I want to refer directly to his question as far as consultation. The stakeholders in education are the traditional stakeholders, and we have had at the table the Saskatchewan School Boards Association, the SSBA. We've had the Saskatchewan Teachers' Federation, the STF. We've had members of LEADS, which is the League of Educational Administrators, Directors and Superintendents. And we of course have had government officials at that table as well.

We've also had, I believe, members from SASBO [Saskatchewan Association of School Business Officials] who are also our traditional stakeholders that have been involved. Mr. Chair, these are the traditional stakeholders that are always involved in consultation as we move forward.

I felt that it was the responsible thing to do to ask for some involvement by our non-traditional partners and stakeholders. And I asked that SUMA, which is the Saskatchewan Urban Municipalities Association, SARM, which is the Saskatchewan Association of Rural Municipalities, and SOS, which is a Save Our Schools initiative in the province, I asked also that these people be allowed to give input, to have time to provide input on drafts that we would prepare.

So I believe the member opposite has asked the question: who has been consulted? It has been a consultation process with the traditional stakeholders as well as we extended that process of consultation to some additional groups to allow them for input.

Mr. Wotherspoon: — Guess I'll make one thing, get one thing straight here, is this side, the opposition, the NDP opposition strongly favoured respecting the autonomy of school boards, and that's why we didn't walk around the province, driving out offering the kind of promises that the members of the current government — the then opposition — did.

For the minister to assert himself about these claims that he made immediately becoming elected is correct in what he's asserting. But people had already voted, and people had made their minds up, and there's certainly some time there.

For the minister to offer that there was no broken promises or no illusions, granted otherwise that there be something grander here, something loftier, something with a larger intervention, I can tell you completely that that's false. And I can take you through statement after statement after statement from our Premier this day to high profile ministers and to high profile members of opposition who made statements that are not consistent with what our minister has carried from the day following the election.

So if the minister wants to claim and say, while I've never said, I've always said this, I've always said that, I guess I'll remind the minister that he's the member of a party, that they are part of a political party, and that he's not the party in and of himself, that there's many individuals who speak for that party and the message hasn't been consistent.

But I think we've already debated these sides of the issue, and I think we've heard the minister's side to this. And I think that I took enough time in debate back in the House last week at one point.

So I would like to just go on to more procedural style of question here, and I'd like to ask the minister what the process . . . He'd mentioned who the stakeholders were. I'm just wondering what that process looked like, what the structure was to it. If he could share, share for the broader public what that process looked like?

Hon. Mr. Krawetz: — Sure. Thank you very much for that question, Mr. Wotherspoon. I can tell you that the committee

has met four times already, the stakeholders. And at each time the assistant deputy minister, Helen Horsman, was part of those meetings, along with other officials from my ministry. And at that point in time they were hearing ideas from each of the stakeholders.

Because I'm sure you're quite aware that, as you've indicated, school boards are autonomous and they felt that the process that boards of education follow already was more than adequate and that the kinds of changes that we were requiring were not met with unanimous approval to begin with. So that's why it has taken four meetings to work towards establishing the regulations.

Now what you see before us today of course is the framework, which is the changes to The Education Act, and then we'll try to put in place the regulation changes and all of the other things that I've also indicated. We have also had two meetings with the other partners, the SARM, SUMA [Saskatchewan Urban Municipalities Association], and SOS, with this committee.

So besides having met with those individuals myself as well as the committee having had the opportunity, drafts of this Bill were worked on and then were shared by all of the partners. And some ideas were put forward by others to try to revise it and we worked towards creating the changes that you see to the Act over a period of four meetings.

There's going to be a fifth meeting. Ms. Horsman indicates to me that a fifth meeting is planned for in the next few days. And at that time we're going to try to further refine the draft of the regulation changes that are being proposed and the criteria that's being worked on to define what might be the criteria that boards of education will be asked to use to determine whether or not a school goes under review.

So we're working on all of those things and that is why, as I indicated to you before, we hope that the changes and all of those drafts will be fine-tuned so that everyone will be aware by the end of June what those changes are.

Mr. Wotherspoon: — Thank you. Could the minister share some of the, I guess, assessments or opinions of The Education Act from the broader group of stakeholders or the core group of stakeholders, the broader group of stakeholders for which he's been working with?

Hon. Mr. Krawetz: — I can tell you that, I guess, if I identified one of the organizations that's not the traditional stakeholder, which would be SARM, the Saskatchewan Association of Rural Municipalities. I met with the SARM president, Mr. Marit, and they felt that The Education Act needed to have an appeal process. They are adamant about that, and as you see before us right now there is no appeal process other than the process that has been here for decades now which of course is the court of law.

We have indicated to those partners and to SARM directly that we're going to keep the door open on this. We need to see, over the course of the next months and into the next 18 months probably, as we see what happens this fall under the new criteria, whether the public and the community that is going to be involved feels that there still needs to be an independent

outside appeal mechanism. And I've committed to ensuring that we are open to those discussions and that's what we're going to do.

So SARM basically was not happy with that item. They also felt — and I think this is probably more so from the SOS committee, the Save Our Schools committee — that lengthening the process by upwards of four and a half months to October 15 wasn't adequate. They felt that there needed to be at least a two-year proposal. And I and my officials and others at the table, the key stakeholders, didn't agree with that.

So those were probably, those two concerns were the largest that was heard. SOS also indicated that they felt that there had to be a retroactivity, that indeed we had to look back into 2007 when schools were closed and to try to ensure that those boards of education would be, you know, put in under the same regulations that we're now putting in place.

So those were the three largest oppositions, I think — as Ms. Horsman is indicating that that is in fact what she heard as well.

Mr. Wotherspoon: — You mentioned in your discussion there about bringing forward further legislation for an outside appeal mechanism. Is that correct?

Hon. Mr. Krawetz: — Yes. If there's going to be an appeal mechanism, Mr. Wotherspoon, in the future, that would again come through The Education Act and we would work on our stakeholders, with our stakeholders, to arrive at something that we might present. Now I don't know whether that is going to be this fall when we resume sitting at the end of October or whether it will be next year.

We wanted the opportunity to see what this Act is going to do, because clearly boards of education who traditionally made a decision in February as to what school would be under review are now going to have to make that decision by October 15. The student enrolment numbers that are released by the schools are required on September 30. And now a board of education is going to have to look at those enrolment numbers versus the criteria that we're going to put in place regarding the school of review, and then make a decision that because a particular school has fallen below the criteria that is established, they are now putting that school under review. And that begins, as I said on October 15. And then there's an entire process which is explained in the Act, as far as the timeline.

So those are things that we want to see, I guess, get tested, to be sure and to know whether or not there are some things missing. We've had a lot of discussions. Many, many ideas were proposed by the stakeholders regarding the timeline, regarding who should be on the committee. And we're going to see whether or not this first attempt at a brand new process is the correct process.

Mr. Wotherspoon: — Question for the minister. Just wondering if the Saskatchewan School Boards Association, if they're looking forward to this outside appeal mechanism, or if he's received any feedback from them where they're standing on this new concept.

Hon. Mr. Krawetz: — We haven't spent a lot of time

discussing this appeal mechanism because it's not part of the Act this time around. It wasn't in the Act and it still is not part of the Act. There's some concerns about that appeal mechanism as to what it would be, and it's not just from the School Boards Association, it's from other individuals as well. So that's sort of more a hypothetical question because we haven't been able to put in place a plan that would be an appeal that would fit. So as a result there is no appeal mechanism other than the courts, which has always been an appeal mechanism.

Mr. Wotherspoon: — We'll move on to another question here, but I guess I feel as though the minister might be getting into a bit of a bind here again with offering a commitment of an outside appeal mechanism. And if he's prepared to offer the authority and to deliver on that, I guess that's good. But I guess it depends on . . . In the end it's going to be a question, possibly again, of where the autonomy lies. And of course I'm not the minister so I can't answer what direction he'll go on that one. But it's certainly not an easy question and I think it's going to cause some concern.

It looks as though the minister wants to respond to that before I move on.

Hon. Mr. Krawetz: — Thank you, Mr. Wotherspoon. You've raised a good point. I'm not committing to an appeal process, okay, to be put in place. What I've agreed to is that we need to have further discussion about that.

And you're right — this is a very sensitive issue. The board of education, after going through the very stringent regulations and consultation process and the criteria that we'll have put in place, will be the autonomous board that makes that decision. And of course they're concerned about what the appeal mechanism might look like. So you're absolutely right.

And I want it to be understood on the record that I'm not saying that there isn't going to be an appeal mechanism. I have indicated to the stakeholders that discussion needs to continue and that I am not shutting the door on an appeal mechanism never coming into changes in The Education Act. And I thank you for clarifying that.

Mr. Wotherspoon: — I'll just share a statement here from *The Southwest Booster*. This was printed on February 1, 2008, so a couple months ago. And this is quoting our Premier:

We have called for a much more rigorous process, when we were in opposition we called for a much more rigorous process before a decision could be taken to close a school, because once you close a school it's almost irrevocable.

Just wondering, from the minister, if this is “a much more rigorous process.”

Hon. Mr. Krawetz: — Absolutely it is. We're moving the process to October 15 from traditionally February 1. Boards of education will now be under much more stricter regulations as far as how they follow the process of school closure or grade discontinuance.

As I've indicated, on October 15 when a school is judged to be under review as the board determines because of the enrolment

criteria that we're going to be putting in place, that board then must have a committee of review implemented by November 1. So in other words, it's not a lot of time.

And the committee is going to be a broad committee. And I think this is where we had some support from those outside stakeholders because the committee of review may be an eight-member committee or a nine-member committee.

And the eight-member committee would be the basic one because the ninth person, by the way, is if there is a student at the school that is being considered for review, if that student comes from a First Nations reserve then the band will have the ability to designate a person to sit on the committee of review. So that's the ninth member.

But let's back up to the initial creation. As we know, in the process of amalgamation that has taken place over the last few years the traditional local school division board that used to be the local board that was responsible for advising the division board on the affairs of a particular school, those disappeared. And we have replaced those, not only in rural Saskatchewan which is where The Education Act amendments regarding school closure apply, but we've changed that across the whole province. We've now implemented school community councils.

School community councils are a body at each and every school. The school community council will nominate or will propose four individuals to sit on this review committee by November 1.

Then the urban municipality where the school exists will be required to place two people on the committee. One will be an elected member and one will be unelected. It could be a person who could be the Chair of the chamber of commerce, or it could be some other individual that the urban municipality wishes to have on the committee.

The next two individuals will come from the rural municipal council or councils because in some instances there may be more than one RM [rural municipality] that is supplying the students to that particular school. That again will be an elected member of that rural council and an additional unelected member who will be appointed by the RM.

So that makes for the eight individuals, and the ninth, as I said in my initial comments, will be the potential band council appointment. Those individuals now will be working with the board on many different things, and that's the process in relationship to your first question, Mr. Wotherspoon.

As far as what kinds of things are we working on with our stakeholders, we're now working through all the criteria that that committee will have to deal with. And they will have to deal with many things.

We've heard from people throughout the last couple of years, and maybe more when we were in opposition. There was always the feeling that some individuals in a community disagreed with the information that was put forward by a board of education regarding closure. Well now they're going to have to work on the committee with the board of education to ensure that there is agreement about the facts.

And as a result this committee will be used. It will be required to do a lot of work. It will be required to ensure that all of the public is consulted and that there is the opportunity to then put forward, long before we get to the month of February, it will be able to provide that kind of understanding to the public as well as to the board.

So I think it's a very broad consultation. That committee doesn't exist currently within the structure within The Education Act and I think that's why it's going to make the boards of education feel that maybe we as a government have put too many regulations for them to follow.

Mr. Wotherspoon: — The question was if there's now with this Act a much more rigorous process in place. The minister stated that he believes that there is. And just to state that the opposition certainly doesn't believe that this is a much more rigorous process.

I guess at best we would call it consistent. It certainly aligns how divisions across the province will go through this process, but to have the Premier two months ago on February 1 say that he's calling for a much more rigorous process which the Education minister is going to deliver on, is rather dismissive of the efforts that school boards have undertaken in the past and when many school boards have taken processes that are just very similar to what has been, I guess, outlined in this Act.

So for on February 1 — and I will make these examples real — for February 1 for our Premier to be out saying that we need a much more rigorous process, that's rather dismissive. And I'll use a concrete example of what Regina public schools is going through in a very extended and thoughtful process. And I think that's unfortunate that our Premier would take that role.

I will move on to another statement here, and just wondering if I can get the minister's perspective on it. And this comes out of a Sask Party caucus news release as of June 21, 2007, so quite current. This is definitely the lead-up to an election. And I will quote directly from the article. The title is "Bridge Financing Would Give Boards A Chance to Keep Schools Open," and I'll quote:

Gantfoer said he understands that keeping schools slated for closure open will cost money, and promised those funds will be paid-out retroactively, should the Saskatchewan Party form government.

The quote goes on and has some other strong statements about keeping schools open, but I guess the piece that I'm wondering here is on June 21 we have our now Minister of Finance claiming that funds will be paid out retroactively. This hasn't happened. It's a broken promise. It doesn't do a whole bunch to, I guess, have the trust of the voting public when you make very clear claims on a political party news release. Wondering why the minister chose to break the promise of our now Finance minister.

Hon. Mr. Krawetz: — Thank you, Mr. Wotherspoon. I think in my opening comments I said that there were statements that were made about having a retroactive process. In consultation with Finance officials and with the ministry, when you go back into a previous year that is already closed, March 31, 2008 the

fiscal year is finished for the Government of Saskatchewan. And in fact the school year is on a different year and it's finished as of August 31, 2007 and the next fiscal year in fact will be done on August 31, 2008. So as I indicated, the retroactivity is something that was commented on. It was not in our election platform. You have I'm sure seen that and it's almost impossible to put in place.

Now I know that your questions will be regarding the additional finances that have been put in place and I'm going to, if you wish, I'll do a little explanation as to the schools of opportunity that is referenced. We're establishing the criteria with our stakeholders as to what the school of opportunity criteria will be because clearly it has to be an enrolment target. If you were to measure what a current school has and where it will be, it has to be around enrolment. So that is what is contemplated.

We're going to have a handbook that will again accompany the regulations. So as I indicated here in the Legislative Chamber, The Education Act is basically phase 1 and the regulation changes are going to phase 2 and the handbook is going to be phase 3. Which will provide all of the information to the public. It will provide the information to school boards, number one, because they clearly have to understand this process because September — the new school year — The Education Act if it's passed, will be in effect.

So we're working with these stakeholders to establish a criteria whereby if a school is placed under review because it does not meet specific criteria and the community sees that there is an opportunity for it to grow — they believe that the enrolment numbers are going to grow — they may make application directly to the minister. This will not be an application that will go to the school board. It will go to the minister that says, we believe we're going to be a school of opportunity and we can meet the targets that you have identified and that we currently do not meet because we now have been placed under review by the school division board.

So as a result of that we have determined that we will provide assistance to the division board to ensure that when a school of opportunity application has been accepted by the ministry and it is now in place, we're going to provide up to \$350,000 to that board of education for each of two years to allow that community to meet what it says it will do.

Mr. Wotherspoon: — Thank you. And just to clarify, I'm certainly not contending that by making funding retroactive would be a simple process . . . I make no allusions that making funding retroactive is simple. But I certainly contend that it was certainly irresponsible on the part of the Saskatchewan Party to have news releases with such bold statements with individuals who are now in very influential roles within the government. In fact, I sometimes have some empathy for our minister with the statements made by members of his government who have probably made his role awfully difficult at times.

We did get into the discussion of schools of opportunity, and I know that this criteria and these final pieces are being worked out, and I appreciated the discussion or the information that was just provided to us. I guess my question is — or a couple questions — how do you allocate an amount without knowing the criteria? And I know it's been stated we've got this \$1

million set aside — and correct me if I'm wrong — \$1 million is a capped amount. And I can't understand how the minister could cap a \$1 million amount when he doesn't know the criteria yet; they're working on it.

So in essence we have no idea of how many schools of opportunity we have in this province, or the minister might have a stronger sense of this, but how can you say you're going to cap that \$1 million with no additional funding without knowing the criteria?

Hon. Mr. Krawetz: — Thank you, Mr. Wotherspoon, for that question. As you are aware, in the legislature . . . if in fact we have so many requests because of the booming economy in this province and the growth and the potential of growth, and we have boards of education who feel that a school still needs to be reviewed even though there's all this potential of growth, there's always the opportunity that if the \$1 million isn't adequate within this fiscal year, and that in fact the province's economy is doing so well, we may have to return to you by supplementary estimates, if the \$1 million is not adequate.

But I do want to point out, Mr. Wotherspoon, because we haven't established that criteria, and I know it's . . . as it is for you it's the same for me, because we're looking at, with our stakeholders, what might be a fair way of distributing the funds to the school board on behalf of the school that is now under review.

And I think we're reaching a consensus — if I might put it in that term — we're reaching consensus with our stakeholders that we're probably going to designate the money based on the student enrolment at that school, and it will be a percentage of the current basic grant. And the basic grant is now at \$6,660. So we'll use a percentage of that grant, times the enrolment. So I guess I could . . . You know, if that percentage is going to be 30 per cent, 40 per cent, 50 per cent — just for simplicity's sake I'll say it's going to be 50 per cent. So if that example is \$3,330 per student and there are 50 students within that school that is being considered for review purposes, we would provide, the ministry would provide to the school division approximately whatever 3,330 times 50 is — I think that's about 160,000, 165,000. That would be the money then that would be allocated to that school.

So I think you can see then very quickly that \$1 million based on that type of formula is going to go a fair distance, because if we're looking at 150,000 to 200,000 per community, we might be able to have five, six such communities apply. But they're going to still have to fit the criteria that is currently being worked on that we will have established, with our partners and our stakeholders, by the month of June. And it'll be included in the handbook as we move forward.

Mr. Wotherspoon: — It's good to hear that we might see the minister with supplementary estimates on this. Ideally we do see lots of, I guess, communities of opportunity. And I would hope that the formula is constructed in a way that it's not going to hamper boards that obviously have slated these schools for closure for good reasons. So I certainly hope that it is there to fill the funding that's required to run the strong educational program and not hamper the school division. That's just simply a statement.

I would like to pass off a couple of questions to my good friend, Mr. Forbes.

Hon. Mr. Krawetz: — Mr. Chair, if I might? Thank you, Mr. Wotherspoon, for those comments. And I do want you to understand because I know, with an education background, you're very concerned about education in this province.

Currently in our discussions with our stakeholders, we're trying to determine what is the school that is a viable school. In rural Saskatchewan if it's kindergarten to grade 5? Or is it kindergarten to grade 8? Or is it kindergarten to grade 4? What is the viable number, the enrolment number that makes that school viable?

And as a result of that, that's sort of the discussion point right now because there are boards of education who probably see that the numbers should be pretty high. There are community members who see that the numbers should be very low. So we're working on that to try to establish what might be a fair number so that the community can understand that.

But the process though then in a province that, I hope, is going to have many young children returning with families, is that then the board of education will not have the ability to in fact consider that school for closure, because the enrolment numbers will be growing. And if we reach that, we're not going to see the enrolment numbers . . . or sorry, the closure numbers that we've seen over the last number of years, because there's been dozens and dozens of schools that close each and every year over the last number of years.

So if we see enrolment numbers growing, yes, there will still be that particular small school that may have 12 students left in it and it is just a few kilometres away from the next school, it will . . . I'm sure the board of education in that particular area will make a decision to place that school under review. And then they'll have the new criteria to in fact work through as defined by The Education Act.

The Chair: — The Chair now recognizes Mr. Forbes.

Mr. Forbes: — Thank you, and I appreciate the opportunity to ask a couple of questions. I want to just change gears a bit. I actually came in thinking I wouldn't ask any questions, but as I was reading through this I think I've got to get this on the record. And forgive me, I have to may leave in the middle of this because we're pinch-hitting in a couple of different committees so it's not anything . . . But I do want the questions on record and then I'll look for the answers in *Hansard*.

So what I want to ask is about section 178, pupils with intensive needs. I find it interesting because we've been focusing a lot about schools, but here's a significant part. And I don't have the explanations with me so maybe it's relatively straightforward.

But my three questions would be: who was consulted, and when were they consulted? Because obviously we're just the beginning of a new term of government, so this must have happened some time in the past. Who and when were consulted? Who were the people consulted? When? Particularly parents. I see we're talking about pupils with intensive needs and review process. And so clearly parents are very interested

in this process.

And if you could just maybe at the very beginning just explain what are the key changes here, because you're repealing 78.1 and replacing the whole thing. So I don't have the notes with me, so I don't know if it's just a language issue or are there some fundamental changes in this section.

Hon. Mr. Krawetz: — Thank you, Mr. Forbes, for that question. And I hope we'll have an opportunity to do a few more questions because people need to understand all the parts of the Act; because you're right, school closure and that section is just one of the sections.

The process has been an extensive one. We've had consultations, I think, with the normal stakeholders that I've already identified — I'm not going to re-identify them. But I can tell you that the Provincial Interagency Network on Disabilities has been involved in the consultation process. And the Saskatchewan Association for Community Living, they were also involved in the consultation process. And there is support from those organizations as well. So the amendments that we're proposing are well supported by everyone.

The amendments are not . . . there isn't a different direction that is being proposed at all. It's more of moving up to date with some of the terminology. We want to clarify the appeal process that is in place so that the parents as well as the school board understand the appeal mechanism that is there.

But as you see with the terminology where the reference will be significantly different — you will now see the phrase pupils with intensive needs — that will be the phrase that will appear in a lot of the language. And I think it's the right language to be using as we move forward.

One of the other things that I also want to indicate is that school divisions will still retain the ability to arrange for the provision of services by other school divisions. So there was some concern initially as to whether or not, you know, every school division will have to have every one of those services. And that is not accurate. There will be the ability for a school division to retain another school division to provide the services that are already in existence.

So I think it will benefit those people with a lot of difficulties and disabilities and deficiencies. Now we're going to be removing that kind of language and we're going to be talking about pupils with intensive needs.

Mr. Forbes: — Just when did the consultations . . . was this something in the last five months or is this something that's being brought forward from the last term?

Hon. Mr. Krawetz: — Sorry, Mr. Forbes.

Mr. Forbes: — When was this done? I mean, I know the educational community continually talks about these things. And when The Education Act is opened up, this is an opportunity to do some of those corrections, that type of thing.

Hon. Mr. Krawetz: — Thank you, Mr. Forbes. I've just been provided information that the special education review

committee recommended in 2004 that Saskatchewan Learning as it was known at that time, together with its educational partners, develop a shared philosophy for student diversity. So it's not a new concept. It was talked about since '04, much broader in 2006, and since August of last year it's already been worked on by ministry officials to recognize all the parts within the Act that could be changed at the same time.

The other thing I want to indicate to you, Mr. Forbes, is that traditionally over the last number of years school divisions have been using what is referred to commonly as a medical model. Okay. The identification of individuals that require these intensive needs has been determined through sort of what I could call the medical process. What we're now looking at is that in the school divisions there will be the needs process. Okay. So that we need to be able to determine what is the prevalence factor, what are the number of students that require the needs, and then The Education Act will reflect that and the changes that we're proposing.

Mr. Forbes: — Well I just want to say that I appreciate the answer. And I hadn't heard very much when I'd been talking to the different groups in the disabilities community. So I think this is very good. I just want to — you know as an old teacher — you know, I also watch the language in The Education Act and how we tend to get caught up in jargon and I worry about that sometimes and I know that I don't have any problem with this. So this is very good. So I appreciate your answers and thank you very much.

Pass it back to my colleagues.

The Chair: — The Chair recognizes Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you, Mr. Forbes. And thank you, Mr. Minister, for your answers, your clarifications.

We've had some questions around how this school, I guess the measures that have been put in place to mitigate school closures, has come to be. You've explained your consultation process which seems to suggest that you'd have all of the knowledge of all of the stakeholders that exist and I'm glad that consultation has occurred in that manner.

I do have a question though for you. If you're satisfied as minister of how communications have occurred in regards to this school closures mitigations plan, or this, I guess from . . . to date?

Hon. Mr. Krawetz: — Thank you, Mr. Wotherspoon. The communication process is difficult right now because we're still working on the criteria with our stakeholders. The individuals from LEADS understand. The individuals from each of the other organizations who are on the committee with Ms. Horsman understand what is being discussed and the difficulties that are being worked through.

But because it's still in those . . . in that draft stage, we are not communicating back with the boards of education other than through their organizations to say this process is under way. Everyone understands — I think when I say everyone, the key stakeholders — understands The Education Act changes. And they are looking forward to the regulations and the handbooks

so that they understand everything that is going to be worked on over the course of and finalized over the course of the next two months.

So in that respect we haven't done a public pronouncement in newspapers or in the media with radio or television, to say here's what is coming into place. And probably that has caused some degree of anxiety in communities that wanted this clarified, because there were many communities that were thinking that it was going to be retroactive. So that is where we sit today. But what I do want to indicate that we will have all of this criteria in place when boards of education start making those fall decisions, when they get their September 30 numbers. By then they will have all of the information to know what criteria is in place to determine whether or not a school is actually under review.

Mr. Wotherspoon: — I guess I'll just make comment to a couple of things. I know the minister, and maybe he didn't mean to completely, but he talked about this plan was likely communicated to all the key stakeholders. And I know what he's saying there, the different special interest groups that are very important, that absolutely need to be consulted with. But I hope the minister isn't suggesting that the key stakeholders aren't the residents of, let's say for example Regina, or the families of Regina.

And using a concrete example again might be very useful for this circumstance. I've already highlighted a circumstance where our Premier of the province was quoted in an article on February 1, speaking in his constituency just shortly before that. We've since learned, or right around that same time realized, that there was very selective communication in regards to who was going to know in the broader sense of the communities and constituencies. And I guess as provincial MLAs [Member of the Legislative Assembly], we have a role in that communication. And I know the choice was that the Premier would communicate with his constituents. And I know — and I can verify it with a statement here if the minister so wishes — I know he communicated with his constituents. Well of course he's . . . both those two individuals have rather privy information for those constituents.

We have another individual with privy information, the Minister of Enterprise and Innovation, who right around February was talking about a significant plan that was going to be rolled out in a few days. Again this certainly feeds on all of the hope that was in the air around the Sask Party and school closures. And it also really challenged, I think, individuals who were following this closely. And many of those key stakeholders, also being families and individuals and residents, were watching this very closely.

And I know that in Regina for example, where the plan was never going to be able to offer any positive impact, I think it was . . . I guess I can just make a statement. I think it was really unfortunate that our ministry couldn't have been . . . our minister couldn't have been more clear with those individuals. I believe it would have allowed them to know what their circumstances were, what they were up against, that there weren't resolutions that were coming to be. And I think the failure to do this and the actual selective communications of this minister and this ministry have caused a lot of stress on

school boards as well, through this process.

Again I believe it's been rather dismissive of the sincere efforts that school boards undertake through these processes. And whether or not those school board officials were aware of these plans, I think they could have assisted the process, offered respect to the process, by letting all of the key stakeholders know this information.

So I definitely have concern that the communication was inequitable, selective, poorly laid out to individuals. Maybe this is simply my belief. I'm wondering if the minister would do anything different on this end?

Hon. Mr. Krawetz: — Thank you, Mr. Wotherspoon. I was pretty clear with the group from Regina here, the RealRenewal group that met with me in February when they brought a petition here to this building. And I met with a number of individuals one morning. I can't remember the exact date, but I believe it was in February. And I indicated to them that the revisions to The Education Act, the consultation process, applies to school divisions that have schools within a school district. That's currently the way The Education Act reads and that I, as a minister, and in our promises in the platform, we were not going to expand that.

So I made that pretty clear to those individuals, and I don't think that they would have misunderstood me. And I've been clear right from the get-go that cities, including the city of Regina, have a process that is in fact much more lengthier than the current process that we are putting in place in The Education Act. The Regina Public Board of Education has proposed a 10-year plan. So it's quite extensive.

There are individuals who would like to see a process that we are putting in place for rural school boards put in place for cities. And I'm not sure how you could identify a school of opportunity within a city. I just don't. That's just not practical. So as a result of that, you know, that has been pretty clear.

The concerns that have been expressed by those non-traditional stakeholders, as I mentioned — SUMA, SARM, SOS — they had the opportunity to make some suggestions and some representatives did. Not all. We did not receive written submissions from all of those partners. We received some.

Some ideas that have made their way into the criteria that we are working on right now — and others have not — as I've indicated to you about the appeal process, about the moratorium and about making it retroactive, those were three of the concerns that I flagged right at the very beginning that were requested by some of the stakeholders and those aren't in the Act. So while we are still working on that, I would hope that our communication strategy for the months of June and July and August is going to be extensive.

We are in fact creating this handbook that I've indicated to you that is going to be for public distribution. So it's not just going to be in the hands of board members or the school community council at that school level. The public will have an understanding. We're going to have the information on our website so that people will fully understand the criteria that they will be now following.

Mr. Wotherspoon: — Well I guess I would still offer my judgment saying that I believe that the communication was very inequitable, very selective. And I guess the minister's response highlighted that he feels this wasn't the case because the broader group of stakeholders were consulted, guessing that those ones . . . that I would assume that those ones would be RealRenewal or something like this. And that's certainly not what I was alluding to in any way.

I mean when I was talking about the key stakeholders I was talking about residents, those individuals who walk out in the morning, pick up their paper in the morning, and follow these events that are important to them. For example, within my constituency itself there's three schools that have . . . are looking at review plans and possible closures in the thoughtful 10-year plan of Regina Public Schools. When individuals are following these issues . . . And it's not just the individuals who are involved with RealRenewal who follow these issues. It's the individuals across our population. When they read an article about our Premier sharing news in Swift Current, or within his constituency, that there's going to be much more rigorous processes coming into place, when they hear our Minister of Enterprise and Innovation saying on February 1 that there's big plans coming in three days, they believe that. And they believe it because they have some faith in their government.

And I guess where I see the communication that fell through is I was certainly having to offer lots of information about the realities of the school closure process there. And I think it would have been prudent of the minister and the ministry to make sure that all communities of Regina and across Saskatchewan were really well aware of, . . . I guess, discounting some of those statements. And I know that's not a desirable thing to do when you're part of a caucus and part of a cabinet, but discounting those statements to say listen this is off mark and this is how it's off mark. Because in the end if people follow these statements, the Sask Party truly, truly failed to deliver on some of these pieces. And so I guess I would still pass the judgment that the communication was inequitable.

I might go onto another piece here. And of course school closures are a tough reality, and certainly legislative instruments aren't the only way to affect school closures. And I'm certainly not suggesting there's an easy way to stave off school closures, but school closures are a result of declining enrolments of course, but they're also a result of funding. And I guess I would take one more opportunity to engage back with the minister. In a time in our province where we're seeing an absolutely thriving economy with over \$1 billion in our bank right now, with unprecedented new revenues coming to our province by way of new land sales — such as \$260 million or close to just announced a few days before — I think it's important that education's invested in and invested adequately.

And I think it's important that the public's aware that basically 20 out of 28 school divisions have received status quo or less funding — many, many substantially less than their declining enrolments. And it's not just the opposition critic who's making this observation. I certainly know that the Saskatchewan School Boards Associations had said, yes, there's new dollars here; we welcome those. But this certainly doesn't meet the challenges for which our province face, which our divisions face, and the funding's seen as inadequate.

So I certainly, when we're talking about foundational operating funding, I certainly encourage the ministry to prioritize it to make sure that we see significant improvements for those divisions at a time of such prosperity. I think that our education system is the biggest tool in making sure all individuals engage in our economy and our social fabric. And I hope that as we go forward the minister is able to grab a nice share of that big, big growing pie that we're seeing when we're talking about our revenues.

And I hope that the minister is able to leave some of that money — in fact, a significant amount of that — to be used with the autonomy that school boards should be so granted to enhance and enrich education. And certainly, I know the minister is aware that those education boards are committed to educational excellence.

So I guess I do use this as a bit of a time to . . . We've highlighted the many, I guess, failures of what some statements might have convinced the public as to what a Sask Party government was going to do for school closures. It's done very little on that and it's lengthened some time. It hasn't delivered any sort of significant change to stave off promises. But I think that we could address this with adequate funding for divisions and I encourage the minister to continue to move that direction.

At this point right now, I'm wondering, Ms. Higgins, do you have any questions? I'm just going to pass things off to Ms. Higgins.

The Chair: — The floor recognize Ms. Deb Higgins.

Ms. Higgins: — Thank you very much, Mr. Chair. And thank you, Mr. Minister, and your officials for being here this evening to answer yet again a few more questions.

When we look at the Bill that's before us, you would almost . . . I mean, I think you could say that a number of portions are housekeeping and cleaning up some definitions to more aptly suit the changes that were made to the operating grant. Well your definitions . . . I mean, maybe I'm doing this backwards. The grant addresses more the definitions that are used.

When we look at the actual changes to The Education Act that deal with the process of review of schools across the province, I mean, I think you know quite well that there are many that are not happy with them and felt that they would have been quite a bit more defined in the process that you were going to require of school divisions kind of from here on in — well probably from November on.

But anyway, as it is, these are the changes you've brought forward. So all in all, when you look at these changes you're proposing, where does that put Saskatchewan in the Canadian context as for process for review of school, whether for closure or grade discontinuance? Are we kind of on the top end of an onerous level? Are we kind of middle of the pack or are we one of the most least restrictive?

Hon. Mr. Krawetz: — Thank you for that question, Ms. Higgins. And I hadn't given that question a lot of thought regarding where we placed with other provinces. I know that in Saskatchewan we've had traditionally a position that allows

boards of education over the years to continue with the powers that have been given to them under The Education Act. Now as a result of the consultation process, I mean, there are other provinces that have similar things as far as what we're proposing and others that are still quite a bit different. So my officials are indicating that we think that Saskatchewan is more in the middle of the pack right now; we're not on the outside edge on either side. So in that respect my answer to you would be, we're in the middle of the pack.

Ms. Higgins: — Thank you very much. When you look at where Saskatchewan sits — and you know yourself and I know from experience the amount of work that school divisions have put into this process over the last couple of pretty difficult years with all the changes that have happened — in your estimation, the new legislation that you're putting forward with the extended timelines for notice to communities, is there any instances in the province of Saskatchewan over the last year or so where you think that school divisions haven't at least met these new standards or exceeded them in the process that they have gone through in their communities already?

Hon. Mr. Krawetz: — As far as the timeline for boards of education to begin their work, we're very aware that boards of education have taken school closures very seriously and have done a lot of work over a period of time. I don't think that that is going to change, and that's probably why we've had, initially, maybe a negative reaction by officials representing the School Boards Association. But then they realized that really we're not changing that timeline for what they have done in the past. We're making it a provincial model, number one. So there's always a question in the minds of some public members that said, well, you know, school division A did this and school division B did this, and that's not the same. So we have tried through this process to put in place a timeline that is understood.

I think what's quite a bit different than what has been followed and what has been practised is the fact that now we're demanding that a review committee be created by the board of education. And it's going to be created by November 1. And as a result . . . And you're aware, having been a minister before that, you know school divisions who say to a community on February 1 or thereabouts under the current guidelines that we're going to . . . your school is under review. Many community members will first of all be very angry for maybe the first month, and then they realize that there's a process of meetings that is already in place because of The Education Act. And then there's this concern that the ideas, the material that the community was wanting the board of education to be fully aware of, there has been some suggestion that maybe both sides were not on the same page.

So what we're trying to do is to establish a committee that is now going to work on behalf of the community but is also going to have the involvement of the school board that should clarify that, that should enable the community to put forward its ideas about the enrolment projections, about the facility as far as its physical structure, about bus routes, about the businesses and the community development. It's going to have opportunity to make a lot of comments.

And as I was indicating to Mr. Wotherspoon, was that this is the

criteria that we're establishing right now that will be put in place through regulation and through the handbook that will indicate what that review committee is in fact going to have to present to the board. So the board is going to have, I think, a much broader picture of what is going on because the boards of education have said, we're there to provide education; we're not the economic developer of the community. And I think you agree with that.

So now the boards of education are going to be able to have this information presented to them by a committee that is going to be from the community, from the area. It's going to understand the circumstances because a board of education of course is composed of members that come from a fair distance away, maybe from the community that is now being considered for review. So I think it's going to allow for a broader consultation process. There will be disagreement. There's no question. There will be some individuals that will say the only way that this information is going to be dealt with correctly by the board of education is that they take our school off the review list.

So that's what we're working on and that's what we're trying to establish by way of the criteria.

Ms. Higgins: — So will the handbook and the regulations lay out kind of a standard, a standard kind of series of information that will need to be provided to the review committees by the school boards? And where will the funding come from for this? Because that's also an issue. Because you can't expect . . . And you will get the argument from a review committee that is from the community. Where do they get the information? And they may feel that the school division is making a flawed decision using flawed or incomplete data or information, so you may run into a review committee that has expectations of different sources of information and different sources of research other than the school board.

So what kind of funding and what kind of support will be offered to these review committees? If they're officially going to be put in legislation and in regulation, is there some support coming out of the department?

Hon. Mr. Krawetz: — The answer to that is no, there isn't. This is a voluntary committee just as the voluntary committees right now that attempt to do some work in that short period of time from February to the end of June. It is a committee of the board of education and there is . . . Your first question was, is this standardizing the kind of information that needs to be followed by all boards of education for the review committee? And the answer to that is yes. There will be a requirement of the board to provide to the committee answers on enrolment, on projections, on age of facilities, on staffing, on bus routes, on a number of things that are currently within the purview of the board of education. They will have to provide that information.

They will not provide the information to that committee about a potential business that is coming into the area. That is then the committee's responsibility to do its research with the chamber of commerce, with the village council, with the local REDA [regional economic development authority], the educational development authority, to say, you know what? In our committee, this is what's happening.

And that's all going to be outlined within the handbook. And in that respect every community that now finds itself under review will be able to look at that handbook and say these are the kinds of things that we're going to be able to work on. These are the kinds of things that we're going to be able to expect from our board of education, and we'll be able to then do a better job of trying to ensure that all of the information about the decision that is pending is then put on the table.

Ms. Higgins: — So then I guess my question to you then kind of goes back to one a couple of questions ago when I asked you, do you feel that any of the school divisions in the province of Saskatchewan haven't either met or exceeded the criteria that you've put into the new legislation? Other than the review committee. Now that's new. But when it comes to the amount of information that's given, whether it's the meetings that are held, whether it's the timelines that are followed, do you feel that there have — other than being able to say to people we have a consistent this is what they do, and it's written in black and white — do you feel that the school divisions have not met or exceeded the new conditions that you have put in this legislation already?

Hon. Mr. Krawetz: — Thank you, Ms. Higgins. The sharing of information across the province by boards of education is not uniform, I guess, in that some divisions will follow a much broader consultation process and the sharing of information. Other divisions may not.

So what we're trying to put in place is a set of criteria that is going to put in place sort of the best practices, and that's what we're doing right now in our consultation. We're hearing from our representatives, from especially LEADS and the School Boards Association, that certain school divisions have followed this procedure, and other school divisions have found that this works better, and now we're compiling those best practices if I might use that phrase. We're compiling that best practices into now a standard of criteria that we will want all school divisions to follow and all school divisions to share.

So I think that's going to be quite a bit different than what was in place before. The timeline is definitely different, and I think that's what, you know, we indicated we would do is extend that consultation process. The community will now have far greater amount of time to put forward its case.

Ms. Higgins: — Okay. Thank you very much. That wasn't really the answer to the question I asked but pretty close. I was asking more for an opinion, and I would say to you I think most of the school divisions across this province have met or pretty well exceeded what you have here in this legislation already on their own. I mean they're in the communities, and they know what needs to be done. They also know the communities they're dealing with.

So while this may formalize it — and it will probably be a good addition for some divisions — I would still believe that most, if not all divisions, have met or exceeded this already in the work that they do. Now we can argue that, and we can debate that back and forth. But anyway that's my opinion only, and I'm sure you have little bit different of an opinion.

But, Mr. Minister, one thing I do want to ask you is about the

school community councils. And I see there's a piece in the legislation where if the school community council agrees with the school board there can be a grade discontinuance. Now I believe that's all it is — it's just a discontinuance of grades — that they can't just agree to a closure and on life goes. So it's just the discontinuance of grades?

Hon. Mr. Krawetz: — No, I want to clarify that. No, where there is agreement, where there is agreement by the school community council on either a school closure or a grade discontinuance, yes, that will be identified as a situation that can happen. It's referred to . . . If you just bear with me for one moment.

Sure, if I could refer you to the new section 87.1(1) — 87.1(1) — and the heading there is:

“Consent of school community council to school closure or discontinuance of grades or years

It says:

With respect to any school situated in a school district, the board of education may close the school or discontinue one or more grades or years taught in the school if, before the effective date of the closure or the discontinuance of grades or years, the board of education obtains the consent of the school community council to the closure or the discontinuance, as the case may be.

So it does allow for a school community council to be involved, and if they decide that a small school is no longer what needs to remain open, they can authorize the board of education — or consent to the board of education — to either close or do grade discontinuance.

Ms. Higgins: — Well I guess it's never good when you get to a point where there needs to be grade discontinuance or school closure. But one part that I'm very pleased to see is that you've included school community councils with this kind of input into their local schools. There was a great deal of discussion in the beginning of school community councils how they would work and if it would be an appropriate kind of vehicle of input for communities. So obviously it's working well, if you're putting it into legislation and referring to the school community councils.

So just a question on them, separate from the legislation — and I'm sure you'll allow me a little bit of leeway here — now are they up and running in pretty well all of the schools?

Hon. Mr. Krawetz: — Yes, as I indicated in, I think, Mr. Wotherspoon's earlier question about the roles of school community councils, I mean replacing the local school division boards in rural school divisions. And every school now has a school community council that is in effect and is operating. There hasn't been any consultation with them as an association, because it was envisioned that the Saskatchewan School Boards Association would be representative of that group because of course they're selected at that school level. But they have been very valuable to principals, number one, and the parents of the school that is involved.

So we see them as a key in determining what is required at that school. And your comment, I think, that I'd like to also address, you said that it is, you know, a serious consequence I think, when there has to be grade discontinuance. Sometimes in a community, grade discontinuance may be the way for the community to ensure that a smaller sized school becomes viable and in fact is what is the board of education can support.

And I think, when we look at the criteria numbers that I was discussing earlier on with Mr. Wotherspoon, as we see the enrolment numbers for some of those smaller schools, we're going to be making . . . I believe that we're going to have some pretty small numbers put in place when we talk about kindergarten to grade 4 or kindergarten to grade 5. Because those are a lot different than when you're starting to talk about the grade 10, 11, and 12 and the distance that they might ride on a bus.

Ms. Higgins: — I didn't think you'd want to get into that topic about distance on a bus or time on a bus but we . . . No, and I understand, and I understand the issue with grade discontinuance and what it can mean for a school and different opportunities. I mean we can all talk about the kind of lines and theories that we use, but the fact of the matter is, it's still an emotional process. It doesn't matter . . . [inaudible interjection] . . . No, I mean you know it and I know it. I mean we all do — it's very emotional. And it's difficult, and maybe a month or so down the road you might recognize all of the good things about it, but yes, it's an emotional process.

Anyway thank you very much. I actually don't have any more questions on the legislation itself. I don't know whether my colleague does or not, but . . .

Hon. Mr. Krawetz: — Thank you. Thank you, Ms. Higgins. You know, Ms. Higgins, as you are aware, I've been on a school board before for nine years and I was involved in school closure and I'll tell you, it is, it is a very emotional thing within communities, within communities.

But it is also an emotional event — I'll call it that — for school board members. It's not a pleasant task. And I know many people have talked about, you know, well if you close our school you're going to be, you know, forcing our community to close. In many instances when a board of education is making a decision about a school closure, the automobile dealerships, the machinery dealerships, the elevators, and many other things have already closed at a small community level, especially when it's near to another community.

And you know, you mentioned bus rides and times and distances. There's all that question about what is near. What is near? What is acceptable? And you know, clearly if there is a community that is 11 or 13 kilometres away from another community and there isn't much left in that community, it's very difficult, but it is still an emotional issue because there are still people that want to have the school as close as possible to where they live.

And that has been a characteristic, I believe, of probably most school closures. There are not many school closures where a local division board in the past or now maybe a school community council, is going to say, yes, close our school,

because we like it. Thank you for your comments.

The Chair: — Mr. Wotherspoon.

Mr. Wotherspoon: — I think at this time I don't have any more questions. I guess we have engaged . . . Our side has presented some of the challenges that we do see with the process, the communication. We've stated many lofty promises or commitments that were made for some time prior to election, post-election, that certainly haven't been delivered on with this legislation.

Have concerns with how criteria that hasn't been set yet is going to come together. Looking forward to seeing that. I know there's many communities and schools here right now that are waiting upon that information. It's really important to them.

I know the failure to deliver on bold statements of being retroactive, despite the challenge that it would've been, has offered some great concern out there in many families and communities. I guess we've heard tonight a possible new legislative tool that might be used . . . or sorry, a new mechanism, an outside appeal mechanism that might come forward. I look forward to seeing how that might avail itself.

I know the minister is likely walking a difficult line. And it seemed as though he's aware of it, but I ask him to be very careful with respecting school boards' autonomy as he goes forward. And I certainly encourage him to look at funding and placing significant funding in the hands of those that are there to deliver excellence in education. And I think that exhausts our questions for tonight.

The Chair: — Thank you. If there are no further questions or comments, we will begin by voting it off. Bill No. 29, clause 1, under the short title. Is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 14 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 29, An Act to amend The Education Act, 1995. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I invite a member to move that the committee report the Bill without amendments.

Mr. Chisholm: — I so move.

The Chair: — Mr. Chisholm. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Mr. Minister has a closing remark he'd like to make?

Hon. Mr. Krawetz: — Yes, Mr. Chair, if I may. I first of all

want to thank my officials for being here for this evening and assisting me through the questions — many questions excellent for people to understand the Bill, to understand the process, and to understand the kinds of things. So I do want to thank Mr. Wotherspoon, Mr. Forbes, and Ms. Higgins for their questions this evening.

The Chair: — Ms. Higgins, you've got a comment? Yes please.

Ms. Higgins: — I just want to thank the minister and his officials for being here this evening. Especially starting out the week on a late evening like this is not always the best way to do it. But I have to say we do appreciate the time that you're here and the work that you put into not only just answering all our questions, but all of the questions of the regions and the school divisions that are, I'm sure, never ending. So thank you very much for your time this evening.

The Chair: — Mr. Wotherspoon, you would like to make a comment?

Mr. Wotherspoon: — And I'd just simply like to echo that same sentiment. I'd like to thank the minister and the ministry's officials for the opportunity to ask questions here tonight.

The Chair: — I would now ask for a motion of adjournment.

Ms. Higgins: — So moved.

The Chair: — Thank you, one and all. This committee is now adjourned. Have a good evening.

[The committee adjourned at 19:29.]