

December 23, 1986

EVENING SITTING

COMMITTEE OF THE WHOLE

Bill No. 5 — An Act respecting the Organization of the Executive Government of Saskatchewan**Clause 1 (continued)**

Ms. Simard: — Thank you, Mr. Chairman. There's a few other questions that follow from the questions that I was asking. I'd like to ask the Deputy Premier whether he agrees with me that Bill 5 goes beyond the similar provisions in the federal legislation.

Hon. Mr. Berntson: — I guess I'm a little fuzzy on the question. In what respect does this go beyond? I mean, can you clarify the question?

Ms. Simard: — Okay. I'm suggesting that the federal legislation requires reorganization, which I understand takes place by proclamation, to come back to the House, to be debated by the House and passed by the House, or approved. And I'm asking the Deputy Premier whether in fact that's correct.

Hon. Mr. Berntson: — My understanding of the federal legislation — or the federal provisions, if it is in fact legislation; I don't know — is that there is no debate on establishment or revision of powers, but I think that the same is true here. If you keep in mind that, as we talked earlier today, in every instance there will be a requirement for the clean-up consequential amendments, if you like, that will provide for that opportunity.

Ms. Simard: — I would like to also ask the Deputy Premier whether the present Bill 5 goes beyond what is allowed in the British House of Parliament.

Hon. Mr. Berntson: — I'm sorry?

Ms. Simard: — I would also like to ask the question whether or not he is of the opinion that Bill 5 goes beyond what is allowed in British legislation with respect to similar Acts in the British parliament.

Hon. Mr. Berntson: — Short answer: precisely, I don't know. And the long answer is, I guess suffice to say, they are similar in nature and you can read them as well as I can, I am sure, or better. I will allow you to do that. I don't know how I could stop you if you wanted to. But the short answer is, I don't know; they are similar in nature.

Ms. Simard: — Well I'm suggesting, Mr. Chairman, that Bill 5 does go beyond the provisions of the British legislation which require a resolution of parliament in order to do the sorts of things that are being allowed in this particular piece of legislation. In other words, it's got to come back to parliament in order to be finally determined.

I would also like to ask the Deputy Premier whether he agrees with me that by explicitly making The Regulations Act applicable in Bill 5, that the gazetting, in other words

the giving of notice of the regulation, can be dispensed with by invoking provisions of The Regulations Act. Is that not correct?

Hon. Mr. Berntson: — We have identified that problem and we are prepared to move on the House amendment as we go through clause by clause.

Ms. Simard: — Has the Deputy Premier also identified the problem that by making The Regulations Act applicable they can in effect exempt The Regulations Act — in other words any of the notification, any of the tabling, and resorting to the Regulations Committee — by invoking a provision in The Regulations Act that says, you can pass a regulation exempting The Regulations Act.

Hon. Mr. Berntson: — Yes, that's essentially the problem we've identified. And I'll send a copy of the proposed House amendment over to you.

Ms. Simard: — Further question, Mr. Chairman. I'm wondering why the government has seen fit in Bill 5 to put in a provision that allows them to exempt a certain department from the tabling of documents provision, and what they envision that would . . . what cases they think that would be used in.

Hon. Mr. Berntson: — I'm told that this is to cover off several things; like you might not want a department to have certain granting powers. You might not . . . For instance the Provincial Secretary, I think, hasn't filed an annual report in 34 or 36 years; and you know, you might not want the Provincial Secretary to file one next year in the event of reorganization. And you may not want a certain department to continue to have, if you like, the power to have consultants or whatever. But those are the kinds of things that that is intended to deal with.

Ms. Simard: — I'm not sure I understand that reply, Mr. Chairman. I'm talking about the annual report, section 21. And I take it . . . It's being suggested to me that in certain situations you wouldn't want an annual report being tabled because it's not done. I'm unclear as to what the answer . . . whether the Deputy Premier was addressing my question correctly; whether he understood what my question was.

Hon. Mr. Berntson: — The example that I used of the Provincial Secretary: the Provincial Secretary hasn't been required to file an annual report, and hasn't filed one for over 30 years. And so you wouldn't expect, as a result of this, the Provincial Secretary to start filing an annual report.

Ms. Simard: — In most cases however I believe departments are required to table annual reports. So we have a situation here, Mr. Chairman, that would allow the government to step in and say that annual reports do not have to be tabled by departments that are created by them with new objects and purposes that may not coincide at all with the old objects and purposes in departments. They don't have to table the annual report. There's a section in there that says that they can dispense with notice of this particular regulation. There's a section in The Regulations Act that says this, and this amendment,

by the way, doesn't address that. It doesn't address that particular issue. I just bring that to your attention if you're intending to propose that amendment.

The other thing that causes me some concern with this legislation is that on second reading debate there was a suggestion that it didn't grant any further spending powers to government. However, I note that the Bill says that, number one, you can create a new department with new objects and new purposes; potentially new powers, because when you create objects and purposes, powers will flow from the objects. So in effect you're creating new powers. But putting that aside, you're creating a new department with new objects.

And then it goes on to say that the government can spend money up to a maximum of 10,000. Perhaps they would have to go for special warrant but still there could be, effectively, 100,000 applications for \$9,000 each. And it's being suggested that this is now empowering the government to spend any more money. Of course, I take exception to that because I think it goes much further than that. I would like to hear what the Deputy Premier has to say on that particular point.

Hon. Mr. Berntson: — Well, there's nothing particularly new. In many, many Acts in existence today that granting power is there now, so nothing changes. Appropriations are necessary. You can't spend money that you don't have. And you rightly said that . . . (inaudible interjection) . . . You rightly pointed out that you can do special warrants and that's true. But having said that, they have to be supported here in supplementary estimates when estimates are dealt with in the House. But there are many, many piece of legislation that exist now that provide for that \$10,000 granting provision.

Ms. Simard: — But that's legislation, Mr. Chairman, not something that's done behind closed doors by cabinet. Not a new department created outside the Legislative Assembly. That's pursuant to legislation that's already been authorized and debated in this House, not pursuant to legislation which didn't come before the House but was done by cabinet. So there's a very distinct difference there. And would not the Deputy Premier agree with me that this is a substantial difference?

Hon. Mr. Berntson: — We don't agree because we're here now and we're debating this, and it's before the legislature. And you create a department, and it does have the power to make grants up to \$10,000. Anything over \$10,000 has to go to cabinet. All appropriations of government have to be approved here — this is how the place works — and so there's nothing particularly new about this.

Ms. Simard: — Just to follow through on that point. We may be debating at this point whether or not you should be allowing that power but we're debating it with respect to something which we don't know exists yet, something where the objects have not been yet defined. In the legislation you're referring to, the objects have been defined. It's much more specific. And would you not agree that that's a substantial difference?

Hon. Mr. Berntson: — The long and the short of it, Mr. Chairman, is that every cent that is spent by a department, whether that department now exists, or whether it's a new department, it has to be approved by this legislature. It comes in here in estimates.

Take, for example, the proposed department of human resources. It will come to this House line by line in the blue book and, you know, you will question us and we will debate it back and forth, but ultimately every nickel has to be approved by this legislature.

Ms. Simard: — Is that done after the money is spent or before? Or is there any case where it can be done before? Or rather after — pardon me.

Ms. Simard: — I just want, in closing, to reiterate that point. In other words, you come to the legislature, when we're talking about special warrant, after the money is spent. You do have the power in other departments now, but those departments are defined. Their objects are defined, their purposes are defined; we know what we're talking about in terms of objectives.

We don't know what we're talking about here. It could be a department to do who knows what, because you can create new objects. And you're expecting us to allow you to spend money before it's dealt with by the Legislative Assembly, not even knowing what the objects or purposes for this money are. And I think that's asking this Legislative Assembly to go too far. I think you're asking too much of this opposition. Thank you.

Mr. Shillington: — I've listened, Mr. Minister, with growing impatience this evening. I'm not sure whether you're obfuscating or whether you're being obtuse.

I wonder, Mr. Minister, if you would try and answer concisely what has been asked you by the member from Riversdale and the member from Lakeview. Why can you not bring the legislation back for the legislature to approve *in specie*? If you want to create the department of human resources, bring the legislation here for us to approve. Why do you insist on approving it en masse so that we must give blanket approval to an endless number of changes, some of which we might approve of but some of which we might disapprove of? Why don't you bring it back to us *in specie* the way it has always been done in this Assembly before?

Hon. Mr. Berntson: — The question has been answered several times, Mr. Chairman, and all I can say at this point is I'm still having difficulty in understanding why members opposite are resisting these efforts to bring efficiency to government. And we are . . . As I explained earlier today, we have a proposed department of human resources. We have that department now: several — four,

five, six, I don't know how many — separate entities responsible to one minister. What we're trying to do with this legislation is bring together the administrative framework of those entities that are going to be this new department of human resources, and the efficiencies that flow from that. And the tax-paying public is asking us for those kinds of efficiencies and that's what we propose to do through this legislation.

Mr. Shillington: — Mr. Minister, what you seek to do is avoid legislative scrutiny. What you seek to do is avoid the hard questions, the specific questions about what you're doing.

What is going to happen to employees who are transferred to a Crown corporation? What's going to happen to a number of different departmental functions and responsibilities? Mr. Minister, you're not seeking to make government more efficient. You're seeking to make it less responsible to the public. Hereafter when you create a Crown corporation to handle Supply and Services responsibilities, the only means we're going to have to question it is going to be a press release, unless someone thinks that the Crown Corporation Committee has worked because I don't think it has. It is a couple of years behind in its work, Mr. Minister, and it is just simply not an effective vehicle.

Mr. Minister, if you wanted to make government more responsible, you'd be prepared to come here and justify that. But you're not. You're giving us these asinine answers, such as there will be consequential Bills which will come before the legislature and that'll give you an opportunity to ask the questions. I wonder, Mr. Minister: do you actually believe that? First of all, do you believe that consequential amendments are inevitable? I don't think your legislative draftsmen are that sloppy that they always make mistakes. Sometimes they get it right the first time, Mr. Minister. Sometimes there isn't any consequential amendments. Even if there are, Mr. Minister, they might well be on a narrow point which wouldn't give us the opportunity to raise the breadth of questions which arise when functions are transferred from one department to another, Mr. Minister, surely you don't believe that consequential amendments are a substitute for having brought the Bill creating the department or abolishing the department here in the first place.

Hon. Mr. Berntson: — Mr. Chairman, mistakes or sloppy drafting has nothing to do with it at all. It naturally follows that when you do a reorganization under this new legislation, if you are establishing or disestablishing and departments are moving or disappearing or springing up new, that there will be legislative changes required in existing legislation. So consequential to those changes that are made it will be necessary to, if you like, clean up the legislation that's been in place before. And that will provide the opportunity to debate fully, I would expect, all of the changes that are proposed.

I'd just point out as an aside — and I talked about this this afternoon as well — that in 1945 and again in 1978 the government of that day brought in some legislation dealing with Crown corporations. An Act respecting the Creation of Corporations for Certain Purposes, and the

powers that exist in that Act, Mr. Chairman, are far broader than anything we are talking about here.

Mr. Shillington: — Is it the minister's position that a consequential amendment gives us the right to raise any question that may arise with respect to the varying, changing, or disestablishment of a department?

Hon. Mr. Berntson: — My guess is that that would be the case. I don't know what form those consequential amendments would take, but my guess is, I mean . . .

Mr. Chairman: — Order. I'd ask the member to make his comments from his feet, because they won't be on the record when you make them from your seat. Would you wait for the minister to answer.

Mr. Shillington: — I was just trying to assist the minister with his answer. Mr. Minister, without knowing what the consequential amendments are, how can you possibly know what the breadth of a discussion will be?

Hon. Mr. Berntson: — You see, Mr. Chairman, without knowing the extent of a reorganization — and government being the dynamic thing that it is, and a country being a dynamic thing that it is — from here on in, you know . . . Heaven forbid if you folks ever get back to this side. I would fully expect that you would want to adjust and have the flexibility to make some executive, administrative reorganization. And I would fully expect that as government, and we as a province, dynamically move on that that will become more frequent, to make those kinds of adjustments.

And so without knowing what we're looking at five, 10, 20 years down the road, I don't know what kinds of reorganization will be demanded of us at that time. And because I don't know that, I don't know how I could possibly know what the consequential amendments that would flow from that would be. And I can say that I can't possibly imagine any reorganization under this legislation that wouldn't have a requirement for some consequential clean-up of existing legislation.

Mr. Shillington: — Let me just try an example on you. You have stated that you are going to create a Crown corporation which will take over some of the functions of Supply and Services. It's anything but clear from those press releases what responsibilities are going to be taken over.

Early in her brilliant legislative career, the member from Maple Creek got herself in difficulty with The Purchasing Act. It's my reading of that legislation that The Purchasing Act could be transferred to the Crown corporation without any legislation, and our only recourse would be to issue a press release saying we think that's not a good idea. A press release is no substitute for debate in this Assembly. That is the kind of thing which might occur and then the only recourse for discussing that thereafter is Crown corporations, which under you people has scarcely functioned.

So I ask you, Mr. Minister, using that as an example, why don't you think it out in advance, decide what you're going to do, come here and justify it. Why do you insist on

being given a *carte blanche* to make whatever mistakes that may occur to you and ask us to try and deal with the problem afterwards. Why don't you think it out ahead of time, give us the opportunity to debate it before the mistakes are made.

Hon. Mr. Berntson: — The property management corporation has nothing to do with this Act at all. In fact the legislation that allows us to set up the property management corporation was passed, I think, in 1945, by the CCF government, and re-enacted in 1978.

Mr. Shillington: — Well then, why don't you bring the legislation here now? Why ask us to take your word for it? Frankly, Mr. Minister, having spent four and a half years on this side of the Assembly, being told one thing in estimates and finding out something very different in July and August . . .

If you are going to abolish part of the functions of the Department of Supply and Services, why don't you bring that legislation here and now, so we know what you're doing? You say, I'm not going to move the purchasing agency to the Crown corporations. You ask me to accept that on faith, and that's what I'm doing, because it's quite possible. I say, Mr. Minister, that's not good enough. Having watched the member from Maple Creek flub a \$2,000 purchase of a few water purifiers from a former candidate who ran in Regina Elphinstone, instead of going through the purchasing agency, I say, Mr. Minister, to take an example, that's an agency which . . . (inaudible interjection) . . . Well, Madam Minister, you were less than proud of the way you handled it a little later on when we discussed it in estimates.

Mr. Minister, if you're not going to transfer the purchasing agency . . . And if you did, it would create patronage in hundreds of millions of dollars. I ask you. This is the government which won't accept competitive tenders, which asks for proposals so that no one can judge whether or not the lowest bidder actually got it. This is the government which won't accept competitive tenders for anything. Even building contracts now, you ask for proposals. This legislation gives you the right to transfer the purchasing agency to the Crown corporation without any of the protections of that Act. Hundreds of millions of dollars will go through there if this were to happen without any protection, Mr. Minister.

(1930)

What would happen to the public treasury if instead of having to accept the lowest bid on \$200,000 worth of Caterpillars, you could take whichever bid you wanted? I say it opens a vast new realm of patronage which I hope you haven't thought of.

Mr. Minister, why not put it in the legislation of a department? Why not bring in a departmental Bill instead of asking us to accept on faith that this government has no interest in patronage? Because from what we have seen over the last four and one-half years, nobody would believe you, much less the people who have sat here.

Hon. Mr. Berntson: — Mr. Chairman, this Bill before us right now gives us no power to transfer anything to a

Crown corporation. We can transfer between departments; we can transfer, you know, from one minister to another. But as I understand it, this Bill gives us no power to transfer to a Crown corporation.

Mr. Shillington: — That is simply not accurate. That Bill gives you the power to transfer functions formerly handled by departments to Crown corporations and indeed you've announced you're going to do it. You've announced that you are going to transfer part of the functions now carried out by Supply and Services to the Crown corporations. This Bill authorizes that.

So I say to you, Mr. Minister, that you'd better read the legislation before you try and bring it through the legislature, because it does authorize that.

Hon. Mr. Berntson: — No it doesn't.

Mr. Shillington: — Yes it does.

Mr. Minister, then let me ask you a specific question then about what we're being asked to authorize. We're being asked to authorize any number of different things, but one of them clearly is the disestablishment of the Department of Supply and Services. Employees have been told in the department that they're moving February 1st; that rights as to seniority, pension benefits, and fringe benefits will not necessarily be carried into the Crown corporation.

I ask you, Mr. Minister: what's the situation of those employees?

Hon. Mr. Berntson: — I didn't get the question.

Mr. Shillington: — Employees . . . Your government has announced that you are transferring some of the functions of the Department of Supply and Services to a Crown corporation . . . (inaudible interjection) . . . Well, whatever you call it.

Mr. Minister, employees tell me that they've been told that they're moving February 1st; that seniority, pension benefits, fringe benefits, will not necessarily be respected nor will all of them necessarily be moved. Mr. Minister, what are the rights of those employees who will be transferred pursuant to the authority given in this Bill?

Hon. Mr. Berntson: — Well, Mr. Chairman, what the member is talking about has absolutely nothing to do with this legislation at all, this proposed legislation. It simply doesn't.

Mr. Shillington: — That is not the disestablishment of any department?

Hon. Mr. Berntson: — Even if the department is disestablished, those powers have to be assigned to another minister because that legislation continues to exist until it's otherwise changed by amendment, or repealing, or whatever.

Mr. Shillington: — Well, Mr. Minister, I disagree with that. I want to go on to, I think, what members of this Assembly find the most distasteful, and that is the lumping of social services, labour, equality of women, and

equality of natives all within one department.

Mr. Minister, I would have thought that after the election, after having got trounced in urban areas, this government would have given some thought as to why that occurred. There were a number of reasons, but one of the reasons was a coalescing of a number of groups who felt they hadn't been fairly treated. Among those groups were those on social assistance, those who call themselves working people — a far larger percentage of women than men — and a lot of native people in the urban areas.

Mr. Minister, why would you transfer all of those problems, which are not just severe problems for society but political problems for you, why would you transfer them to a single minister who, I may say with every respect, hasn't proved himself particularly competent in disentangling the problem in a smaller Department of Labour?

Hon. Mr. Berntson: — Mr. Chairman, just so there's no misunderstanding. While we haven't disestablished or established anything yet, because this legislation has not passed yet, our intention is to have some separate entities brought under a common administrative framework called the department of human resources. And that includes the Seniors' Bureau, the Women's Secretariat, the Native Secretariat. The Department of Social Services, however, is not part of that. The Department of Social Services will continue to be the Department of Social Services.

Mr. Shillington: — Well then would you . . . so the member from Melville is not the most powerful minister in government after all as he has self-described. Would the minister of . . . (inaudible interjection) . . .

I see he's only fourth most powerful. Would the minister then tell me what is to be under the department of human resources? I understood that some of the functions of the Department of Social Services were in that department.

Hon. Mr. Berntson: — The only thing that came from the Department of Social Services into the new department of human resources, labour, and employment is the Seniors' Bureau. So you have Labour, Seniors' Bureau, Employment Development Agency, Women's Secretariat, Native Secretariat. That's it.

Mr. Shillington: — What other departments do you have immediate plans to vary, disestablish, or change the name of?

Hon. Mr. Berntson: — One that I talked about earlier today is the Department of Environment and added to the Department of Environment as it exists today is public safety. And where did that come from? That came from . . . (inaudible) . . . and safety services, so that's another of the areas that we plan to move on fairly quickly.

Mr. Shillington: — Is that a comprehensive list of what you now have in mind?

Hon. Mr. Berntson: — What we have in mind is to do an analysis, over time, of all of those areas, all of those possibilities or opportunities to gain efficiencies in the

administration of government, Mr. Chairman. And so this thing may evolve over time. And as it does, you know, we will bring those things forward. Right now we have the department of human resources that we want to deal with and the department of environment and safety.

Mr. Shillington: — And those two areas are all you presently have in mind? Do I understand that . . . Mr. Minister, if you're asking for a *carte blanche*, which you are, at least you can give us a definitive list of what you presently intend to change and what you presently intend to do.

Hon. Mr. Berntson: — As I said earlier, Mr. Chairman, it's kind of an evolutionary thing and as we examine it — and I'd be more than pleased to share it with the member — but the one that we've already talked about, as the member knows, is the department of human resources, labour and employment and one that I've alluded to recently, earlier today, is the department of environment and public safety. And as we conclude that there are other opportunities for administrative efficiencies we will bring those forward, but those are the two we have on our plate at this particular time.

Mr. Shillington: — And those are the only two which you now intend to create, is that right?

Hon. Mr. Berntson: — As I say, those are the only two that we have on our plate at this particular time but we intend to continue looking for administrative efficiencies to be brought to government.

Mr. Shillington: — Do we have your undertaking that those will be the only changes during this current session which I expect will prorogue some time in late 1987? Are you able to give us that undertaking, that's all you intend?

Hon. Mr. Berntson: — I don't know if I can give you that assurance or not at this time. I quite frankly don't know how far advanced we are in the analysis of looking for those efficiencies that everyone so desires, so I don't know that I can give you that assurance at this particular point. I can tell you that right now we have on our plate human resources, labour, and employment and environment and public safety.

Mr. Shillington: — Mr. Minister, with respect to departments which are disestablished, will there be employees who will also be disestablished? Are you able to give this Assembly your assurance that you won't sue the realignment of departments as an excuse to fire career public servants and hire political hacks in their place?

Hon. Mr. Berntson: — Mr. Chairman, this legislation has nothing to do with . . . The public service, Mr. Chairman, is still governed and will continue to be governed by The Public Service Act and by the collective agreement.

Mr. Shillington: — Mr. Minister, the Public Service Act has given less and less protection as you people have been in office longer and have learned means of evading it, and that is the honest truth. The Public Service Act now provides very little protection to public servants. They know it, and so does a former member, a Mr. Embury, who ran in Lakeview know it, and so do other candidates

from Regina know it because it was a real issue in the last election.

Mr. Minister, there will be every opportunity for you to abolish the post of the director of The Labour Standards Act and re-create a new post of a director of working peoples or whatever you want to call it. Do we have your undertaking that you will not be abolishing positions and creating new ones so that you can get rid of people who aren't prepared to buy a Conservative Party membership? Will you give us that assurance that you're not going to use this to lay off a number of career public servants?

Hon. Mr. Berntson: — This is absolutely ridiculous, Mr. Chairman, absolutely ridiculous, because I don't think that there's any provision any place in any government where you are compelled to have a membership to any political organization. It's just ridiculous to suggest otherwise, and the member knows that.

Mr. Shillington: — Mr. Minister, you're evading the question, as you have all during the afternoon and evening. It's noteworthy that you had to ask your official whether or not you had to have a membership to work for the party.

(1945)

An Hon. Member: — Does he have one?

Mr. Shillington: — I would be fascinated in knowing what his answer to that question was, but that's not for public consumption.

Mr. Minister, the question is not whether or not by law you have to have a membership to work for this government; the answer is no. Whether or not, practically, you have to have a membership to get a senior position into this government, I'll tell you the answer is yes. And you know it and I know it, and so does everybody in this city know it, and that's why you got shellacked, and that's one of the reasons you got shellacked in this city during the last election.

Mr. Minister, the question is not whether or not you have to have a membership to work for the government. The question is: will you give us your solemn assurance that this reorganization will not be used as a pretext for abolishing positions and thus laying off large numbers of career public servants who've had the courage and the integrity to say not some of your baser requests.

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — Mr. Chairman, the reason that this legislation is before us is to bring efficiencies to government and the administration of government and that's quite simply it. There is no dark or sinister motive and to suggest otherwise simply isn't the case. This legislation, or legislation similar to it, has been in existence in Manitoba under four administrations, Mr. Chairman, and to suggest that there's anything dark or sinister about this simply isn't in any way in touch with the reality of the situation.

Mr. Shillington: — Mr. Minister, I want to tell you that

patronage is not a very efficient way to run a government. Over the last four and one-half years we saw expenditures in this government increase by 42 per cent at a time when inflation increased by 30 per cent and public services are collapsing. The reason why you're spending more and doing less is because this government is ridden with patronage.

Mr. Minister, there's nothing very responsible or efficient about patronage. It's a very expensive way to run a government, an expensive way to run public services.

Mr. Minister, I take your refusal to answer the question, albeit being asked in a pointed fashion three times over, to be in the affirmative. That is what's going to happen. You are going to abolish the position of career public servants and they will be laid off, and you will hire, Mr. Minister, a number of hacks who won't know where the washroom is when they walk in the front door. That's what's going to happen, and the government and the public services in this province will decline further than they are, and the cost will go up and we will see a continuation of what has happened over the last four years. Mr. Minister, I take your refusal to answer the question over the last 10- minutes to be an affirmative. And I'll tell you it's bad news for the Government of Saskatchewan, and it's bad news for the province of Saskatchewan.

Mr. Mitchell: — Thank you, Mr. Chairman, and Mr. Minister. One of the very common labour relations issues in Saskatchewan during the past few years has been the issue of contracting out. And I think you know when I use that term it means a situation where an employer stops doing something which he formerly did and hires some outside person or company to do that thing. And this has been resisted by trade unions at the collective bargaining table because it costs their members jobs. People who were formerly employed by that employer are laid off and the work is done by some other people who are employed by the contractor.

Now when I look at this Bill, Mr. Minister, I note the provisions of clause 17, and particularly 17(1)(b), and the question that I want to ask you is whether it is the intention of the government to use that provision in order to contract out work now being done by the government.

Hon. Mr. Berntson: — No, Mr. Chairman, I'm told that that's a standard provision in a great number of pieces of legislation, including the old Act that this came from.

Mr. Mitchell: — Mr. Chairman, and Mr. Minister, I haven't looked at all of the Acts that set up all the departments, but I did look at a number of Acts setting up departments, and frankly I wasn't able to find such a provision. I wonder, Mr. Minister, could you give me some examples of Acts where that particular power exists.

Hon. Mr. Berntson: — To name a few, Mr. Chairman — Advanced Education and Manpower, Education, Justice, Parks and Renewable Resources.

Mr. Mitchell: — I wonder, Mr. Minister, if you could be quite clear about the way in which that right or that power will

be used in this piece of legislation, having regard to the fact that it wasn't in the departmental Acts of a large number of departments.

You've named some where apparently that right or that power did exist. But having it exist in Acts like The Department of Justice Act and Advanced Education is one thing; having it exist in the central piece of legislation that will apply presumably to all departments is quite another.

So I wonder if I could get your assurance that the government doesn't intend to use that power in order to introduce the subject of contracting out on any kind of a significant scale in the government?

Hon. Mr. Berntson: — I'm told, Mr. Speaker, that as departmental Acts came forward that this was a standard sort of a clause. In the new legislation a lot of the Acts that you're referring to haven't been brought forward or dealt with for many, many years. But those in recent history — and I don't know what year that those would have started, but I would guess the last 10 or 15 years — that that is a standard provision in those pieces of legislation.

Mr. Mitchell: — Mr. Minister, are you aware that the issue of contracting out is an issue now between the government and the SGEU in an application before the Labour Relations Board, and are you aware that the matter of contraction out is an issue that has been tabled in the current round of negotiations with SGEU?

Hon. Mr. Berntson: — Yes, Mr. Chairman, I guess I'm not aware in any detail as to what has been tabled and what hasn't, but my sense of it is that's exactly where it should be, at the collective bargaining table. And I think the member agrees with that.

Mr. Mitchell: — Mr. Chairman, Mr. Minister, yes, I do agree with you, and I want to come again to the question I put to you and try and be quite plain about this. Is it the government's intention, if this Act is passed, Mr. Minister, is it the government's intention to use the power contained in section 17(1)(b) in order to contract out services that hitherto have been performed by the Government of Saskatchewan itself?

Hon. Mr. Berntson: — Mr. Chairman, I suppose the concern raised by the member is possible, but clearly that's not what this is here for. What this is here for is to provide the vehicle for the department — a department — to enter into agreements. For example, rather than providing an outright grant to . . . In the department of native affairs or in the Department of Economic Development or whatever, you might want to enter into an agreement where certain terms and conditions have to be met in order for this money to flow. And that, as I understand it, is the purpose of this particular part of the legislation.

Mr. Anguish: — Thank you, Mr. Chairman. I just have a few brief questions. It's obvious by this point in time that the minister doesn't wish changes in departments coming back before the legislature for any scrutiny. And I know I'd much rather be at home playing with my children at Christmas time than playing with you. No disrespect at all, Mr. Minister.

In this Bill, I'm wondering if we can come to any point of some scrutiny in terms of what you do in the Executive Council. If you are, as it says in the Bill, to:

. . . establish, continue or vary any department and determine the objects and purposes of the department; (or to) disestablish any department; (or to) determine or change the name of any department.

In fact, Mr. Minister, before any of those changes come into effect, do they actually come before the Regulations Committee of this legislature?

Hon. Mr. Berntson: — There are a couple of points, Mr. Chairman. First, I would much rather you were at home with your children too. The answer to your question — before any of these changes take effect, do they come before the Regulations Committee? — the answer to that as well, Mr. Speaker, is no.

Mr. Anguish: — Well, Mr. Speaker, then — Mr. Chairman, sorry. Through you to the minister, The Regulations Act applies to every order of the Lieutenant Governor in Council made under what they refer to as subsection(1) in this paper. And those items in subsection (1) refer to the establishment, to:

. . . establish, continue or vary any department and determine the objects and purposes of the department; (or) disestablish any department; (or) determine or change the name of any department.

Now what does the Bill mean, generally? I can't understand why this doesn't come before the Regulations Committee, because the changes that you propose under this legislation in fact are done in the Executive Council or by the executive of government. Why do they not come before the Regulations Committee?

Hon. Mr. Berntson: — The procedure has been, and is now, that regulations are passed, obviously, by Executive Council. From there they're filed with the Clerk. The Clerk files them with the registrar of regulations. From there they go to the Regulations Committee, the Committee of the Assembly, and that committee then reports on those regulations to the Legislative Assembly. And that's the way it is.

Now if the committee on regulations recommends to this legislature that a particular regulation should be brought forward and debated here, that's what happens. If the committee recommends that the regulations are adopted, they're adopted. That's the process.

Mr. Anguish: — Now, Mr. Chairman, the regulations then — what you're telling me is that the regulations, or the changes that would be made in Executive Council, come before the Regulations Committee after, in fact, they're enacted by the Executive Council?

Hon. Mr. Berntson: — That's true, Mr. Chairman. The changes that would come from this legislation by regulation then go ultimately to the Regulations Committee and then finally reported to this House.

(2000)

Mr. Anguish: — Well, Mr. Speaker, what if the Regulations Committee — I assume it's within the powers of the Regulations Committee . . . I don't wish to continue while you're being briefed; I'd like you to listen to one conversation at a time. If something that's done under the authority of this Bill is done by the Executive Council and the Act comes before the Regulations committee and the Regulations Committee finds whatever it is that's being done by the Executive Council to be *ultra vires* or beyond the powers, what is the process, then, Mr. Chairman, to the minister?

Hon. Mr. Berntson: — Again, Mr. Speaker, a couple of things. Every jurisdiction in Canada where the Executive Council passes regulations or has the power to do that, they refer them to a regulations body. And in the event, in the event as you have suggested, in the event that there was something wrong, whether it was beyond the jurisdiction or whatever, and that was discovered at the regulation review stage, then that committee obviously would have an obligation to refer it to this House to be dealt with.

Mr. Anguish: — Is that then, Mr. Minister, the only condition under which the Regulations Committee could refer something that's done in Executive Council — under the authority of this legislation — back before the legislature?

Hon. Mr. Berntson: — I don't quite know where the member is going. But . . . (inaudible interjection) . . . Well, let me describe the committee for the member for Regina Centre.

Mr. Chairman: — Order, allow the minister to answer.

Hon. Mr. Berntson: — Section 17 of The Regulations Act states as follows:

Where, under the Standing Orders of the Legislative Assembly or in accordance with the procedure otherwise prescribed by the Legislative Assembly, a member of the Executive Council or other authority making a regulation, or, in the case of a regulation made by order in council, the member of the Executive Council recommending it, receives from the Clerk of the Legislative Assembly a copy of a resolution of the Assembly showing that the Assembly disapproves the regulation or any part thereof, or requires it to be amended, the member of Executive Council or other authority or the Lieutenant Governor in Council, as the case may require, shall revoke the regulation in whole or in part or amend it as required by the resolution.

And it seems to me that that's just what we've been saying for a few minutes now.

To answer your last question: is that the only vehicle or the only reason that the committee could refer the regulation to the Chamber, to the legislature? My guess is, as a committee of this legislature, if that committee

decides for any reason to bring the regulation to this Chamber, it can do so.

Mr. Anguish: — I don't believe that that's correct, Mr. Chairman. I believe that the only things that the Regulations Committee can bring back before this Assembly — and I'm taking the advice of some of my colleagues who've been here longer than I have — is it a case that the Executive Council exceed their authority under any particular piece of legislation or statute that they happen to be dealing with. And it bothers me somewhat in that there isn't even the scrutiny of a committee over what the Executive Council is allowed to do under this Bill, or this proposed legislation, let alone for the Assembly to have any scrutiny; none of the committees have any scrutiny either. And I suppose, Mr. Minister, that after conferring with your authorities there, whether or not you would correct what you have just told me as to whether or not there are actually other instances where the Regulations Committee could bring back an order in council, say, before this Assembly for their scrutiny.

Hon. Mr. Berntson: — Mr. Chairman, what I will do is I will try and find the standing orders for the Regulations Committee and provide the member with that answer if he wants to go on to something else.

Mr. Shillington: — Well, I wish my colleague, the member from Quill Lakes, were here. He was chairman of that committee for the last four years.

Mr. Minister, will you admit the function of that committee which hires a lawyer to assist them and do most of their work, has as its sole responsibility the determination of whether or not regulations are *intra vires* or *ultra vires*, and has not authority under the motion of this Assembly which set it up to pass on the merits of the regulations?

And will the minister admit that that's patently impossible to do, given the fact that it meets a couple of times a year and most of its work is done by a member of the legal profession? Will the minister admit that the committee can't do that as it is now structured, and has no authority to do anything but pass on whether or not those regulations were *ultra vires* or *intra vires*.

There is no mechanism by which orders in council can be examined before any committee of this Assembly. Will the minister admit what you must know, having been here for eight years.

Hon. Mr. Berntson: — The member may be right. And the fact is, the simple tabling of those regulations before the committee . . . And the member will be aware that they are, because all members are as they're tabled. And if there is a problem with them, they come before this House. The member will have access to them in any event. And if he has any concern about any regulation at any time, I'm sure that he can raise it in the House at any time.

Mr. Anguish: — Thank you, Mr. Chairman. Going at this in a little different way, Mr. Minister, do you view the Regulations Committee as having the authority — if not to

bring back an order in council before this House to be debated in this Assembly — do you agree that the Regulations Committee does in fact have the authority to call members of the Executive Council to determine whether or not what they have done is *ultra vires*?

Hon. Mr. Berntson: — Whether or not they have the power to call a member of Executive Council, I'm not sure. The practice here, I'm told, has been that the minister has informed, or that member of Executive Council has informed, of the problem and is asked to explain it, whether that's done in written form or whatever. But that's been the practice, and I don't think that in the past that there has been the requirement of a member of Executive Council to appear before the committee.

Mr. Anguish: — Mr. Chairman, I think that when this proposed legislation actually passes — which I think likely it will; you've got the numbers there to do it even though the advice of myself and many of my colleagues, all of my colleagues . . . We see it as a flawed piece of legislation. We would have liked to have seen some changes made. So I think that if the Regulations Committee does have some authority to call members of Executive Council before the Regulations Committee to answer for some of the things that are done under the authority of this Bill, I think you can in fact be expected to be called on a fairly regular basis before the Regulations Committee in the future.

And I'm wondering if you can clarify for us yet tonight whether in fact actually the Regulations Committee has the authority, if they feel in their wisdom that something has gone on in Executive Council that doesn't quite meet with the proposed legislation that we're dealing with, that the Executive Council can appear there and be questioned and provide evidence to the committee so they can determine whether or not there should be something coming back before this Assembly in accordance with their duties as members of that committee.

Hon. Mr. Berntson: — Mr. Chairman, we'll get the standing order and clarify that for you.

Ms. Simard: — Mr. Chairman, I just wanted to sort of summarize what I understand from these discussions. I see the problem as really having two, maybe three aspects to it. First of all, the Regulations Committee does not meet often enough to permit effective review of the regulations that will be enacted under this legislation when this Bill is passed. So there's a time span in there that creates a substantial difficulty from the point of view of responsibility and accountability to the public and from the point of view of review by legislative committee.

Number two, the Regulations Committee will not have authority to get a regulation changed unless the regulation goes beyond the powers permitted in this Bill — beyond the powers — and part of the problem that we have are the powers in this Bill and the fact that the Bill allows the cabinet to go too far in making regulations. So it isn't just simply a question of whether the regulation is *ultra vires*. We feel this is already going too far. But even if it does go too far and stays within this Bill, it can't be

reviewed by the Assembly. And that's part of the problem — not only the fact that the Regulations Committee is ineffective from the point of view of providing the public with accountability and from the point of view of providing legislative review of this legislation, we are also contending that this legislation goes too far in its enabling powers to cabinet to create regulations. And they may very well be within the powers of this Bill, and therefore their relation wouldn't be *ultra vires* and in effect wouldn't be reviewable by this Assembly. And isn't that the real problem Mr. Chairman?

Hon. Mr. Berntson: — Two things, Mr. Chairman, the Regulations Committee can be called at any time and called by the chairman, and the chairman happens to be an opposition member.

The second point is that . . . and this has been raised by the member for Regina Lakeview before. She is concerned that the phrase "objects and purposes" is far too broad, and we don't agree with her. We don't agree with her, but if she would prefer, as she has stated before, that "duties and functions" is more acceptable, we're prepared to accept that as a House amendment. I have one ready here to put forward.

Ms. Simard: — Just a point of clarification, I did not say "duties and functions" was acceptable. It may be more acceptable than what's here, but it's not acceptable.

Mr. Anguish: — Thank you, Mr. Chairman. I have another question, maybe two, on another aspect of clause 1. And it's in regard to questioning earlier this evening by the member from Regina Centre when he talked about the transition of the Department of Supply and Service employees, plus accumulating all the physical assets of the government into the property management corporation. And if, in fact, this Bill 5, the proposed legislation which we are dealing with here now, would not give the authority for the Executive Council to do that, then could the minister tell us exactly where the Executive Council gets the authority to make such a vast change?

It would seem like this Bill would be what should be used to do such an act by Executive Council. Where have you gleaned the authority to in fact create the property management corporation and to put into that property management corporation physical assets of the government and many, many of the employees of the Department of Supply and Services, Mr. Minister?

(2015)

Hon. Mr. Berntson: — Mr. Chairman, I've answered the question before. The authority to set up the property management corporation does not come from this particular piece of legislation that we're debating here tonight. It comes from a piece of legislation . . . section 3 of An Act respecting the Creation of Corporations for Certain Purposes. That was first passed in 1945 under the CCF government and re-enacted in 1978 under an NDP government. And the question raised by the member dealing with the property management corporation has absolutely nothing to do with the legislation that we're debating here tonight.

Mr. Anguish: — Mr. Chairman, I was wondering if the minister could give me an example, just a very clear and concise example what you would do under the authority of this piece of legislation that you could not currently do under the legislation that you've cited that you're able to set up the property management corporation.

Hon. Mr. Berntson: — I guess the member wasn't here when I did this before, but an example would be the proposed department of human resources, labour and employment. Currently we have a minister who is responsible for several separate entities. And what we propose to do under this legislation is to provide for a common administrative framework that will be called the department of human resources, labour and employment. We could do that by separate legislation; we chose to do it by similar means as already exist in the mother parliament in the U.K. and Ottawa and in Manitoba, and I believe, in British Columbia.

Mr. Anguish: — Mr. Chairman, and I understand that when that happens in the example that you've given, that all of the statutes that are in place to make those various functions operative in fact will remain unchanged, and if they do have to be changed, must come back before this legislature.

Hon. Mr. Berntson: — Absolutely right, and I must commend you on . . . (inaudible interjection) . . . You bet. Thank you.

Mr. Lyons: — Thank you, Mr. Chairman. My first question to the minister concerns his oft-repeated references to the Department of Environment and the changes that have been undergone.

And prior to the beginning of this session of the Assembly, I found on my desk one day a copy of an order in council which appeared to me, and the minister can certainly correct me if I'm wrong in this, but which in fact transferred certain powers from the Department of Labour in regards to public safety aspects — Boiler and Pressure Vessel Act and so on — and transferred it from the Department of Labour to the Department of Environment.

And my question to the minister is this: what prevents you and what prevents the minister responsible for the Department of Environment from carrying out the duties and functions associated with those sections of the Department of Labour transferred by OC — what prevents that minister from carrying out those duties and functions as enacted legislation by order in council as opposed to the necessity for this legislation?

Hon. Mr. Berntson: — Obviously he can carry out those functions. He's doing it today, as is the minister of employment and human resources, and so on. The purpose is to tidy up, if you like, the administrative framework rather than deal with — in your case, two separate entities, in this case four or five separate entities — we bring them into one department. And as already understood by your colleague from The Battlefords, any change in the existing legislation would have to come back to this House to be dealt with and, of course, would,

I fully expect, receive the debate that it deserves at that time.

Mr. Lyons: — Mr. Chairman, I wonder if perhaps the minister, for this few minutes, could take me through the tidying up. What precisely needs to be tidied up in terms of the administrative framework of the Department of the Environment so that certain functions and duties contained within those pieces of legislation brought over from the Department of Labour . . . precisely what type of administrative tidying up are you talking about?

Hon. Mr. Berntson: — A better example is going back to the minister of human resources, labour, and employment. Changes that would have to be made there are: changes to labour, the labour Act ultimately; the native secretariat, etc. As these separate entities exist now, all of them, separately, report to the minister, and obviously if this is brought under one administrative framework, that would change and streamline it, so to speak, and bring those efficiencies that all of us are seeking.

Mr. Lyons: — Mr. Chairman, the reason I questioned you concerning the Department of the Environment was that you used it several times in answering other members' questions regarding the question of streamlining and efficiencies. And I'm asking a fairly simple question: what does the Minister of the Environment have to do . . . Let's put it this way: why does he need section 12(1)(a), (b), or (c), or (2) of Bill 5 to affect efficiencies, first of all? And secondly, what efficiencies were effected, because this change has already been carried out without this legislation?

Hon. Mr. Berntson: — I'm told that on the example that you use that under existing powers, powers that are already in place, that that change as made. But to reflect what the new department is doing with the addition of public safety, the name of the department has to be changed. So I suppose you could argue that in this particular instance there's no particular streamlining, just a moving of the public safety into the Department of Environment.

Mr. Lyons: — Mr. Chairman, I take it then, Mr. Minister, that the only efficiencies affected by the change in the use of the OC in terms of the Department of Environment and the shifting of those responsibilities of the Department of Labour was that the name of the department is going to be changed. And I don't want to appear facetious in saying that, but that seems to be the only efficiency that you're talking about in that. However, I'm not going to get a straight answer on that one, so I'll change to another attack line of reasoning.

You've made, and if I heard you correctly, Mr. Minister, you said that there will be changes to the labour Act ultimately. So I would like to ask you, sir, if you will make a commitment . . . (inaudible) . . . I would like to ask you if you will undertake a commitment on behalf of your colleague, the Minister of Labour . . . pardon me, the minister for human resources, labour, and employment — the fourth most powerful minister in cabinet behind those closed cabinet doors — whether or

not you'll undertake this commitment that: (1) the purposes and duties ascribed to the present Department of Labour under The Occupational Health and Safety Act, whether those duties and functions will be carried out by the new ministry of human resources?

Hon. Mr. Berntson: — That Act as it exists will just be assigned to the new minister with the new title. And if I can go back to one of your earlier questions — and I know you were only half facetious when you raised it — but you're talking about the limited efficiencies that would be achieved by the name change, if you like, for the department of environment and public safety. I don't know, but it may well be that those efficiencies would be achieved in the Department of Labour as it's now structured by moving the public safety side of it over to Environment. I don't know.

The other point that I make is: do you really think that it's efficient use of the House, of the time of this House, to bring forward legislation to deal simply with a name change for the department of environment and public safety?

Mr. Lyons: — Mr. Chairman, in terms of the response to that direct question, yes, particularly since it can go to the Non-Controversial Bills Committee, get stamped there, it comes before here and takes nothing but several minutes of our time, particularly when it's part of a larger Bill affecting name changes of other departments. I don't think there's any problem with that. And I can tell you right now that the waste of time and the waste of taxpayers' money is being brought upon the House and upon the people of Saskatchewan by your attempted introduction of this Bill.

You didn't answer my question, however, in regards to a commitment by your government. Will you undertake a commitment on behalf of the Minister of Labour that the duties and functions as outlined by The Occupational Health and Safety Act which will be moved from the Department of Labour or amalgamated into the new department of human resources, labour and employment, whether the duties and the functions — and that includes the duties and functions of the inspectors for occupational health and safety and for all the type of safeguards for working people in this province that adhere to that Bill — whether or not you will undertake a commitment that your government will not change those duties and functions.

Hon. Mr. Berntson: — Yes, Mr. Chairman. The only way that you can make changes to those duties and functions is to amend that Act. The only way you can amend that Act is to bring it to this Chamber. So the answer to your question is that it can't be done without bringing it here.

Mr. Lyons: — Mr. Minister, this seems to come to the crux of the question in my mind. Why for is it that in section 12(1)(a) that to "establish, continue or vary any department and determine the objects and purposes of the department"? You're saying the objects and purposes reside in the legislation. Is that your argument?

(2030)

That's a pretty weak argument when in fact they can reside out there in the abstract as a theoretical proposition, but in fact . . . Let's take for example the carrying out of the powers and duties and functions of The Labour Standards Act, when in fact if the department of human resources, labour and employment were to determine objects and purposes differing from, in the reality, different from those of the Act . . . (inaudible interjection) . . . Well, this is what it says. This is what it says. You want to change not only the name of the Department of Labour but you want to change and determine the objects and purposes of that department.

Won't you at least agree that if for example the department of human resources were to determine that the inspection of the hours of work for working people in this province were not a priority of the department, and that no labour inspectors were to be assigned to that, won't you agree that for all intents and purposes, while the Act may exist, the functions and the powers of that Act in reality will be abridged?

Hon. Mr. Berntson: — I think what the member is suggesting. . . Well, first let's understand that what we're talking about here is the administrative framework, the objects and purposes of the administrative framework. And it's quite separate and apart from what you're talking about in the various Acts that exist around the government.

Now if at any time a government decides that it's going to change a priority, it doesn't have to change legislation. It can simply change appropriations at budget time, and that will change priorities. And any government that does that, does so at their political peril. If the folks aren't appreciative of the direction or the priorities that the government has set, that government will soon know.

But what you're saying, or the question you're asking, is legislatively — that legislation or those duties and functions, or duties and powers, or whatever it is you're talking about, cannot be changed without an amendment coming before this House.

Now if you're talking about changing priorities, you can do that from a budgetary point of view.

Mr. Lyons: — Well if I were to agree, if I were to give you for example that the purposes couldn't be changed except through an Act of a legislation by amendment that was brought before the legislature — and I believe that's a moot point, by the way. I believe that's a moot point in legal terms. If I were to give you that, not being a lawyer . . . I picked up these words around the caucus. Moot point, and things like that. Right? Yes, you're learning some of them yourself, right?

Even granted that what you have to say, won't you . . . And I'll use your example. I'll use your example of the efficiencies effected, as you put it, by the Department of Labour through the switching of those public safety areas like the electrical inspection, and The Pressure Vessels Act. There's certain efficiencies effected, I'll grant you that. It's going to cost the Department of Labour less because you have less people working for it. Those efficiencies can be effected by moving them into the

Department of the Environment, I would suggest, maintaining the same budget for the Department of the Environment. It's a hypothetical situation, we'll all agree. But let's just say, for the sake of argument, that you could move it to the Department of the Environment, you would then end up with less effective monitoring of public safety.

And you and your government, of all people, have in fact been dealt the political consequences of that. And all we have to think back to is the Polly Redhot affair, in which certain efficiencies were effected in the Department of Labour without changing the legislation, right? Without changing the legislation but in fact changing the priorities of the Department of Labour.

So I will grant you those arguments. All I am trying to get you to grant, sir, is that one does not need this Bill to either change priorities because you said yourself you can do it through budgetary means; change powers and duties because you admitted yourself you can do it through orders in councils. Is it not true that the most that this Bill will do will be made it a smoother and easier method of, in fact, cutting back in the civil service of the province of Saskatchewan?

Hon. Mr. Berntson: — That's simply not the case. And in the case of the public safety parts of Labour that were transferred to Environment, the dollars that were attached in the blue book to those departments or functions that were carried out in Labour went with them to Environment.

But you do make a good argument that supports the one that I've already said, that is that you can effect priority changes from a budgetary point of view. But that is debated in this House and that's always been the case, and anybody that makes budgetary priorities that aren't in keeping with the wishes of those that they represent will suffer the appropriate result. And so I think what you've done, whoever convoluted it may have been, is supported the argument that we've been trying to advance all night.

Mr. Lyons: — Mr. Minister, I think maybe the convolution is in the minds of the drafters of this legislation, quite frankly, not on this side of the House.

However, having responses on that line of question, I'd like to go into what you termed as your "evolutionary mode of operation" and I'd like to see how far along the line of evolution you and the other members of the government are in this respect ... (inaudible interjection) ... Someone said simian; I don't think that's correct.

Anyway, is it within your evolutionary mode and framework that the Department of Culture and Recreation ... You have plans to disestablish the Department of Culture and Recreation and to replace it by Saskatchewan lotteries corporation, a Crown corporation?

Hon. Mr. Berntson: — I would have to hear some pretty compelling arguments, Mr. Speaker, for that to happen. I quite frankly think it's inconceivable.

Mr. Lyons: — I'd just like to get that correct. You're saying that it's inconceivable that you will use Bill 5 to disestablish the Department of Culture and Recreation, or parts of the Department of Culture and Recreation, and establish the Saskatchewan lotteries corporation? Am I correct in that? Is that what you said?

Hon. Mr. Berntson: — I understand, Mr. Chairman, that there have been some outside interests that have suggested that that's the way to go. But we're certainly not contemplating that at all.

Mr. Lyons: — Mr. Minister, would those outside interests, outside ... are you saying outside interests in terms of outside the department? And is the argument that they're making based on the effecting of efficiencies in the assignment of duties and powers in the carrying out of responsibilities of the department.

Hon. Mr. Berntson: — I quite frankly don't know who those outside interests are, but they're interests outside of government.

Mr. Lyons: — I would like to ask one more question, and it's along this line of reasoning: will you make a commitment, will you make a commitment on behalf of the Minister of Co-ops and Co-operative Development ... will you make that commitment that that department will not be disestablished or any other portions of that department assign to another department to, namely, the Department of Consumer and Commercial Affairs?

Hon. Mr. Berntson: — I remember a day not that long ago when certain representatives of the Co-op movement asked us if we would consider making them part of the Small Business or Economic Development department rather than the Department of Co-ops. We didn't consider it at that time because we felt that the co-ops were a very important part of the economy of Saskatchewan and that they deserved that kind of attention. And we haven't changed our mind in that respect.

However, to say that we will commit never to consider that, as my colleague from Melfort said the other day, for however long infinity is, I don't think that I'm prepared to do that.

Mr. Lyons: — Just a final question on that: do you have the ... Was that approach to government made — you said it was by members of the Co-operative movement. Was it made by Federated Co-ops? Was it made in terms of a letter? Was it made in terms of a verbal request? Could you explain how that was made, given my understanding that in fact there is a move afoot to assign certain powers of the Department of Co-operatives to Consumer and Commercial Affairs.

Hon. Mr. Berntson: — Quite frankly, Mr. Chairman — I'm going from memory and it was some time ago, and I don't recall who it was from the co-operative movement. I expect that it was a representative group that was meeting our caucus at that time, but I don't know specifically beyond that.

Mr. Prebble: — Mr. Chairman, my first question for the Deputy Premier is whether he's prepared to give this

House a guarantee this evening that as a result of introducing this legislation there will be no loss of jobs in the public service. What guarantees is he prepared to make to the public service that as a result of disestablishing departments no public service positions will be lost?

Hon. Mr. Berntson: — Mr. Chairman, this particular legislation has nothing to do with the public service and what size it will take — maybe what form it will take, but certainly not what size it will take. And I would suggest, Mr. Chairman, that a far more direct impact on numbers of public servants will come from blue book, from budgetary priorities as opposed to anything to do with reorganization of administrative frameworks of government, Mr. Speaker.

Mr. Prebble: — Mr. Chairman, my question to the minister is: first of all, is he denying that this legislation will provide him with the opportunity, and cabinet with the opportunity, to abolish entire departments and to abolish the seniority rights of public servants within those departments. Is he denying that?

Hon. Mr. Berntson: — The rights of public servants are preserved and protected in The Public Service Act and in the collective agreement. I mean that's simply the case as it exists, and has, and will.

Mr. Prebble: — Mr. Chairman, will the minister not acknowledge that the protection of public servants under the collective agreement is based on the existence of the departments that they're part of. Will he not acknowledge that and therefore, as a result of abolishing departments, will he not acknowledge that their seniority rights will also be lost?

(2045)

Hon. Mr. Berntson: — This legislation, Mr. Speaker, is not about abolishing positions. This legislation is all about bringing efficiencies to the administrative framework of government. The rights of the public service are protected by The Public Service Act and by the collective agreement. That's been the case, it is now, and will continue to be.

Mr. Prebble: — Mr. Chairman, will the minister give this House his commitment that over his coming term of government while members opposite are in government over this next four years, that this Act will never once be used, and the abolition of a department under this Act will never once be used to abolish a public service position. Will he give this House that commitment?

Hon. Mr. Berntson: — Mr. Chairman, all I can say, is that this legislation is designed to establish, disestablish, reorganize, bring together efficiencies in the framework of the administration of government. The rights of the public service have been, are now, and will be protected under The Public Service Act and under by collective agreement. That's the way it's been, and that's the way it is, and that's the way it will continue, Mr. Chairman.

Mr. Prebble: — The minister, it's clear, is not answering my question, as he's not been answering the question of

many members on this side of the House. And I ask him again: if he says that this Act is not intended to abolish the positions of public servants, and if he says — which he has he just said a few moments ago — that public servant's position are secure from the point of view of this particular Bill, why will he not give this House his assurance that members opposite, this government, will not use this piece of legislation over the next four and a half years, will never use this piece of legislation to abolish a public service position? Will he give us his assurance? And if so, why not?

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — I wonder, Mr. Chairman, what crystal ball the member opposite has when he says that we are going to be here for the next four and a half years. My guess is that that will be the minimum.

In any event, Mr. Chairman, the point that I make is that this legislation has nothing to do with abolishing positions. As I suggested earlier, the budgetary process has a far more direct impact on the number of positions in government. And if someone is — any government going to change priorities and delivery mechanisms, etc., etc., programs, whatever, in government, it will be done, I expect, through the budgetary process, and that has nothing to do with this legislation, Mr. Chairman.

Mr. Prebble: — Mr. Chairman, I can only conclude that the minister is not prepared to give the House the assurance that this Bill will not be used as a vehicle for eliminating public service positions. And I wish the minister would just stand up and say that, Mr. Chairman.

But since the minister's not prepared to do that, I want to ask the minister another question and that is whether he will give us his guarantee that this Bill will not be used as a vehicle for abolishing departments and having their functions replaced by contracting out for profit to the private sector? Will he give us his guarantee that this Bill will not be used for that purpose?

Hon. Mr. Berntson: — Once again, Mr. Chairman, this Bill is not required to do those kinds of things now. Under existing legislation we can contract out and haven't, to any extent, under existing legislation. So in that respect there's really nothing new here, Mr. Chairman.

Mr. Prebble: — Mr. Chairman, will the minister not acknowledge that, in fact, while it's possible for the government, at this point in time, to contract out under certain departments and certain pieces of legislation that establish departmental Acts, it's not currently possible to do that throughout the public service, and will he therefore not acknowledge that this piece of legislation gives him the power to do that?

Hon. Mr. Berntson: — The purposes and functions, or duties and powers, or whatever, in other departmental Acts aren't being repealed at this time and won't be under this legislation. Those things are brought to this House for amendment, either to change or repeal or otherwise, at that time. So you know, there will be ample opportunity to debate those things at that time.

Mr. Prebble: — Mr. Minister, let me ask you a specific question, and that is: clearly three of the prime targets for abolition and contracting out would be the Land Titles Office, the Liquor Board, and the laboratory services that are currently offered under the Department of Health, the provincial lab. Will you give us your assurance that you won't be abolishing any of those departments or sections of departments and contracting out those services instead?

Hon. Mr. Berntson: — I don't know. The examples that you use, I don't know if they're right on target. In this Bill, department means "a department, secretariat, office or other similar agency of executive government." Now that doesn't include the Liquor Board. I don't know if it includes the public health lab. But clearly in the case of the Liquor Board, there can be no change there without bringing amendments to that Act to the House.

Mr. Prebble: — Mr. Minister, can I ask you another question, and that is in respect to the consequential amendments that stem from this piece of legislation. My question to you is: will you table all the consequential amendments attached to this Bill rather than simply the very limited consequential amendments that we've had today?

Hon. Mr. Berntson: — That's no problem, quite frankly, because any reorganization that is done, that consequential changes flow from, have to be done through amendment. The only way we can do that is to bring legislation to this House and as those things are done, the Bill will appear here. Yes.

Mr. Prebble: — Can you give us your assurance that that will be the case, that every consequential amendment that flows from this legislation will be brought to this House?

Hon. Mr. Berntson: — Yes. It's the only way it can happen.

Mr. Prebble: — Mr. Minister, that's not our interpretation of the Bill. That is not our interpretation of the Bill, which of course is one of the reasons why we're so concerned about the Bill. But I'm slightly comforted by the fact that you give us your commitment on that side of the House that at least for the next term that will be done. Perhaps it's the Christmas spirit that's getting to me, Mr. Minister, and, I hope, to all members of the House. But we will take note of what you've said and remind you of that quote in *Hansard* if there's a need to do that on a future occasion.

My next question to you is: will you table, before this Bill passes today, the orders in council that you expect to come from this Bill in this remaining session of the legislature, Mr. Chairman? In other words, I'm asking the minister: will he table the proposed cabinet regulations that will flow from this Bill with respect to reorganization in the coming months? Will he table those today before this Bill passes?

Hon. Mr. Berntson: — Mr. Speaker, it would be, I think, a little presumptuous to even create the orders in council until we have some legislative authority to implement those that we would pass in Executive Council. So the

answer is no.

Mr. Prebble: — Well, Mr. Chairman, let me ask the minister perhaps then a slightly different question. And that is: will he give the House his assurance that any order in council that is passed by cabinet as a result of this Bill will be tabled in this Legislative Assembly? Will he give us that assurance?

Hon. Mr. Berntson: — You see, Mr. Chairman, I don't see that it's necessary, because every order in council that is passed by Executive Council becomes a public document and is filed in the office of the Clerk of the Executive Council.

Mr. Prebble: — What I'm proposing, Mr. Minister, is that you adopt an approach similar to that used in the British parliament, where regulations, before they're adopted by cabinet, are tabled in this Assembly and are subject to debate by way of a resolution in this Assembly, as they are in the British parliament. Will you undertake to do that? And will you bring in a House amendment that would accomplish that?

Hon. Mr. Berntson: — No, Mr. Speaker, what . . . And we've talked about this at length; we've agreed after some considerable discussion with members opposite that we would bring forward two House amendments — one dealing with the question raised by the member from Regina Lakeview on regulations, and the other one dealing with the objects and powers as opposed to duties and functions. And we're prepared to bring those in when we start going down clause by clause, and we're not prepared to bring in what is suggested by the member from Sutherland.

Mr. Prebble: — Mr. Chairman, I have another question for the minister and that relates to some of the special powers and privileges provided for under various Acts that establish departments. And for the sake of an example, I want to use The Department of Advanced Education and Manpower Act. The minister will be aware that section 9 of that Act guarantees academic freedoms for the universities. And I just use that as one of many examples that might be drawn on.

My question for the minister is whether he would be prepared to introduce a House amendment that will protect those special powers and privileges provided for under a host of different Acts relating to different departments that have been established.

Hon. Mr. Berntson: — Those kinds of powers will be protected in any event, because while the administrative framework will change, in the event that we act under this legislation, the legislation, the statute that is on the books, will continue to exist and will be the responsibility of a member of Executive Council as assigned by the Premier. And when consequential amendments come forward, as they must, those powers and duties, if we repeal the Act or if we amend the Act to suit the new scheme of things, those powers and duties and special privileges, etc., would find themselves probably embodied in a University of Saskatchewan Act, or a University of Regina Act, or whatever. But they still exist even though we act under this proposed legislation to reorganize the

administrative framework. So the concern raised by the member is something that he ought not to be concerned about.

Mr. Prebble: — Mr. Chairman, I can't agree with the minister with respect to his interpretation of the Bill. My interpretation of the Bill suggests that the government, if they wish to — or some future government, if this legislation is still on the books after the next election — would be in a position to utilize this Act to abolish some of those special powers and privileges.

(2100)

I'll give the minister another example. Under the Department of Consumer and Commercial Affairs, section 6 and 7 of the Act establishing that department gives the minister the power to order an inquiry or an investigation. Section 8 and 9 provides the minister with the power to issue stop orders. That's a second example, Mr. Deputy Premier, of the concern that I have that this Bill could be used as a way of abolishing those special powers and privileges. And I'd ask the minister to bring in a House amendment that would provide all members of this Legislative Assembly with assurance that that will not be done. The only way to assure us, Mr. Minister, that that will not be done is to bring in an amendment that accomplishes it.

Hon. Mr. Berntson: — Mr. Chairman, I am myself assured. We have law officers of the Crown that have advised us on this matter, and they have assured us, and I accept that, that the concerns raised by the member are not legitimate concerns, that in fact those privileges, powers and responsibilities, etc., that exist in existing legislation, will continue to exist until such time as it's brought to this House and amended or repealed or otherwise dealt with.

Mr. Prebble: — I have one final set of questions to the minister, and that is, Mr. Chairman, I'd like to ask the minister why it is that this Bill is being presented to this legislature just before the Christmas recess. Why is it, Mr. Minister, that you're bringing in this piece of legislation just before Christmas? Isn't this the real reason for this sitting of the legislature, Mr. Minister, to push through this Bill which will be used as the basis for an attack on the public service of this province?

Hon. Mr. Berntson: — Mr. Speaker, the reason that we're here with this Bill just before Christmas is it happens to be December, and the legislature was called following the election which was in October, and so we're here as quick as we could get here.

But the real reason that we came in, Mr. Speaker, was to deal with The Farm Land Securities Act that farmers are quite anxious about, to deal with the pension plan, and to deal with the other pieces of legislation that are on the order paper, Mr. Speaker. And it has nothing to do with Christmas or Easter or whatever. We're here because the legislature is in session and it's our job to deal with the legislation.

Mr. Prebble: — Mr. Chairman, my final question. If the minister has said that this Bill is not the reason for the

sitting the minister therefore has clearly said that this Bill is not an urgent matter. Therefore I'd ask the minister to withdraw the Bill so that we can all go home, and so that the public will be assured that there is not going to be an attack by this government on the public service. Withdraw the Bill and do it now. Will he do that?

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — No, Mr. Speaker, we won't withdraw the Bill. We, as many people of Saskatchewan, are taxpaying members, and the citizens of our province are calling for us to bring efficiencies to the administrative framework of government. And so we're here and we intend to deal with it while we're here.

Ms. Smart: — I would like to ask the minister to clarify something I think I heard him say, which was that the powers, in referring to the specific criteria that are in existing department Acts that are specific to the different departments, that even if the department is abolished, the powers within that Act will stay with the Executive Council. Those are the words I heard you say in response to my colleague from Saskatoon University. Is that correct?

Hon. Mr. Berntson: — Those powers, Mr. Chairman, will be the responsibility of that member of Executive Council that has that particular piece of legislation or Act assigned to him.

Ms. Smart: — By the Executive Council, outside of the legislature, will impact on those departments; the decisions will be made by someone within the Executive Council, on behalf of the Executive Council, related to those departments?

Hon. Mr. Berntson: — Executive Council is the cabinet. All members of cabinet are members of Executive Council, and the powers and duties and functions and whatever that you're talking about in any particular piece of legislation that exists today, that may be touched by this legislation through dismantlement or disestablished or established or whatever, those powers and duties and functions that currently exist will continue to exist and will be the responsibility of that minister to whom they're assigned. Right? And the only way they can be changed is either by coming to this House and repealing the Act through amendment, or otherwise amending the Act to alter those powers and functions and duties, etc.

Ms. Smart: — So a duty within, say, the Department of Consumer and Commercial Affairs, the power as my colleague mentioned, the minister's power to order an inquiry or an investigation would remain just with one person who's named as the minister? It seems to me that that's what's already there, and why would you change it by this Act unless there's something else here that is taking more power to the Executive Council? Because in section 7, of the Department of Consumer and Commercial Affairs, a person who does not comply with subsection 6(3) is guilty of an offence. And what I suggest is that by this change in legislation by Bill 5 the cabinet will be deciding what is an offence and who is guilty.

Hon. Mr. Berntson: — Nothing, Mr. Chairman, changes in

the example set out by the hon. member. Nothing changes. The powers, duties, responsibilities, whatever, that exist in — whether it's the consumer affairs Act, whether it's the universities act, whatever Act — those powers will continue to exist. The only way that they can be altered is for that legislation to be brought to this House and by amendment, either repealed or otherwise altered, that's the only way it can be done, Mr. Chairman.

Mr. Hagel: — Thank you very much, Mr. Chairman. Just a couple of very simple and brief questions to the minister. The minister has made a frequent reference to the purpose for this Bill, to implement the department of human resources, labour and employment, and made some reference before to what that new department would include which is currently found within the Department of Social Services now. Could you please tell me, Mr. Minister, again for my clear understanding, what will be the responsibilities, or the divisions, or the services of the Department of Social Services now that will be found within the department of human resources, labour and employment?

Hon. Mr. Berntson: — The Department of Social Services will continue to exist. The only part, agency, secretariat, or whatever that is now in the Department of Social Services that will be moved into the new department of human resources, labour and employment, is the Senior's Bureau. And the new department will then be made up of the Seniors' Bureau, the Women's Secretariat, native Secretariat, the Department of Labour minus public safety, and Employment Development Agency.

Mr. Hagel: — Thank you, Mr. Minister. I understand very clearly then that there will continue to be a Department of Social Services. And just for my own clarity I understand that other than the Seniors' Bureau, which is currently found within the Department of Social Services, everything else about that department will remain exactly the same?

Hon. Mr. Berntson: — I can't say that it would remain exactly the same. It may well be that during the budgetary process we may decide to go up with this priority or down with this priority, or whatever. But what I'm telling you is that Social Services, as it exists today, includes the Seniors' Bureau. As it will exist following our proposed reorganization, the Seniors' Bureau will be in this new human resources department.

Mr. Hagel: — I appreciate that clarification, Mr. Minister, and thank you. I'm somewhat relieved, I must admit, to hear that from you.

I would also ask, Mr. Minister, who will be then — and not necessarily by name — but who will be the Minister of Social Services? Is that person, by definition, going to also be the minister for the department of human resources, labour and employment?

Hon. Mr. Berntson: — There are two separate portfolios. The Department of Social Services is one portfolio and the department of human resources, etc., will be another portfolio, and it happens that they are assigned to the same minister, as I believe Parks and Culture and Rec., Justice and the Attorney General, they're separate,

Economic Development and Trade. You know, it just happens that they're assigned to one minister in each of these cases. And I should, rather than be accused later of not being precise, the Seniors' Bureau that was once part of Social Services, those functions have already been moved in to the Department of Labour.

Mr. Shillington: — Mr. Minister, let me read for you the terms of reference of the Regulations Committee. This will assist you:

The special committee to consider every regulation filed with the Clerk of the Legislative Assembly. . .

Let me say this is from *Hansard*, Tuesday, June 29, 1982:

. . . special committee to consider every regulation filed with the Clerk of the Legislative Assembly. . .

You'll be interested in knowing the person who moved this. It seems to have been moved by the Hon. Mr. Berntson . . . That a committee be established:

. . . to consider every regulation (moved) by the Clerk of the Legislative Assembly pursuant to the provisions of The Regulations Act, with a view to determining whether the special attention of the Assembly should be drawn to any of the said regulations on any of the following grounds:

(one) That it imposes a charge on the public revenues or prescribes a payment to be made to any public authority not specifically provided for by statute;

(two) That it is excluded from challenge in the courts;

(three) That it makes unusual or unexpected use of powers conferred by statute;

(four) That it purports to have retrospective effect where the parent statute confers no such authority . . .

(five) That it has been insufficiently promulgated;

(six) That it is not clear in meaning;

Mr. Minister, would you tell me under what circumstances you believe any order in council could ever come before the Regulations Committee?

Hon. Mr. Berntson: — Mr. Chairman, as I said earlier that I would get the standing orders and clarify that, and obviously the member has clarified it for me, so I guess I can say "thank you." The fact is that any order in council is filed with the Clerk of the Executive Council and is therefore a public document and available to any member of the opposition, or public, for that matter. So you know, you have access to those OCs in any event.

Mr. Shillington: — Mr. Minister, what you told the member from The Battlefords was that the Regulations Committee could deal with any of these orders in council.

I was hoping you'd say more than "thank you" when I brought you the terms of reference. I was hoping I'd hear the words, "I'm sorry; I guess I was wrong," because I think you were. Would you admit you're wrong and that those orders in council would not come before the Regulations Committee?

(2115)

Hon. Mr. Berntson: — Section 12 of the Bill . . . We're talking about regulations under section 12 of the Bill, and all regulations made under section 12 of the Bill have to go before the Regulations Committee.

Mr. Shillington: — No. No, only if they violate one of these injunction. I suggest to you, no order in council passed under 12 could ever violate the injunctions of that section. The section's just too broad.

Hon. Mr. Berntson: — Mr. Chairman, my understanding is that all of these regulations under section 12 go to the committee. If they violate one of the things set out by the hon. member, then it can be referred to the House. But all regulations go — under section 12 — to the Regulations Committee.

Mr. Shillington: — But I take it, it's now common ground that you were wrong when you told the member from The Battlefords that he could discuss the merits of those regulations establishing the departments before the Regulations Committee. That is clearly what you said. I gather, Mr. Minister, you now admit that you're wrong. Mr. Minister, would you give us a definitive list of the other things you've said that have been wrong this evening, since you're wrong on that.

It took us, Mr. Minister . . . Mr. Minister, we spent a good 40 minutes discussing this while you righteously insisted that any question we had with respect to the orders in council could be raised under The Regulations Act. I suggest to you, Mr. Minister, our ability to deal with those regulations in the Regulations Committee is very, very narrow.

Hon. Mr. Berntson: — Mr. Chairman, the fact is that all regulations are filed with the committee. You have access to them. You can, as a member of that committee — they can be referred. You can review them on the following grounds: that it imposes a charge on public revenues or prescribes the payment to be made to any public authority not specifically provided for by statute; that it is excluded from the challenge in the courts; (3) that it makes unusual or unexpected use of powers conferred by statute; that it purports to have a retrospective effect where the parent statute confers no express authority so to provide that it has been insufficiently promulgated or that it is not clear in meaning. On any of those grounds it can be referred to the House.

In any event, it is a public document once it's passed by the Executive Council. And any member, once he is aware of its existence, can raise it in the House at any time in several forms.

Mr. Shillington: — Well I'm going to leave the matter by saying, Mr. Minister, that our argument throughout has

been that matters of this importance ought to be discussed before this Assembly, because it is this Assembly, Mr. Minister, which is the most effective function for discussing issues of controversy. Issuing a press release on a regulation that we don't like is not a very effective means of engendering public discussion. This is the means by which effective public discussion is engendered. Mr. Minister, the whole thrust of this Bill is that you seek to avoid bringing it before this Assembly where it has to stand in front of the light of day.

Mr. Minister, you told us that the Regulations Committee would serve that function. Patently it won't. I suggest, Mr. Minister, all of the other fanciful excuses which you put forward are of the same validity. Your suggestion that consequential Bills will provide us with an opportunity is equally ridiculous. Mr. Minister, I suggest that all of the excuses you have offered for not bringing Bills before this Assembly are of the same merit as your comment with respect to the Regulations Committee — you're dead wrong.

Some Hon. Members: Hear, hear!

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

Clause 5

Ms. Simard: — Mr. Chairman, there are some questions on clause 5 that I want to particularly zero in on that section. It refers to "The Lieutenant Governor in Council . . . assigning to any minister any power, duty, or function, conferred or imposed by law on a minister." Now I would like to ask the Deputy Premier what powers, duties, and functions are being referred to there, and whether he envisages this section as referring to the assignment of powers and duties and functions that may be created under clause 12.

Hon. Mr. Berntson: — Mr. Chairman, under section 12 there are no powers, duties, and functions being created, unless you want to change that. Under section 12 there are no powers, duties, and functions being created.

Ms. Simard: — So what powers, duties, or functions are going to be assigned. Let's assume we're two years down the road; you've created a new department. What powers, duties, and functions are going to be assigned?

Hon. Mr. Berntson: — Those powers, duties, and functions that now exist in those Acts of the legislature in departments that will be touched by this legislation in the event of a reorganization.

Ms. Simard: — You mean the powers in present legislation? Well what if you create a new department, okay? A new department, an entirely new department, and you give it objects and purposes. And then you decide you want to reassign the minister in that department; take a minister from some place else and move them around and change the name again. What powers are we talking about then that you're going to be assigning or transferring?

Hon. Mr. Berntson: — It's still the same class of powers. If we disestablish this department and call it something else, this legislation still has to be the responsibility of someone. So that Act is going to be assigned to some minister to be responsible for, and those powers, duties, and functions or whatever will continue to be there. And when we're talking about objects and purposes we're talking there about administrative framework, not powers, duties, and functions.

Ms. Simard: — What if you decide you want to create a new department, one that doesn't exist in law today, that doesn't have particular objects and purposes, but for some reason you feel it's necessary to create a new department? You can do that under Section 12, and then you want to assign those powers under that new department. What powers are you assigning? Where do you get the powers to assign?

Hon. Mr. Berntson: — An example: Science and Technology. The minister responsible for Science and Technology now is responsible for those powers, duties, and functions that the Minister of Tourism and Small Business used to be responsible for. So those powers, duties, and functions that now exist will continue to be the responsibility of someone else until such times as that legislation is brought to this House for amendment, or whether it's to repeal, or to alter or otherwise adjust.

Ms. Simard: — Am I understanding you to say that if you want to create new powers in a department, or a new department with new powers, you'll be bringing that legislation before the House? Is that what I understand you're saying?

Hon. Mr. Berntson: — If you want to exercise powers that a department doesn't now have, that don't exist now, you have to come to this House to get them.

Ms. Simard: — Well then, why do we need this Bill? If you've got to come to this House to get powers anyway, why do we need this Bill?

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — I don't know if this is the 15th or 20th time, but this Bill dealing with objects and purposes is dealing with the structure, with administrative framework. That's what we're seeking to do here so we can take separate entities that we now — the example I've been using — the separate entities that now exist as separate entities, to bring them together under one administrative framework so that we can achieve those administrative efficiencies that everybody, including, I'm sure, the hon. member, is asking us to achieve.

Ms. Simard: — But can't you already do that, Mr. Chairman, under existing legislation? Can't you already reassign those powers and duties and change around the minister. Can't you already do that?

And because you can already do that, why do we have this Bill if it doesn't intend to go further than what you're suggesting it goes? Can't we already do that?

Hon. Mr. Berntson: — We can reassign responsibility for

certain Acts to ministers, you know, and that's been done from time to time. As . . . (inaudible interjection) . . . And you're right, you're right, you can't create new powers without coming back to the House.

The Bill — and we've talked about it, I don't know how long, but a long time — and one more time: what we are seeking to do is to streamline the administration of government; to streamline the administration of government, and the example again is the department of human resources, labour and employment. And we bring all those separate entities together, and rather than have separate entities continue to exist, responsible to the same minister, we make them a department responsible to that minister.

And all of the powers and duties, etc., that exist in those Acts will continue to exist unless we want to come to this House and change those powers and duties. And what we're looking for is efficiencies in the administrative framework. The only thing we can do to change priorities deeper than that, if you like, is to either amend the legislation that exists today or to change priorities through budgetary means.

Ms. Simard: — I still believe that what you're telling me is that what you want to do by this Bill is no different from what you're already purporting to do and from what you already can do under present circumstances, virtually with the possible exception of changing the name of the department. And if that's the case, and if you've got to come back to this House if you want to create any new powers, if that's your feeling, then why don't you just come back to this House anyway for review by the Assembly on the creation or the disestablishment of a department?

Hon. Mr. Berntson: — I suppose I could ask the hon. member: if the Bill is as insignificant as she's suggesting that it is, I wonder why the prolonged debate. The point once more to be made is that we have been asked to streamline the administrative side of government, to bring efficiencies, to get the biggest bang for the taxpayers' dollar in the administration of government, and this legislation will help us in doing that, and that's why we're here today.

(2130)

Ms. Simard: — Mr. Chairman, we haven't suggested that the Bill is insignificant. It is being suggested to us that the Bill is insignificant. We are saying the Bill has a great deal of significance and that's why we are having difficulty with it. It's our feeling that it goes far beyond what it's being suggested, that it creates far more powers in cabinet than what is being suggested by the hon. Member opposite. Under no circumstances is this an insignificant Bill, and there's absolutely no way that we are suggesting that. I must make that perfectly clear. But we are being told that all it is is a simple transfer of responsibilities, something that we can already do under present legislation. It's you that's suggesting the Bill's insignificant, and if it is so insignificant, why are you bringing it forward before this House now on the 23rd of December?

Hon. Mr. Berntson: — Mr. Chairman, one more time. We are bringing this Bill forward to provide for streamlining the administration of government and to aid us in, I guess, the evolutionary reorganization of government, and there's nothing dark or sinister about this, Mr. Speaker.

And you're right, Mr. Chairman, it is the 23rd, and we've gone this far, so we might just as well finish the legislation over here.

Clause 5 agreed to.

Clauses 6 to 11 inclusive agreed to.

Clause 12

Mr. Chairman: — There's a House amendment to clause 12. Moved by the member from Souris-Cannington:

Amend subsection 12(2) of the Printed Bill by adding "except clause 20(1)(e)," after The Regulations Act.

Ms. Simard: — Something I want to point out on that amendment, which I did earlier, but I'll reiterate it now.

One of the difficulties that I was having with the subsection (2), the regulations section, is that there's a provision in The Regulations Act that allows the regulations to be gazetted and allows for the dispensation of the gazetting of the regulation.

Now as I understand, that provision is going to apply in this case, so that any regulations passed under this Act will not have to be gazetted if that dispensation is given. Is that not correct?

Hon. Mr. Berntson: — Under section 3 . . . no. 4, 4(3) of The Regulations Act, I think it's clear under that that all such regulations will be gazetted.

Ms. Simard: — It says . . . (inaudible) . . . But there is a provision in 4(3), as I read it, if I have the up-to-date version, that says:

. . . the Lieutenant Governor in Council may by order . . . dispense with the publication thereof . . .

So in effect, you can pass a regulation dispensing with the publication, is the way I'm reading that section. Is that not correct?

Hon. Mr. Berntson: — I'm advised that:

Where, in the opinion of the Lieutenant Governor in Council, a regulation is or will be available in a printed, mimeographed, or typewritten form to all persons who are likely to be interested in it, the Lieutenant Governor in Council may by order . . . (exempt, I suppose is the word) — the publication — or not require the publication in a gazette. I understand, or my guess is that all people would be interested in such a reorganization regulation, so that there would be the requirement to gazette all such regulations.

Ms. Simard: — So the Deputy Premier agrees then, Mr. Chairman, I take it, that if someone were to determine that it was available to persons interested and to determine who those interested persons were, that in effect the publication could be dispensed with. Or is the Deputy Premier saying he will never dispense with that publication?

Hon. Mr. Berntson: — I couldn't conceive of any situation that would convince me that the entire province wouldn't be interested in any regulation that deals with reorganization, and I just can't imagine any situation where such a regulation wouldn't be gazetted. And in addition, we would want the whole world to know because we would be very proud of the efficiencies and economies that we're bringing to government through such a reorganization.

Ms. Simard: — I'd like to make further comments on section 12, Mr. Chairman. The section 12, as I hope you know, over the last few days is the section that is causing us the most difficulty. When I read the section over, what it allows is for the government to establish a department and to determine its objects and purposes. And there's been a lot of debate in this Assembly as to what exactly that means. Members opposite will contend that it just means establishing a department and setting out — I'm not sure what they mean by objects and purposes — but setting out some only administrative things.

I beg to differ. I think when you determine the objects of a department, you determine what that department stands for; you determine what it's there for, what it's going to do, and so on. In other words, you are in effect setting the groundwork for powers. And in many cases in legislation you call that same section the objects and powers section.

I'm suggesting that it leaves it open to the cabinet to determine objects, purposes, and yes, powers. It leaves it open to that interpretation. Consequently we have a great deal of difficulty with that provision because it goes beyond any precedent in Canada, goes beyond any precedent we've seen before. It amounts to cabinet doing behind closed doors what it chooses not to do in front of this Assembly.

Some Hon. Members: Hear, hear!

Ms. Simard: — It could allow the establishment of any manner of agency or department, with any manner of objects, without any public scrutiny except for that matter coming back to this House pursuant to the Regulations Committee having some difficulty with it because it goes beyond the powers of this section.

It may not go beyond the powers of this section. If the powers of this section is defined to include more than a simple definition of some administrative function, if objects and purposes goes further than that, then the regulation probably won't be beyond its mandate. In other words it may not be reviewable by the Assembly under The Regulations Act and the Regulations Committee.

The other problem we have with section 12 is that it allows cabinet to disestablish a department. It allows it to

disestablish the department and creates no corresponding obligation — no corresponding obligation whatsoever, to carry over the substantive provisions in the old departmental Act that applied to the department that has now been disestablished. There's no obligation to carry over those substantive provisions into the new order in council that establishes the new department. Or it may not even establish a new department. You may just have that Act there.

This causes us substantial difficulty because there are many provisions contained in departmental legislation of a substantive nature that are fundamental to this province, that are fundamental to our democracy and working of our government.

Without any guarantee . . . There's no guarantee is this legislation that those powers aren't, by implication, repealed or no guarantee that there's going to be a minister to preside and take responsibility for those functions that may not be carried over into the new department. No guarantees whatsoever; that's all we've heard all day long, no guarantees. The only guarantee I've noticed is found in section 19 of the Bill.

Consequently you can appreciate the difficulty that the opposition is having with this Bill. It does not appear to be a Bill of simply rearranging government. It goes far beyond that. It allows cabinet to go much further. It allows cabinet to deal with matters what should rightly be brought before this Legislative Assembly, that should be scrutinized by all members of the opposition and by the public, and that should be voted on by this Assembly. And for that reason I wish to move an amendment to section 12 of the printed Bill.

And the amendment reads, Mr. Chairman:

That section 12 of the printed Bill be amended by striking out subsection (2) and substituting the following:

(2) Before any order in council is made pursuant to subsection (1), the proposed text of the order in council must be approved by a resolution of the Legislative Assembly.

And I move that, seconded by the member from Saskatoon Fairview.

If I may just explain in very general terms and very quickly exactly what sub (2) does. What sub (2) would do is require cabinet to take an order in council disestablishing a department or establishing a new department and creating its objects and purposes — it would require cabinet to come before the Legislative Assembly to have that order in council approved by a resolution of this Assembly. And I might submit, Mr. Chairman, that that is the fair way that this should be done, that's the proper way for this to be done, and it maintains our democratic traditions and our respect for public accountability.

(2145)

Hon. Mr. Berntson: — Mr. Chairman, early in her remarks, the hon. member was suggesting that we were

going far beyond, in this section, that which existed in other jurisdictions, and that's simply not the case, Mr. Chairman.

And I refer you to the Manitoba executive government Act of 1971, I believe, and it is almost word for word. And in that Act — it's section 8 — and it compares word for word I believe with our section 12, except where we say "objects and purposes," and Manitoba says "duties and functions." And we've not taken a very strong or strident view. We believe that duties and functions is far broader than is objects and purposes.

Likewise the British Columbia organization of executive government. It's almost word for word the same as that of Manitoba and what we're proposing here in our section 12.

I simply don't accept what the member is raising. We believe that this is quite reasonable. We're prepared to offer an amendment that will change "objects and privileges" to "duties and functions," but as it relates to this amendment offered by the member opposite, Mr. Chairman, I would advise and encourage all members to vote against it.

Amendment negated on the following recorded division.

Yeas — 21

Blakeney	Solomon
Prebble	Kowalsky
Brockelbank	Atkinson
Shilington	Anguish
Koskie	Hagel
Romanow	Calvert
Tchorzewski	Lautermilch
Rolfes	Trew
Mitchell	Smart
Upshall	Goodale
Simard	

Nays — 33

Duncan	Martin
McLeod	Martineau
Andrew	Sauder
Berntson	Johnson
Lane	Hopfner
Taylor	Petersen
Swan	Swenson
Muirhead	Martens
Maxwell	Baker
Schmidt	Toth
Hodgins	Gleim
Gerich	Neudorf
Hepworth	Gardner
Hardy	Kopelchuk
Klein	Saxinger
Meiklejohn	Britton
Pickering	

(2200)

Mr. Prebble: — Thank you, Mr. Chairman. I would like to focus in, with respect to section 12, on one clause in this section that particularly concerns me and that is . . .

Mr. Chairman: — Order. Just one moment please. Wait for the officials.

Mr. Prebble: — Thank you, Mr. Chairman. I'd like to focus in on clause (b) of section 12(1), Mr. Chairman, which, if this Bill passes, will give the government the right through order in council — in other words, by cabinet regulation — to disestablish or abolish any department of government that they wish to, without any reference to this legislature.

I find this, Mr. Chairman, the most frightening clause in this entire Bill because the clause gives the cabinet the ability to essentially launch an attack on the public service of this province without any opportunity for debate in this legislature, and abolish any government department they want to without any reference to this legislature or without any opportunity for public debate.

Now, Mr. Chairman, the minister has said that this clause is in place to improve the efficiency of delivery of services in this province. I suggest to the minister that this clause is in place merely for your political efficiency, Mr. Minister, and for no other reason.

Some Hon. Members: Hear, hear!

Mr. Prebble: — Now, Mr. Minister, I want to point out to you again that there's no assurance provided under this clause that the powers of one department, if that department is eliminated, will necessarily be transferred to another department. And you have refused, Mr. Minister, to give me and other members on this side of the House assurance this evening that this clause will not be used as a vehicle for your government to abolish public service positions — to abolish the seniority rights of public servants.

Now, Mr. Minister, you've also refused to give me assurance, earlier in debate on clause 1, that you would not use this provision as a mechanism for eliminating public services and having them moved into the private sector to be delivered by the private sector for profit.

And so I ask you once again, Mr. Minister: will you give this Assembly your assurance that you will not use clause 12(1)(b) as a vehicle for abolishing public service positions? Will you give this House your assurance that you will not do that, Mr. Minister?

Hon. Mr. Berntson: — Mr. Speaker, the purpose of this legislation is to reorganize the administrative framework of government to achieve those kinds of efficiencies that people are asking us to achieve.

As it relates to positions and protection of the public service, the public service is protected by The Public Service Act and the collective agreement that exists. And I said earlier, I say it again — if priorities of government changes and it's decided that programs ought not to exist and another one should come into place, my guess is that

budgetary mechanisms are a tool that are available to us now to do those kinds of things at your own peril. You present those things to this House. If the public, the electorate that put us here, aren't happy with that, they could just as easily put us out of here.

Mr. Prebble: — Mr. Chairman, the minister knows full well that the seniority rights of public servants are not protected if the departments in which those public servants serve are eliminated.

And I ask the minister one final question and that is: once again, will he give this Assembly his assurance that he will not use this clause of the Bill that's before us tonight as a vehicle for eliminating government departments and replacing those services with services delivered by the private sector for profit which will greatly increase the costs and taxes to the taxpayers of this province. Will he give us his assurance that he will not use this clause of the Bill as a way of eliminating government departments to be replaced by services contracted through the private sector.

Hon. Mr. Berntson: — Mr. Speaker, as it was pointed out earlier, there are provisions in many, many pieces of legislation now where contracting out can be done. And that's the fact of life. That's just the way it is. The purpose of this legislation is not to provide for contracting out. The purposes of this legislation is to bring efficiencies to the administrative framework of government, and that's what we're here talking about.

Mr. Prebble: — Mr. Chairman, the minister knows that the provisions with respect to contracting out are limited to a few departments of government — that that's not a provision that applies right across all departments of government.

And, Mr. Chairman, since the minister will not provide us with the assurance that he will not use this Act as a vehicle for eliminating government departments, launching an attack on the public service, and replacing government departments by services contracted out to the private sector — since he won't give this House his assurance, Mr. Speaker, I move, seconded by my colleague, the member for Saskatoon Westmount, that section 12 of the printed Bill be amended:

- (a) by striking out clause 1(b); and,
- (b) by renumbering clause 1(c) as clause 1 (b).

This amendment, Mr. Chairman, would have the effect of removing from the Bill the provision that gives the Government of Saskatchewan the right to disestablish any department of government. I so move, Mr. Chairman.

Some Hon. Members: Hear, hear!

Mr. Chairman: — I find the amendment out of order.

Order! Amendments should be proposed in the order of

the lines of a clause. If the latter part of a clause is amended, it is not competent for a member to move to amend an earlier or antecedent part of the same clause. If an amendment to the latter part of a clause is negated or withdrawn, it is competent to propose one to an earlier part.

Mr. Koskie: — Would you give us an understanding of your ruling. I don't quite follow the ruling that you put forward, and I was wondering whether you could give it in more of a layman's knowledgeable interpretation.

Mr. Chairman: — There's already an amendment been agreed to clause 12, part (2). That amendment is already agreed to. The amendment that's proposed is to clause 12, part (1). So there's an amendment ahead of it. We've gone by that part of the clause.

Mr. Prebble: — What amendment has already been adopted by this legislature that precedes the one that you're making reference to?

Mr. Chairman: — The House amendment moved by the member from Souris-Cannington was agreed to. The member from Regina Lakeview spoke to clause 12 after the amendment was agreed.

Mr. Brockelbank: — On a point of order, Mr. Chairman. I'm not sure yet, Mr. Chairman, that I understand your ruling, and I wonder if you could just read it again and perhaps get back into the layman's language with regard to the ruling. But my understanding is that there was an attempt by the member from Regina Lakeview, I believe, to amend 12(2). Is that correct? And that was defeated.

Mr. Chairman: — There was an earlier amendment that was passed to clause 12(2) of the printed Bill:

By adding, "except clause 20(1)(e)" after "The Regulations Act".

The amendment moved by the member from Regina Lakeview was found in order because it deleted the whole of part (2) of clause 12. This amendment moved by the member from Saskatoon University is moving to amend clause 12(1), which precedes clause 12(2).

Mr. Prebble: — Mr. Chairman, I'd like to therefore move:

That clause (b) of section 12(1), clause (c) of section 12(1), and subsection (2) of section 12 be deleted.

Hon. Mr. Berntson: — Offer a solution to the procedural problem and offer the member leave to go back to that particular section and move his amendment at which time, Mr. Chairman, I will be urging all members to vote against it.

Leave granted.

Mr. Prebble: — Mr. Chairman, I'll say no more except that I want to first of all thank the member for Souris-Cannington for the procedural approach that he's given that allows this to be on the floor.

I simply want to say that the clear effect of this motion would be to eliminate the provision in this Bill that would give the government the right to abolish any department of government without coming to this legislature. And I think that provision is inappropriate. There is no similar provision in a Bill or in an Act of the Assembly either in the House of Commons, in Assemblies across Canada, or in the British Parliament. This provision, Mr. Chairman, in my view is entirely inappropriate, and I'd urge all members to support the motion on the floor.

Hon. Mr. Berntson: — Mr. Chairman, I don't accept what the member says that there's no provision in any parliament across Canada, because in British Columbia it says clearly in 13(b), "determine a ministry that will exercise any duties or functions, etc., etc., and establish, vary or disestablish any ministry." In Manitoba, Mr. Chairman, in section 8(a) it says clearly, "establish, vary or disestablish any departments." So, Mr. Chairman, I urge all members to vote down the amendment.

Amendment negated on division.

Clause 12 as amended agreed to .

Clauses 13 to 16 inclusive agreed to.

Clause 17

Mr. Mitchell: — Mr. Chairman, and Mr. Minister, I want to make one more run at this question of subcontracting or contracting out. And I want to put this again to the minister and I hope I get a good . . . I want to get a good direct answer here. Will the minister undertake that the government will not contract out to any third person any of the duties and functions, to use the word of the section, any duties and functions it now carries out if, as a result, any public servants would lose their job?

(2215)

Hon. Mr. Berntson: — A couple of points to be made, Mr. Chairman: first, the purpose of this legislation is not to provide for contracting out. There are in existence now Acts that do, in fact, provide for contracting out, and it can be done now. The public service now has the protection of The Public Service Act and the collective agreement. You will recall in the Throne Speech that it was stated:

Where savings are apparent, individuals and firms will be invited to compete for the delivery of specific government services. (pg.5 No. 1A) And impediments which preclude the effective delivery of services to the public will be identified and addressed.

That's not in any way to suggest that that is the purpose of this legislation. Those kinds of things can be done now in several departments in government under existing legislation. So if the member is asking me to give the commitment that no one will lose their job. I can't give that commitment. With the kind of a dynamic situation in the delivery of government services these days all over the country — probably all over the world — is a dynamic situation and evolutionary in nature.

Mr. Mitchell: — I don't want to prolong this, Mr. Minister, but such difficult situations arise. For example, we've talked earlier tonight about the services that were transferred to the Department of Environment from the Department of Labour which includes, for example the gas inspection service. And the people who are performing the gas inspection services have been working for this government, for the Government of Saskatchewan, for 20, 25, 30 years — in the case of some of them, made a whole career out of it.

Now there's a service where some of your right wing friends may argue it could be performed, could conceivably be performed by the private sector.

An Hon. Member: — I don't have any right wing friends.

Mr. Mitchell: — Neither do it, Mr. Minister.

And it may save the government a few pennies, but there is the kind of a service which the government has been performing for years, which has been performing very well, in most cases. A service has been provided, and it would be quite wrong to contract that out to the private sector at the cost of the jobs of all of those people. And that's why I keep coming at you, and my colleague from Saskatoon University keeps coming at you, about this question. We're looking for some kind of assurance that by introducing this provision which will be new to most of the departments of this government, you're not opening the gates to a wholesale contracting out. And I would like to hear from the minister as airtight an assurance as he can give this House that that contracting out will not occur.

Now, minister, if you can't come in terms of guarantees, and that's what I heard your last answer to be, then give us as much assurance as you can that this sort of thing won't happen. It may be, that with some new service that you decide to provide for the people of Saskatchewan, you may want to do something different with that. But so far as existing services are concerned where people have established careers with the Government of Saskatchewan, we'd like some assurance that you're not going to be contracting that service out and taking these people's jobs and disposing of them and leaving them on the breadline.

Hon. Mr. Berntson: — Mr. Speaker, this legislation has nothing to do with contracting out. This legislation has everything to do with streamlining the administrative framework of government, if you like. And I'm told that they're all standard provisions. All of the things that we're dealing with here are standard provisions. And the point that I made earlier, if there was to be a reduction in priorities; if as you talked of earlier, the gas inspectors were not a priority — and thought ought, I think, not to ever be the case — if they were not a priority or if they were to be placed some place else, or whatever, you can, I think, do that through setting your priorities through budgetary mechanisms as opposed to legislative mechanisms.

So I don't know how much more assurance I can give the member but to simply say that this legislation simply is not designed to provide for contracting out. That exists in many pieces of legislation now. And it hasn't been done,

to a large extent. But having said that, this legislation simply is designed to bring some streamlining or efficiencies to the administrative framework of government, as I've explained many, many times today; and that's the long and the short of it.

Mr. Mitchell: — Mr. Chairman, final comment to the minister. We've been searching over here for some reason why the government is so anxious to push this Bill through in such a hurry. We're trying to understand it.

As my colleagues have said earlier tonight and on many other occasions, most of the things that you've said you want to do, you can already do. So we're trying to find out what this is all about. And, minister, I for one am more than a little suspicious that this power to subcontract, to contract out, is the real hidden agenda here. I'm led to that conclusion by what I read in the Speech from the Throne.

You say quite correctly that this power already exists in the legislation of some departments but not in the legislation of most departments. And consequently I keep rising, as do other people, trying to search for and obtain from you some assurance that will make the public servants rest a bit easier with respect to their jobs.

Hon. Mr. Berntson: — Even if that were the case, even if that were the case and we decided to disestablish a department and contract out the duties and functions, if you like of that department, those duties and functions still have to come before this House in the consequential amendments. That legislation still has to come before this House for full and complete debate. And so you have your opportunity to present all of those arguments.

But the fact remains that this particular piece of legislation is not designed to facilitate that end; it is designed to facilitate our desire, and the desire of many of those people out there who support this government, to find efficiencies in the administrative framework of government.

Ms. Atkinson: — Mr. Minister, I also want to talk about section 17. And in particular I'd like to know whether or not your government is prepared to adhere to section 37 of The Trade Union Act which talks about: once a business or a department or whatever is sold or transferred or otherwise disposed of, those employees who are a member of a trade union are able to carry with them their collective agreement. And I'm wondering whether your government is committed, if this particular clause is passed in terms of contracting out, whether it's committed to section 37 of The Trade Union Act.

Hon. Mr. Berntson: — I'm told that the only way that section 37 can be overridden is by statute. It can't be done through this legislation.

Ms. Atkinson: — Well, Mr. Minister, there is a problem then. As we all know, the skiing facilities at Blackstrap ski resort have been leased out to a private entrepreneur, and none of the employees — I believe there may be two out of the 14 employees — have been hired by the new lessor. The other 12 employees, Mr. Minister, have not been hired by the lessor. There seems to be no

commitment on behalf of the Minister of Parks and Renewable Resources to have those employees transfer over to the new lessor; or in this case, this is contracting out, there's no commitment on behalf of the new employer. So I'm wondering where your government really stands on section 37 of The Trade Union Act in view of the past practice, I believe at Blackstrap ski resort and at Kenosee Lake.

Hon. Mr. Berntson: — Mr. Chairman, the situation as set out by the hon. member simply has nothing to do with this Act. This Act simply provides for streamlining of the administrative framework of government. And that's what we're here for. That's what we're dealing with today, this particular piece of legislation. We're not dealing with The Labour Act.

Ms. Atkinson: — Well, Mr. Minister, we are dealing with The Trade Union Act. As my colleagues have already told you, there are provisions in some pieces of legislation here in Saskatchewan for contracting out. One of the provisions exists in the Act governing Parks and Renewable Resources. And in that case, Mr. Minister, the employees of the Parks and Renewable Resources that used to work at Blackstrap Mountain are no longer employed. Their functions and duties have not been transferred over to this private sector person who is now running the ski resort. Their rights under section 37 have not been adhered to.

Now, Mr. Minister, you want to have this kind of contracting-out provision apply to all departments of government. What can the public servants of Saskatchewan expect when section 17 of this Act is passed? What can they expect in terms of their rights under The Trade Union Act, their rights under section 37 of The Trade Union Act? I'd like you to answer that.

Hon. Mr. Berntson: — The powers and provisions of The Trade Union Act are in no way overridden by this legislation.

Now the situation that you present to us, if it were done wrongly, those employees have the right to go before the Labour Relations Board and have it dealt with that way. But that's a labour issue that you're dealing with. It has nothing to do with this particular Bill.

Ms. Atkinson: — Mr. Minister, I don't disagree, except section 37 of The Trade Union Act, a section of your particular Trade Union Act, has not been adhered to by this new lessee at the Blackstrap Ski Resort. Now I have asked the minister a series of questions, and unfortunately I haven't yet had a response from the minister responsible. When it comes to this leasing arrangement, we are of the understanding that there were no provisions made between the Department of Parks and Renewable Resources and this new lessor. There were no provisions made for any protection for those employees. I want your assurances, Mr. Minister, that if Section 17 of this particular Act is passed, that employees, civil servants of this province, will have protections under Section 37 of The Trade Union Act.

Hon. Mr. Berntson: — Quite simply, Mr. Chairman, what you're suggesting — however accurate it may or may not

be, it is a labour issue. It is a labour issue under The Trade Union Act, and those people, if they have been wronged — even if they haven't been wronged, if they feel that they've been wronged — they have the recourse that's available to them under The Trade Union Act. It has nothing to do with this particular piece of legislation.

Ms. Atkinson: — Mr. Minister, it certainly does have, and I just would ask you to answer the question. Can you guarantee the civil servants of this province that if this legislation is passed, and if Section 17 is passed in its entirety, that your government will recognize your obligations under Section 37 of The Trade Union Act? That's all I ask, and I would ask you to respond to that, either yes or no. Very simple question.

Hon. Mr. Berntson: — Mr. Chairman, we recognize our obligations under section 37 of The Trade Union Act, and this legislation in no way, shape, or form overrides the provisions of section 37 of The Trade Union Act. And if the people at Blackstrap were treated not in accordance with section 37, I suggest to you that they do have recourse. But it has nothing to do with Bill 5 before us here at this time.

Ms. Atkinson: — Well, Mr. Minister, I'm glad to hear that you recognize your obligations under section 37 of The Trade Union Act. I presume tomorrow morning you will ensure that the employees — the 13 employees at Blackstrap — will have their jobs with that lessor, because my impression, Mr. Minister, is that you don't.

And all I want to know, Mr. Minister, is if section 17 is passed — and it's a section that I call the contracting out section — if it's passed and there are some employees who wake up Monday morning and don't have their jobs because their particular jobs have been transferred to the private sector, will you, Mr. Minister, assure those employees that they will go to the private sector, they, along with their jobs, and that they will have protections under section 37 of The Trade Union Act, and that they will still have their union on Monday morning? Simple yes or no, Mr. Minister.

Hon. Mr. Berntson: — I guess the answer, Mr. Chairman, is that if the Act applies, it applies. And I guess you have to in each situation put it to the test. I don't know. This piece of legislation, this proposed legislation, Bill No. 5, has nothing to do with The Trade Union Act and provisions under that are obviously labour issues and don't have anything to do with Bill No. 5. And . . . No, I won't say that.

Clause 17 agreed to.

Clause 18

Ms. Simard: — Mr. Chairman, clause 18 provides that the minister may make grants on any terms or conditions he may prescribe up to \$10,000 without obtaining any approval. And I have been told here this evening that that's not an unusual section, that it exists in other legislation.

And I maintain that, yes, it does exist in other legislation, but we already know what the objects and purposes and

powers of that department is and for what reason that money would be granted. However, this allows cabinet to go ahead and create a new department with new objects and purposes, something that has never come before this Assembly — totally new — and this section will apply to it. In other words, they can make grants up to \$9,000 without any approval and without prior approval in this Assembly. They may have to obtain a special warrant to do it, but they can do it.

And what I want to know is whether we'll have an assurance, whether we can obtain an assurance from the Deputy Premier, that he will not permit grants to be made under this subsection by a department created with new objects and purposes, or different objects and purposes from the department that was disestablished, without first getting approval from this Assembly for the spending of the money. Not by special warrant, but by coming before this Assembly in estimates.

Hon. Mr. Berntson: — Mr. Chairman, we've talked about this earlier in the evening, and the facts haven't changed. I can think of several special warrants that have been put forward to provide for situations that have arisen from time to time, like a drought payment, like cattle cash advance, etc., etc. And we do those things. That appropriation shows up in the legislature as a supplementary estimate, and those things are done now, so what we're doing here is not particularly different.

There can be no expenditure without appropriation, and that's the long and the short of it. If we set up a new department that is establishing a new department — obviously it's going to have to have responsibility for something. And the appropriation that follows with that responsibility will be, I suspect, the appropriation from which that \$10,000 or 999 or whatever you're talking about will come from.

Clause 18 agreed to.

Clause 19

Ms. Simard: — Mr. Chairman, I would like some clarification on clause 19. It says that:

A minister may, for any purpose relating to any matter under his administration . . .

Now we're talking about a minister of a newly created department created outside of this Legislative Assembly, created by cabinet without coming before the Legislative Assembly, that minister may:

. . . provide financial assistance by way of grant, loan, guarantee or other similar means . . .

I would like some clarification as to exactly when the Deputy Premier envisages this section being used. I would like him to pay particular attention to the word "guarantee." Does this mean that the minister could, for example, guarantee someone else's indebtedness to the tune of half a million dollars — the minister of this newly created department — without this having come before the Legislative Assembly? What is the full extent, and how

do they intend to be using section 19 with respect to these new departments?

Hon. Mr. Berntson: — This is set out in this way because in several other pieces of legislation the term "financial assistance" was used and there was some question as to what financial assistance was. So this was set out to clarify, I guess, what financial assistance . . . what format can take.

Mr. Goodale: — Yes, Mr. Chairman, in dealing further with section 19, a couple of questions to the minister.

From remarks I've made on other occasions in the House, the minister will know some of the concerns that I've had with the way that the government proceeded to implement the housing program that was announced on the . . .

Mr. Chairman: — Order. The question before the committee is clause 19 of Bill No. 5. I would ask the member to relate this remarks to clause 19.

Mr. Goodale: — Mr. Chairman, I am indeed doing precisely that. Precisely that. And my point is this, to the minister. The concern I expressed with respect to that other piece of legislation, the Saskatchewan Housing Act, is a concern that I believe at another time and place the government could, if it wanted to, rectify by section 19. And I want to explore that point with the minister just briefly, and I won't take much time, Mr. Chairman.

My point, Mr. Minister, is this: and if you'll just accept the argument to make the point for a moment, I think there is an argument that could be advanced and might be tested somewhere, some time, that a particular program that a government was putting forward exceeded the authority of a certain section in enabling legislation that's on the statute books elsewhere.

And my specific example of that, where an argument might be advanced, is the housing program in relation to a certain section of the Saskatchewan Housing Act. Now having said that, is it your view, Mr. Minister, that if that defect — as a matter of argument for the point I'm trying to explore here — if that defect did in fact exist in relation to section 16 of the Saskatchewan Housing Act, is it your view that section 19 of this legislator would correct that defect for the purpose of all new programs that a government might want to pursue in the future. It's the omnibus nature of the language in section 19 that troubles me, and I would like the minister's view on that question.

Hon. Mr. Berntson: — Mr. Chairman, two points. Number one, we're dealing, I think, with a very, very hypothetical situation. Number two, I think the member is asking me for a legal opinion, and clearly outside of my competence and quite simply unable to offer a legal opinion on the question.

Mr. Goodale: — Could I ask then, Mr. Chairman, if the minister regards section 19 as an omnibus spending authority for any minister to pursue any program without any requirement for a discuss of that program to arise in this Legislative Assembly?

Hon. Mr. Berntson: — The short answer is no. These can only be for matters under his administration or for which he is responsible. And in any event, they still have to be from appropriated funds.

Clause 19 agreed to.

Clauses 20 to 25 inclusive agreed to.

The committee agreed to report the Bill.

(2245)

Bill No. 7 — An Act to amend The Legislative Assembly and Executive Council Act

Clauses 1 to 6 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 1 — An Act to amend The Farm Land Security Act

Hon. Mr. Hepworth: — Mr. Chairman, members of the legislature, to my right, I have Jack Drew, deputy minister; to his right, Stuart Kramer, assistant deputy minister; behind me is Ron Rilling, acting general manager, Farm Land Security Board; seated next to him, Terry Scott, manager, research section, economics branch.

Clause 1

Mr. Upshall: — Yes, Mr. Chairman, I'd like to make a few comments on this. First of all, as we all know there's a lot of outstanding debt in Saskatchewan: 3.2 billion on land, 1.5 on operating, and 1.5 on machinery, totaling about \$6.2 billion in farm debt. Now we have recently seen the change in policy where the Crown land lessees have been come down quite heavily upon to pull in their leases. I think this sets a dangerous precedent in the fact that we know that Farm Credit Corporation has many outstanding debts. Many of our lending institutions have many outstanding debts. And the government has been saying with this Bill: we'll secure the land. But they won't secure anything else, setting a precedent that they're taking the lead on one hand with foreclosing, while out of the other side of their mouth they're saying that we're going to stay off this foreclosure. I would just like to quote a couple of things from this memo, and it says:

It is not acceptable to allow lessees to continue farming lease land which is in serious, long-term arrears. Therefore I have recently approved a policy which takes a firm stand on these lessees in arrears. Lessees will be required to be no more than one year in arrears by December 31, 1986, and failure to do so will result in further collection.

It also goes on to say:

I would also caution you not to give these lessees false expectations. To retain lease security the required payments will have to be made.

Now on one hand we have the situation where, by this

Bill, we are going to secure the land, foreclosure upon land, and in the same breath the government is saying that they are going to cut off leases. I think this is very, very inconsistent.

We also have another inconsistency whereby Sask Power has implemented a surcharge on motors over 60 horsepower for irrigation purposes. So what we're doing is securing the land by this Act, and yet the fact that they cannot secure machinery, do not secure livestock, basically they're putting it in one pocket and taking it out of the other. I believe this is just a smoke-screen, Mr. Chairman, for what the real objective of this government is.

We also have other situations that relate to the necessity to secure land, to secure machinery, to secure livestock and other assets. These things are such as free trade, an agreement whereby we lose the stability of our marketing boards. We need security, full security. When we lose security in these marketing boards, we lose the viability. And these boards come along and are reviewing the operators and they're saying, I have to prove that I'm a viable operator. By undermining all the stability they have, it is obvious that the viability will not be there.

Free trade puts a threat on the wheat board. As we know, many governments buy centrally and sell centrally . . .

Mr. Chairman: — Order. The Bill before the committee is An Act to amend The Farm Land Security Act, and I would like the member to relate his messages or his comments to the Bill.

Mr. Upshall: — I'm simply pointing out the need for securing not only the land but the need to secure all the assets for all these reasons that have been placed before us to provide further insecurity of the family farm unit. I'm trying to say that because of these things like free trade and the other things that I've mentioned, we need full security, not just of land but farm machinery, livestock, and inventories.

Another one is the fact that the deficiency payment . . . We have seen the need of \$3 billion; we've got much less than that, again undermining security of the farmers of this province. We need total asset security, and we must do this by enlarging upon this Bill and not having another *ad hoc*, short-term program.

We have a situation where we have family farms now and they're being foreclosed upon; we're losing our numbers — a situation that points us in the direction of corporate farms and fewer rural communities. And I suggest if this Bill would go further to secure assets, that could be reversed, at least put on hold. Because Saskatchewan cannot afford to lose any more of its farmers, farm families, and social infrastructures that we have. I believe that we have a system built; we must maintain it. And unless we have this government go much further than this, it will not be maintained.

I understand that this government does see it differently, because their leader in 1977 expressed a desire to rid rural Saskatchewan of many of its family farms. In the *Business Review* of 1977, Dr. D.G. Devine said:

You realize that most of our food is produced by less than 20 per cent of the farmers who tend to be good business men as well as producers. Society may not wish to support higher food prices for producers' security so that the non-productive 80 per cent can live in this country at a profit.

I think that's what we're seeing right now with this policy, is the fact that we have the smoke-screen of the short-term, *ad hoc* program, the reality of insecurity because Bills like this do not go far enough to provide any security.

We are losing our farmers at an incredible rate, and some say it is beyond the control of the provincial government to stop this trend but I ask, is it? Or is it simply the underlying theme of the government. As far back as 1933 we've had governments that, like the Anderson government, who had debt adjustment. In '71 we had the New Democratic Party pass the family farm protection Act. That's what we need, further security.

In 1985 Saskatchewan farm income hit its lowest point in 13 years. We have the number 17 per cent of our farmers are estimated to be in moderate financial difficulty, a further 10 per cent in severe difficulty, and 9 per cent to be non-viable. This Bill simply does not go far enough, seeing in the light of this severe situation. We have a realized net farm income that has dropped 35 per cent in the last year, and when you take into account inflation, it is the lowest since 1940. And yet our major chartered banks seem to be turning a good profit, and I think the banking system in this province has an obligation to be a responsibility to the people of this province, to take their share of the problem at hand. And yet this government seems unwilling or unable to address or even acknowledge the urgent need for debt adjustment or debt restructuring. Without that there is a great danger that Saskatchewan will not only lose a generation of young farmers but will lose thousands and thousands of farm units. And what happens to the face of rural Saskatchewan?

Members opposite may like to pretend that this existing Act is really effectively protecting farm foreclosures. But as we see in the numbers, because it does not protect against the seizure of livestock or machinery, the fact that, I say again, these assets could be taken, the viability of the farm goes down, and the foreclosure is automatic. In fact, the decisions have been two to one in favour of the banks when the final decision came down.

So with that, Mr. Speaker, I'd just like to say that this Bill, because of the problems that we have in this province, because of the numbers of farmers we're seeing in trouble, because of the fact that they need security — they need security of not just the land but they need security of their other assets — I think we're moving into a situation where it's already happened that we're seeing venture capital projects and livestock industry. These programs I'm sure are, and I hear are, being possibly extended to farm land.

The problem is we're treating the symptoms and we're not getting at the disease. And unless we have Bills like

this go much further to ensure the security of that farmer and therefore stave off that disease that's eating us up, we will see a further erosion of a system that we have in this province of family farm units, small towns, and a society that has been developed over a number of years that I do not want to see change.

It may be the view of some members opposite, or many members opposite, that it's inevitable that we're going to see the erosion of the basic family farm unit into large argi-business, multinational corporate farms farmed by tenant farmers, and I think that would be just very unbearable for me to watch. Therefore, I think that this Bill has to go much further by securing not only land but livestock and the machinery.

Hon. Mr. Hepworth: — Mr. Chairman, hon. members, the hon. member has covered a goodly number of topics ranging from venture capital corporations, lands branch leases, free trade, security of marketing boards, corporate farms, debt adjustment, debt restructuring, and we could probably spend an evening or more debating some of those issues but what, in fact, is in front of us is this Bill. And the only reason this Bill is here is because, in fact, of the difficulties farmers are facing and the fact our government acknowledges the difficulty they're facing. The reality is we now have two years' experience to draw upon with this Bill. After two years of experience we can say this: this Bill works. Quite simply, this Bill works. And you can twist and warp the statistics, but the reality is this has something of over a 60 per cent success rate for the farmers.

(2300)

The issue you raise that I will touch on insofar as why do we not broaden the Bill to include machinery, the answers I would give are the same as I gave in 1984, that to do so would drive a wedge between those who live in the country and those who live in the rural communities; drive a wedge between the farmer and his fuel dealer; the farmer and his fertilizer dealer; the farmer and his machinery dealer; and in fact everyone who works for those people in that farm service sector. And without that farm service sector the very network, the very woof and weave that you describe in rural -Saskatchewan would be jeopardized.

I sometimes think, listening to the opposition rhetoric, that their motives for wanting, for example, the fuel dealer covered, are not so much to do with protecting the farmer but maybe perhaps more to do with the fact that the fuel dealer might be a multinational corporation. It might be Esso, or Texaco, and in your minds every one of those are corporate robber barons.

The second point I would make here is the federal debt review board, and that legislation offers the farmer some protection to things over and above and in addition to the land, and augments the Bill that we have before us.

And the third point I would make as to why we did not include these other sectors is that if you go back to the history of the Bill . . . You talked about the farm protection Act; I think it was 1971. At that time, and some of these members in this House remember, the machinery dealers

saw that as exactly what I described earlier, an attempt to drive a wedge between themselves and their farmers saw that as exactly what I described earlier, an attempt to drive a wedge between themselves and their farmers. And in fact we have members in our government caucus today who experienced the unfairness of that, who experienced how that drove a wedge between them and their farmer clientele. And in the two years that we've had this Bill in place, in fact, I, on more than one occasion, have had machinery dealers come up and tell us that this made sense. And as well, Mr. Chairman, I can say that farmers have not come, saying we should cover specifically machinery.

The fourth and final reason before I take my place, Mr. Chairman, is this: it has to do with simple common sense. What banker in his right mind, knowing full well that foreclosures are stayed, is going to grab the tractor? It does not make sense. He knows that if the farmer is going to maintain and hold that most precious resource, which is why we focused it on that single most important asset, the land, it would make no sense for him to go after the tractor or the cultivator or the discer.

And in fact, Mr. Chairman, I would argue that that is what is happened. Common sense has prevailed in the light of what this legislation does. It's good legislation. It has worked, it has worked well, and I know it will work well for the next year or two.

And quite frankly, Mr. Chairman, I hope that a year or two from now we don't even have to deal with this kind of legislation, that farming will be healthy and viable again.

Some Hon. Members: Hear, hear!

Clause 1 agreed to.

Clause 2

Mr. Upshall: — Yes, Mr. Chairman, for many of the reasons that I outlined before, I would like to move an amendment to section (3)(a) by renumbering it as section 3.1 of the printed Bill; and (b) by substituting the following as section (3) of the printed Bill. Section (3) is repealed and the following substituted:

Purpose and application of the Act.

(3.1) The purpose of this Act is to afford protection to farmers against losses of their farm land, farm machinery, livestock and other assets and inventories necessary for farm operations.

(3.2) In order to give effect to the purpose stated in this subsection 1, this Act applies *mutatis mutandis* to actions respecting debts incurred in the purchase of farm machinery, livestock and other assets and inventories necessary for farm operations.

Amendment negated on division.

Clause 2 agreed to.

Clause 3 agreed to.

Clauses 4 to 7 inclusive agreed to.

Clause 8

Mr. Goodale: — Mr. Chairman, just a couple of technical points for the minister with respect to clause 8. First of all, could he advise us of the specific purpose for making information gathered under the provincial program that we're addressing tonight, making that information available to the farm debt review boards that are established federally. Is that simply a matter of avoiding duplicate kinds of investigations, or is there some other purpose envisaged here.

And secondly, could the minister advise us what information security provisions exist federally to ensure that information gathered provincially, transferred to a federal farm debt review board, stops at that point and doesn't go further and violate the security of the individuals involved.

We have recently seen a number of rather unfortunate examples where the federal system for keeping information confidential is a rather leaky system, to say the least, and I wonder if the minister could just advise us what safeguards there are federally to make sure that information gathered provincially doesn't become a matter of broad public knowledge and filed on microfiches and distributed to news-rooms.

Hon. Mr. Hepworth: — Mr. Chairman, in answer to your first question, it is as you mentioned, to avoid duplication in having them go before two panels, which just makes eminent good sense from the farmers' standpoint and from efficient management, if you like. Relative to what safeguards are in place to ensure confidentiality is (a) that is the expectation, it is confidential, and in fact, oaths are taken to that end.

And I suppose one can never guarantee anything for sure, but that is the expectation. And at this point in time there's been, as far as we know, no breach of confidentiality because they are dealing with the personal list, if you like, of the financial and personal lives of these farmers and their families, and it wouldn't be right and proper if in fact that information was divulged except in the sources where it is supposed to be going.

Mr. Goodale: — Mr. Chairman, just as a matter of clarification on that point, could I invite the minister to be in touch with his federal counterpart and to attempt to secure, insofar as the federal minister can, a specific assurance on this point because it is a matter of some concern, given the unfortunate incidents that have occurred in other federal departments in the last number of weeks.

Hon. Mr. Hepworth: — Sure.

Clause 8 agreed to.

Clause 9 agreed to.

The committee agreed to report the Bill.

THIRD READINGS

Bill No. 5 — An Act respecting the Organization of the Executive Council of Saskatchewan

Hon. Mr. McLeod: — Mr. Speaker, I move the amendments be now read a first and second time.

Motion agreed to.

Hon. Mr. McLeod: — Mr. Speaker, with leave, I move that the Bill be now read a third time and passed under its title.

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

Bill No. 7 — An Act to amend The Legislative Assembly and Executive Council Act

Hon. Mr. McLeod: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

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

Bill No. 1 — An Act to amend The Farm Land Security Act

Hon. Mr. McLeod: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

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

(2315)

ADJOURNED DEBATES

SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Devine that Bill No. 2 — **An Act to amend The Farmers' Counseling and Assistance Act** be now read a second time.

Motion agreed to, the Bill read a second time and, by leave of the Assembly, referred to a Committee of the Whole later this day.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 3 — **An Act to establish a Mortgage Protection Plan** be now read a second time.

Motion agreed to, the Bill read a second time and, by leave of the Assembly, referred to a Committee of the Whole later this day.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 4 — **An Act to amend The Saskatchewan Pension Plan Act** be now read a second time.

Motion agreed to, the Bill read a second time and, by leave of the Assembly, referred to a Committee of the Whole later this day.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McLeod that Bill No. 6 — **An Act to amend The Saskatchewan Medical Care Insurance Act** be now read a second time.

Motion agreed to, the Bill read a second time and, by leave of the Assembly, referred to a Committee of the Whole later this day.

COMMITTEE OF THE WHOLE

Bill No. 2 — An Act to amend The Farmers' Counseling and Assistance Act

Clause 1

Mr. Goodale: — Mr. Chairman, just one or two brief comments in general about this Bill, while we're on clause 1. I'd like to raise with the minister and would welcome his comments about the differences that exist between this piece of legislation, or the program that we're referring to here, The Farmers Counseling and Assistance Program, and other parts of the government's general collection of programs in relation to agriculture.

And the one fundamental point I wish to raise and the question I want to ask and welcome the minister's response is: why, in this program, there are eligibility criteria, rather precisely defined as to who can participate and who can't, and in other government programs relating to agriculture there are no such criteria. And I think as a specific example, for example, the production loans program.

Under the counseling program there is a requirement that net worth cannot be more than \$500,000 or 60 per cent of total assets. I think I have those basic provisions correct. In other words the applicant has to have a serious debt problem in order to qualify for participation under this program.

But in relation to the production loans program, as another illustration of government programming, there's no criteria at all. Basically, everybody's eligible for that particular program. And I would like to hear the minister's explanation as to why the difference. The restrictions applied to the counseling program mean that really only the toughest cases can come within the ambience of this particular program and therefore, in an indirect way, the banks are obviously getting a rather large advantage because it brings the program . . . includes under it the loan portfolios that will be the most troublesome for the banks, because it's only the most serious debt problems that get brought within the ambit of this particular program. And I simply would like the minister's explanation as to why that is true in relation to the counseling program, and yet there are much broader and more generous criteria in relation to other agricultural programs brought forward by the government from time to time.

And specifically, if the minister could address this point in his reply: does any part of the reasoning have to do with the flow of agricultural problems, over time, and the possibility that agricultural problems being dealt with more recently, that is for example under the production

loans program, are now judged by the government to be somewhat more serious, and the problems afflicting agriculture are somewhat more broadly spread than when this program was implemented a period of some two years ago?

Hon. Mr. Hepworth: — Mr. Chairman, members, before I answer the question, I would just introduce one official that was not in committee earlier tonight, and that would be sitting behind my deputy here, Barry Andrew, program chairman, counseling and assistance for farmers program.

In answer to the hon. member's question, I should state at the start that relative to the counseling assistance for farmers program there is no targets or means test, if you like, for those seeking counseling. Anybody can have counseling, so it's wide open if you like. There are criteria for those looking for loan guarantees, and the difference between that kind of program and some of the other ones you mentioned are that in the counseling assistance for farmers, those seeking guarantees are those farmers who are in, I suppose one could say, a severe financial distress. And in the programs like cash advances, farm fuel royalty refunds, the 6 per cent production loan program, those deal with farm input costs. And in those cases we are attempting to reduce farm input costs for all farmers, and that's one of the stated purposes of our government's policy relative to farming.

Mr. Goodale: — Mr. Chairman, bearing in mind the minister's comment, does the government have any intention in future, perhaps, to bring forward amendments that would broaden the eligibility criteria for the counseling and assistance program, bearing in mind that the difficulties affecting farmers are getting broader, they're getting deeper. Some people that might have been regarded as absolutely secure and beyond danger are finding themselves precariously close to difficult financial circumstances, people that we wouldn't have imagined could be near that kind of difficulty a couple of years ago. Is the government giving any consideration in future to a broadening of the criteria of this program so that more people could be brought within its ambit?

The Premier, in introducing the legislation, made the point that the program is working, and from the evidence that I've been able to gather, I would agree fundamentally with that assertion. The program, insofar as it is available to farmers in Saskatchewan, does appear to have had a beneficial impact. And accordingly, I wonder if thought is being given to relaxing some of those eligibility criteria.

Hon. Mr. Hepworth: — The first point I would make in response to the hon. member's question is that there are no criterion for the counseling. I think if we were to have some of those who have over the past couple of years been out in the field with this program — when they stand back and look at the program, in their assessment the counseling has perhaps been the most valuable, although we tend as legislators often to get tied up with the numbers of dollars guaranteed and the average dollar guarantee and that kind of thing. In reality those counselors, who have been very close to a lot of very difficult cases, time and time again tell me how, in their

minds, the counseling is the most valuable tool — and getting that counseling in place and into those homes early.

(2330)

The second point I would make is insofar as whether our criterion meet the need out there in terms of the target group, if you like. It's something we're ever mindful of. And I can say that the last time this Bill was before the House we did amend it with a view to changing the criterion, because after a period of time we found that we needed to fine tune it in that way. I guess I can also say at this point in time that since then that that fine tuning seems to be fitting the Bill, if you like, and I recognize it will always be a balance.

Another point that I would make for the member's information is that there is no sense putting in place guarantees for those who don't need them — in fact, some might argue, for who don't want them even. In fact, some might argue that all you're doing is really letting some of the financial institutions off the hook if you took the approach of guaranteeing everything, for example.

So there is a question of balance. I think we have found the right balance. In the event that it wasn't there before, we haven't been afraid to fine tune it. And if it was the view that it should be fine tuned, I suspect we would, but, and I reiterate again, that counseling is for everyone who wants it.

Mr. Goodale: — Mr. Chairman, two final, quick comments. I'm certainly pleased that in the minister's preliminary remarks that he drew the House's attention to, and introduced Mr. Andrew, who is here as one of the officials this evening, who obviously has been doing a fine job in his responsibilities in relation to this program. And I would want to reconfirm some comments that have been made in this House and elsewhere with respect to the farm counselors who have worked under this program.

All of the reports that I've received have indicated a good job done by them as they have established a good rapport with the farm clients that they are working with. The minister will know that I have one of those counselors particularly in mind in the person of Ms. Linda Boxall, who has been helpful under this program — in the counseling aspect of it — but I think she and the others who have participated in the program deserve to be congratulated and commended for the kind of effort that they have made on behalf of farmers in this province in difficulty.

The final point, Mr. Chairman, that I would want to make relates to some rumours that have been broadly circulated in the media respecting a federal program that is not identical but is somewhat parallel to the program that we are discussing this evening, and I refer specifically to the Family Farm Improvement Loans where there has been a good deal of speculation in the last number of weeks that the Government of Canada may have in mind the elimination of that program. I wonder, since it is a program that runs a little bit in parallel with the provincial program under consideration this evening, if I could have

the minister's assurance that he is vigorously lobbying his federal counterparts to ensure that the Family Farm Improvement Loans are not removed or eliminated by the Government of Canada.

Hon. Mr. Hepworth: — Just a couple of comments, and the first one addresses your comments about the panel members and the counselors on this program. And for you who were not here at the time that this Bill was first introduced, I appreciate your comments, because there were some in the opposition at the time that this Bill was introduced that said these panelists and these counselors would be nothing more than political hacks and partisans for the Tory party, if you like. I think your remarks indicate that in fact, as I said at the time, that they would not; they would be highly respected farmers, the peers of the farmers out there. In fact, I suspected that they were of all political stripes and I think that's probably been borne out.

And the other comment I would make further to what you said about the job that they have done out there is that in my time, both as minister and since then, I can probably count on one hand the number of complaints I had about the way the counselors conducted themselves on the farms and in the interviews with the farmers that were affected. And given the kinds of cases and the emotions surrounding those cases they were dealing with, that's a tremendous credit to these officials and the people who work with Mr. Andrew and the crew that he has doing the job for him. And I would want that to be on the record.

As it relates to federal initiatives on farm finance, and I think you mentioned specifically farm improvement loans, I suppose I could go back in history and detail hours of discussion and debate at ministers of Agriculture meetings and special ministers of Agriculture meetings relative to that whole question of farm finance and the options that could be looked at. And as I understand it, the one that you refer to specifically has been given a six-month breathing period if you like. And it's not as though we're not concerned about it. Albeit that it may not be as useful, as effective as it once was, but our concern has been more on the operating side, I suppose. And that doesn't mean to say that we don't consider that important, but our overt concern has been on the operating side.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Bill No. 3 — An Act to establish a Mortgage Protection Plan

Clause 1

Mr. Solomon: — Thank you, Mr. Chairman. Well I would sure like to spend a lot of time on this, Mr. Chairman, but I see the hour is drawing nigh, and I would just like to indicate to the minister that we will be supporting this Bill this evening. Our party does support the principle of mortgage assistance to home owners. The only regret that we have is it's not 7 per cent. If we could arrange some

sort of an amendment that it would be a 7 per cent mortgage plan instead of nine and three-quarters, I'm sure it would make a lot of folks happier.

But I have a couple of points I wanted to make on the Bill. One is that even though we do support it, it doesn't really address the housing start problem or the long-term job creation problem that this province is now undergoing. It also, in our view, doesn't provide decent, affordable housing to those who are in a seniors situation or a low-income bracket. And I think it does provide, to a certain extent, a means test for those that are mortgage holders.

So I wanted to make those points, Mr. Speaker, and I wanted to raise a couple of questions with the minister, if I may. One, that Bill 3, the mortgage protection plan, is quite similar to a 1982 bill, which was the mortgage interest reduction plan, except that it does not provide for an appropriation of funds. And I was wondering if the minister could explain to me why that is not the case in this new Bill.

Hon. Mr. Lane: — If I may respond to the hon. member, firstly, with regard to the appropriation. The legislative drafting people now advise us that because an appropriation can only come about through a withdrawal from the Consolidated Fund that it's redundant in the legislation and it's no longer necessary.

Secondly, with regard to the 7-7-7 program, I suppose, like most people in the province, I would be curious to know which 7-7-7 program you were referring to because we did have at least seven different variations during the course of the campaign and prior to it. For example, we did have the 7 per cent interest rates and \$70,000 maximum mortgages for seven years which would cost, in our estimation, \$950 million over a seven-year period. I notice that there was some retraction by some members opposite on that proposal.

There was the \$7,000 down payment assistance for first-time home buyers available for three years. Our estimated cost of that is \$17.5 million or \$52.5 million over three years.

And finally, the \$7,000 renovation grants to all existing home owners over the next seven years, and I refer to the opposition leader's news release of September 11, 1986, would cost approximately \$1.75 billion. So I throw those . . .

With regard to your comments on construction, I can indicate that the number of employed in the construction industry increased from 22,000 to 26,000 in the years 1982 to 1986 — that's April to November. And for a similar time period under the previous administration, September of 1977 to April 1982, the number of employed in construction declined from 27,000 to 22,000.

So we can debate the statistics on employment. That debate has been going on for the last 70-some years, I think, in the province, and it will continue over the next several years. And we will both put our interpretations on them, and we will both take our messages to the people of

Saskatchewan. But I don't know whether it's necessary to prolong that debate. I think I've answered your questions.

Mr. Solomon: — I do have a copy of the 7-7-7 program if the minister wishes to review it. And I'd be happy to sit down with the members opposite at length and explain how the program would work and how it would not only solve the unemployment problem that we have in this province that this government has been the architect of, but I think that at this point I would do that in private. And I would like to ask a couple of other more questions, if I may. My colleagues here are anxious to get home to their loved ones.

I wanted to know as well, Mr. Minister, if you could tell us why the Bill does not outline the matching grant program or the \$10,000 loan program at 6 per cent. Where do those two elements of the home program obtain funding and where do they get their legislative authority in terms of the program delivery? That interests me. I'm not quite clear on how that is set up.

Hon. Mr. Lane: — They're funded and operated through the Saskatchewan Housing Corporation, and our legal advice is that that is in the normal powers of the SHC and they have the appropriate resolution to deal with those programs.

Mr. Solomon: — The other question I had, Mr. Minister, applies to those that are locked in at rates that are lower than thirteen and a quarter per cent, yet higher than nine and three-quarters, and a longer-term mortgage. Are they going to be afforded any protection under this program?

Hon. Mr. Lane: — Which sector again?

Mr. Solomon: — Those people that are locked into mortgages that are less than thirteen and a quarter, which those that are locked into mortgages higher than that are subsidized by the old Bill of '82, but those that are in that twilight zone of thirteen and one-quarter and nine and three-quarters that are longer term. Are they going to be helped by this Bill or not?

Hon. Mr. Lane: — They'll be covered on renewals.

Mr. Solomon: — So then they will not be helped until such time as they do renew, which could be up to three or four or five years in some cases.

Hon. Mr. Lane: — There's not very many of any lengthy term at those higher rates.

Mr. Solomon: — Okay. I would like to comment about section 4. I think that's a good article. It prevents people from receiving double protection from the MIRP (mortgage interest reduction program) and the new home program.

Section 8, final question, Mr. Minister, section 8(3): is there an appeal process set up in this Bill for those that wish to appeal the decision?

Hon. Mr. Lane: — They would have to challenge the validity of the certificate, and there are some technical procedures to do that. It's not a formal appeal, but it

would be challenging the correctness of the decision, or whether there was proper authority, or whether proper procedures were used, but not a formal legal appeal. It would be a challenge to the operation by the civil servants.

Mr. Goodale: — Mr. Chairman, just one specific question to the minister as a supplementary to one of the points raised by the member for Regina North West.

He noted that the mortgage protection plan before us tonight is one-third of the announcement made by the Premier in August, I believe it was, in respect of housing in Saskatchewan. The other two-thirds being the home repair loans and the matching grants. The member for Regina North West asked for the authority for those other two sections of the program was, and the minister made reference to the Saskatchewan Housing Corporation and legislation appertaining thereto.

I wonder if the minister could be just a little bit more precise in terms of the Saskatchewan housing Act to tell us this evening the sections precisely that the government relies upon as the authority for the matching grants and the home improvement loans.

Hon. Mr. Lane: — Well I suggest to the hon. member that it's not germane to the legislation before us. The legislation deals with the mortgage protection. The challenge or the questions with regard to Sask Housing Corporation can more appropriately be done in Crown corporations. I believe from time to time we've done it on estimates as well — and I think that's where the debate is — and I don't think that anyone is unduly prejudiced by not debating that aspect tonight because I'm not sure that any of the recipients under those two programs are anxious to challenge the validity of the programs before the courts or the authority. Suffice it to say the advice that I have, that we do have outside legal opinion which advises that Sask Housing Corporation has the appropriate authority to carry out those two programs.

Mr. Goodale: — Mr. Chairman, I take it then from the minister's response that in relation to the mortgage protection part of the government's housing program, it is the government's view that no legal authority existed for that, and therefore we have the Bill before us tonight which would provide the government with the legal authority for that particular element of the program. It is the government's view as well that there was existing legal authority for the other two parts of the program and therefore no special legislation was required.

Hon. Mr. Lane: — That is correct.

Clause 1 agreed to.

Clauses 2 to 13 inclusive agreed to.

Hon. Mr. Lane: — Mr. Chairman, before I report the Bill, if I may introduce the officials with me: Keith Laxdal, deputy minister of the Department of Revenue and Financial Services; and Russ Moore who is the director of revenue operations branch of the revenue division. And I move the committee report the Bill, Mr. Chairman.

The committee agreed to report the Bill.

Mr. Chairman: — I'd like to wish the officials a Merry Christmas.

Bill No. 4 — An Act to amend The Saskatchewan Pension Plan Act

Clause 1

Hon. Mr. Lane: — Thank you, Mr. Chairman, I again introduce Mr. Laxdal and Lorelle Schoenfeld, who's with the Department of Justice.

Ms. Simard: — There are a number of concerns I have with the Saskatchewan Pension Plan and therefore with this amendment Act. Mr. Chairman, I raised them in some detail during the second reading debate, and therefore in order to save time this evening, I will just ask some questions concerning it as opposed to going into the explanation.

Now I understand that at this present time if an individual takes old age security and guaranteed income supplement from Ottawa, that any moneys paid under the pension plan will be deducted from the guaranteed income supplement. Now if that is indeed correct, I'm wondering if the minister in charge could advise me whether there are negotiations or attempts to overcome that problem so that the money paid under the Saskatchewan Pension Plan would be an additional payment over and above the guaranteed income supplement. Thank you.

Hon. Mr. Lane: — As it applies to guaranteed income supplement, that's a tax back of 50 per cent. So there still would be, on that aspect, an advantage to contributing to the Saskatchewan Pension Plan.

Those that are receiving both GIS and SIP would be tax backed at 50, and we have some on-going discussions going on now and have been for some time of if there's any way to restructure the SIP to continue an advantage contributing to the Saskatchewan Pension Plan.

Ms. Simard: — I also understand, Mr. Chairman, that there are problems with respect to the portability of this pension plan. For example, if a person moves from Saskatchewan to another province and they don't have a similar plan, their entitlement to contribute under the Saskatchewan plan discontinues, and there isn't an equivalent plan in the other province to which they can contribute or to which this plan can be transferred and apply. Is that correct, and what is the minister doing, if anything, to improve on that situation?

Hon. Mr. Lane: — Well, certainly I don't say it's a problem of portability because we indicated at the time of introduction of the legislation and passage that we would be more than pleased to enter into negotiations with any other jurisdiction that will have similar plans. Until that time we do not think it appropriate that we be subsidizing people beyond the province. And with the incentive for people to contribute to their pension plan, we felt that that significant factor in the proposal would warrant us to demand from other jurisdictions reciprocity so that our

people will have the same benefits if there is to be an incentive aspect to other programs.

But while the people of Saskatchewan, the taxpayers of Saskatchewan, are making some contribution, we didn't think it appropriate that we be paying for other people within the country.

Ms. Simard: — Wouldn't it be more appropriate, Mr. Chairman, to have a federally financed plan through CPP or some other federal arrangement, so that portability throughout Canada would be in place? Wouldn't that be more appropriate, and what steps is the minister taking to achieve that result?

Hon. Mr. Lane: — Well, we've indicated for some time that certainly, ultimately, the desirable situation would be to have a national home-makers' pension plan.

There has not been much movement towards that. We would hope that the Saskatchewan Pension Plan would heighten the awareness of the issue. I think it to some extent had that effect. We do note those interest groups that have promoted a national plan have expressed some frustration over the years at the lack of movement towards a national plan. And I note the statements recently by the president of the National Action committee on the Status of Women who is putting the blame now for lack of movement at the federal level at the federal bureaucracy. So there is a frustration. I sympathize with that frustration.

In our view as a provincial government, the lack of action at the national level was not a justification for Saskatchewan to do nothing.

Ms. Simard: — The one very serious problem with the Saskatchewan Pension Plan, Mr. Chairman, is the fact that it is not universal. In other words, it's not available to everyone. Theoretically, individuals can contribute to it, but the fact of the matter is, is when their income is very low, they cannot afford to contribute to it.

Therefore, we have suggested on other occasions and I would suggest again, that we would like to see the Saskatchewan pension plan be a mandatory plan where everybody is required to contribute to it who isn't otherwise covered by an adequate pension plan, and that it be made available to people who can afford through some government subsidy to those individuals who cannot afford to pay the monthly premiums. And I would like to hear the minister's opinion on that.

Hon. Mr. Lane: — Well obviously it would be nice to have a plan that everybody could afford to pay. But one argument that arises on the question of the matter of very low-income people and the pension plan, the question that actuaries raise: are we really prepaying welfare? Because we have an obligation to society, obviously to make certain payments to low-income seniors, and I will freely grant the argument that they may not be adequate. But are we simply bringing those payments forward and prepaying in the case of very low income? We did try and structure the plan so that the amount of 80 cents per day would not be beyond the possibilities of those that were very much interested in their pensions.

Finally, we keep in mind that we did indicate during the development of the plan and as part of the overall thrust, two other major items that often don't get taken into account when we're discussing the plan — one being the guaranteed minimum pension to deal with those who would not be able to contribute to the pension plan for a long enough period of time to generate a pension that would be worthwhile to them; and secondly, increases in the Saskatchewan income plan as very much part of the proposals for the Saskatchewan Pension Plan.

So I think in fairness and within reason, we did try and deal with some of the legitimate concerns that you raise.

Ms. Simard: — Mr. Chairman, there's two comments I wish to make in that regard. The member opposite had said that this would be a prepaying of welfare, and of course if he's not already aware of this, proponents who feel that there should be a universal plan say that's precisely the reason why we want a universal plan so that we're not talking about welfare payments down the road. The stigma that may be associated with welfare payments is not there — that everybody has a pension. That's the whole purpose for a universal pension plan, and to suggest that it's prepaying welfare is begging the question.

The other comment I'd like to make with respect to the guaranteed minimum pension and the Saskatchewan income plan that was made by the member opposite, I'd just like to point out that those people with no retirement income than OAS (old age security) and GIC are living \$1,000 below the poverty line. And a \$15-a-month increase, which is what I understand is given under the Saskatchewan income plan, is hardly adequate and certainly does not bridge that gap of \$1,000. And therefore, although it may be some effort, it is inadequate.

The other point that I wanted to raise is with respect to the criteria used in determining the eligibility for a matching grant. I understand it's individual income at this time and we have suggested that the government should be looking at family income. I gave the example during the second reading debate of a small-business person, for example, who earns \$26,000 and therefore wouldn't be entitled to a matching contribution whereas his or her spouse earns \$15,000 and has a pension through his or her business or place of work. The accumulated income would be \$41,000 and the government would make no matching contribution. Someone else, however, a family with an income of \$80,000 with one spouse not working would be entitled to a matching contribution if it's the non-working spouse who applies for the plan. And I'm asking the minister whether he thinks that's fair.

Hon. Mr. Lane: — Well, let me answer first of all the question of the matter of welfare. Whether it be a stigma, that debate will go on in the country for some considerable period of time. Really, I suppose, the more fundamental argument being put forward is the question of a guaranteed annual income, but this is not the forum to be debating that particular issue.

The matter of family as opposed to individuals, I have some difficulty with your position in that. On the one hand, one wants to talk about equality of individuals —

the male and the female. And let's take the traditional marriage example of the male and the female and we have equality. We attempted to look upon them as individuals. Can there be an unfairness? There can be an unfairness if we have a situation where the working spouse at a high income is very much part of his or her planning, making adequate retirement provisions for the other spouse.

(2400)

But let's take a situation where that is not the case, and I think all of us can identify or would recognize and accept that even in situations where there may be one high-income spouse and the other not earning income, where there is not adequate provision being made for the non-working spouse. And to say that all of those situations are unfair because one is making plans for financial security for the other, and a second situation where they're not, we weren't prepared to pry into that. And we felt that this would, at least, deal with those situations.

And we've had many examples where people, if we were to look at the family, have indicated, finally I'm going to have something of my own, because they don't feel that they were sharing in the family wealth — if I can use that phrase, and I use it guardedly — and that they now have an opportunity to make some provision for themselves. So I don't think it is unfair.

Ms. Simard: — Just one comment on that, Mr. Chairman, and then seeing as it's midnight, I will shut it down here. That is precisely why it should be mandatory. If it was mandatory, that problem wouldn't exist, and then perhaps you could look at family income with respect to matching contributions. Thank you.

Hon. Mr. Lane: — Certainly a mandatory pension would solve that particular problem. I have yet to see any well-accepted studies in terms of what the cost of a national mandatory pension plan would be. We get all sorts of estimates, and I would think that most taxpayers would want to see some precise cost estimates and know exactly what it's going to cost them before they're prepared to commit to a national pension plan. So rightly or wrongly we are, I think, a ways away from, on the national agenda, a national pension plan, because of cost.

Ms. Simard: — I guess I have to make one more comment with respect to that, Mr. Chairman. The problem of course is that we talk about the cost of a mandatory plan, and there's no doubt that this plan may be cheaper than a mandatory plan. But the fact of the matter is the people that need the help aren't getting it. Therefore is the cost of this plan too high if the people we want to really help are not getting it?

Hon. Mr. Lane: — But I do think, in fairness, that most people see at least it's a reasonable first effort to deal with a problem and, I suggest, not only an immediate problem, but given the demographics of the Saskatchewan population, a problem that will grow over the next 20 years. And I think the program is being accepted as a minimum, at least a reasonable first effort.

Mr. Goodale: — Mr. Chairman, just one brief question to the minister. In view of the exchange that he has just had with the member for Regina Lakeview, will the minister indicate what kind of lobbying effort he or his government is undertaking vis-à-vis the federal government to urge them to shoulder their legitimate responsibility and not create a situation where we could have a confusing and inadequate patchwork of provincial pension programs where provinces have tried to fill holes that the federal government is leaving, instead of developing a national and cohesive plan that satisfies the need across the country.

Hon. Mr. Lane: — We indicated some considerable time back in the last couple of years to the national government — and we've indicated this public — our support for a national home-maker's pension plan.

If you're asking me: is the lobbying intense and ongoing? No, it's not. From time to time at the Finance ministers' conferences, for example, there has been discussion, informal admittedly, of the Saskatchewan plan — how it's working, and our expression to all other provinces that one, are we not only prepared to co-operate; secondly, we have indicated most clearly to the federal government that if there is any movement towards a national pension plan we want to participate in the development thereof; thirdly, we have also offered to all jurisdictions any assistance we can give, given our experiences to date.

Mr. Prebble: — Just two questions to the minister — and, Mr. Minister, this comes back to the question of a public subsidy for low-income earners who could not possibly consider putting up the matching \$300 per year that would be required to get the provincial government \$300 contribution towards their annual pension.

My question to you, Mr. Minister, is: will you be prepared to bring forward a provision to this legislature in the new year that would ensure persons in the range of, shall we say, less than \$15,000 a year of family income, with government assistance, to meet that \$300 that they need to put up before they are able to qualify for the matching \$300 that's currently provided for under the legislation?

Hon. Mr. Lane: — No, I wouldn't be prepared to give you that type of guarantee. Of course one of the difficulties with having a poverty line is that you'll never solve poverty, and that line will keep floating up. And as long as we have someone with more income than another, as long as we have a poverty line, someone above it, we will have the poverty of those below it. So that argument about the poverty line always creates some difficulty.

We've indicated that the cost of 80 cents per day contribution to the plan is . . . Certainly there are those who cannot afford that. We have made some provisions — members opposite feel inadequate — we believe at least reasonable given the circumstances in the province that the amount is relatively small. It can start a plan, and many people have indicated already that given the amount of contribution level of 80 cents per day, that they may be reallocating their own expenditures to allow a contribution.

Mr. Prebble: — Well my second question to the minister is this . . . You know, 80 cents a day, Mr. Minister, is a significant amount of money when you're only making \$4.50 an hour and you haven't had an increase in the minimum wage for a very substantial period of time. And my question to you, Mr. Minister, is: will you at least give a commitment to this legislature that you will undertake a study with respect to what percentage of Saskatchewan residents whose family incomes are below \$15,000 a year are in fact able to take advantage of the plan, and will you table that information in this legislature?

And will you further give us your assurance, Mr. Minister, that you will make a serious attempt to tackle and eliminate the problem of poverty at least for those who are over 60 years of age in this province?

Hon. Mr. Lane: — Well I hesitate to remind the hon. member that the plan is not based on family income, so a compilation of the statistics is not something that the plan did. And we debated that already.

Secondly, I believe that we have moved . . . Obviously we will be debating this issue over certainly the next four years — the question of the adequacy or the adequate level of the minimum wage in the province of Saskatchewan. Saskatchewan does have the highest. There are statistics which indicate that that may be causing some youth unemployment. We have to take a look at that.

With regard to the matter of low-income seniors, I think some of the initiatives we've announced in conjunction with the Saskatchewan Pension Plan I will freely admit will not solve the problem. But I do believe that given the expenditures of government, the priorities, the fact that we are moving, recognizing the problem, we have made some steps — and I think very positive ones — to at least begin to deal with the problem.

Clause 1 agreed to.

Clauses 2 to 8 inclusive agreed to.

Hon. Mr. Lane: — Mr. Chairman, before I report the Bill I would like to thank my officials. In this case I would like to make sure that it is on the record of this Assembly. They have done a tremendous job in setting up and establishing the Saskatchewan Pension Plan. It is new legislation. It's a new program and I would like to make sure that my appreciation is on the record. They've done a tremendous job and I join with all members in wishing them a very Merry Christmas.

Some Hon. Members: Hear, hear!

The committee agreed to report the Bill.

Bill No. 6 — An Act to amend The Saskatchewan Medical Care Insurance Act

Clause 1

Hon. Mr. McLeod: — Yes, thank you, Mr. Chairman. On my right is Bryan Middlemiss, administrative assistant to the executive director of MCIC; and on my left, Gerald

Tegart, solicitor with the Department of Justice.

And, Mr. Chairman, if I might, the member from Saskatoon Nutana, the Health critic, asked several questions in second reading debate to which I would now undertake to respond and go from there. But I think the answers will be to the member's liking.

One of the questions . . . and I'll just go through them in order as they appear. One of the questions ended with, and I quote now:

. . . it appears to me that the cabinet would, by regulation, be mandated to make these amendments that we have in the Bill retroactively. So I'd like some clarification on that.

And the answer to that, for the member's clarification, is that according to the legal interpretation provided by our Department of Justice, legislative amendments are required in order to implement the dues check-off retroactive to January 1st of '86, this current year.

The second question, you suggested that:

. . . nowhere in the agreement do we have any reference to a compulsory check-off by the SMA on doctors in Saskatchewan.

And I know in that that you were referring to the Saskatoon Agreement II and the little booklet that was provided to the members of the public. The Saskatoon Agreement II, by way of answer, provided the mechanism and basis for negotiations between the government and the physicians, and did not incorporate all the details on future negotiations. The check-off provision was included in the agreement reached during the 1986 fee schedule negotiations which were separate and apart from the other. It should be noted that a provision for dues check-off has existed in The Saskatchewan Medical Care Insurance Act for a number of years.

(0015)

The third question, and I quote again:

. . . what assurances do you have that the SMA does represent a majority of doctors in the province when it comes to the Saskatchewan Medical Association acting as the sole bargaining agent for doctors.

And the response, Mr. Chairman, is:(a) the SMA is recognized by statute as the body representing the medical profession with respect to the establishment of payment schedules; secondly, the SMA is the only organized body representing the physicians in the province, and it represents over 80 per cent of the physicians, which I think you outlined in your remarks as well; thirdly, with respect to the dues check-off provision, the SMA clearly identified specific costs associated with the bargaining process, and the dues check-off is justified on the basis of covering those costs.

This bargaining process results in agreements that benefit all of the physicians. On this issue the SMA sent ballots to

all doctors in the province, including those not members of the association, and 83 per cent of those who voted favoured dues check-off.

The fourth question, and I quote again:

What assurances does he have that doctors are prepared to have a compulsory check-off go through the Saskatchewan Medical Association? I'd also be interested in knowing what individual protections there are legislatively for doctors when it comes to their dealings with the Saskatchewan Medical Association.

And I think it's important to refer back to my prior answer, and secondly it's important to point out that other professional organizations do have legislative protection for their members, and I'm not aware of any evidence to indicate that physicians require this kind of protection.

Now the fifth question, and I quote again:

. . . what rights do individual doctors have when it comes to the principle of natural justice when there's a dispute between the doctor and the Saskatchewan Medical Association?

The answer: The SMA is a legal and democratically constituted body, and I'm not aware of any need for the type of protection indicated in the question. The principles of justice that apply to the physicians apply to many other professions as well.

Sixth question, and I quote again, Mr. Chairman:

I'm wondering whether doctors have any individual protection when it comes to matters of grievances or arbitrations that the Saskatchewan Medical Association may want to act on behalf of doctors. I'm wondering if there's reasonable notice given by the Saskatchewan Medical Association to individual doctors.

On this, Mr. Chairman, I'm not totally clear on what the member said, and she may want to clarify that. However, I think it's important to note that the amendments being considered to the Act do not affect how the association relates with its profession. It will continue to function as other professional associations do.

If the member is referring, Mr. Chairman, to the SMA initiating grievances or arbitrations on behalf of individual doctors, it must be borne in mind that an employer-employee relationship does not exist with respect to the medical profession in general, and consequently consideration of grievances and arbitrations on behalf of individual doctors does not occur.

The seventh question, Mr. Chairman, and I quote again:

. . . is there any protection for doctors when it comes to voting on a final offer by the Medical Care Insurance Commission? Would the SMA have to call a vote on that final offer?

The answer, Mr. Chairman, is: the SMA distributed the first agreement under Saskatoon Agreement II in its entirety to all members of the association for their approval. Furthermore, the question of compulsory dues check-off was distributed to all physicians for their vote.

And the last question, the eighth one, and I quote here:

I'm interested in knowing whether individual doctors have protections that individual employees do when it comes to dealing with their trade union.

And the answer to that, Mr. Chairman, is: while need for such protection may exist in employer-employee relations in situations, that need does not exist where physicians are self-employed. The relationship between physicians and the SMA is no different than the relationship between other professions and their associations. The compulsory dues check-off provides a means for the physicians to build on a relationship that has existed for a number of years and which is intended to benefit all physicians.

And if there's other back ground and so on, I'd just ask the member to carry it from there, but I think that, Mr. Chairman, should clarify many of the — and most of and hopefully all of — the questions that the member has.

Ms. Atkinson: — Mr. Minister, are you aware of any other professional organizations that act in the capacity of the SMA when it comes to bargaining collectively with an institution that's similar to the Medical Care Insurance Commission?

Hon. Mr. McLeod: — Well, we're aware of others in the health care field — optometrists, chiropractors come to mind.

Ms. Atkinson: — I guess, Mr. Minister, your government saw fit to bring in some amendments to The Trade Union Act that would protect employees in their dealings with their trade union. I guess I'm interested in knowing whether individual doctors who aren't members of the SMA (Saskatchewan Medical Association) deserve the same kind of protection when it comes to their individual dealings with the SMA.

Hon. Mr. McLeod: — Well I think there is a difference in the sense that the physicians are deemed to be, and in fact are, self-employed. And the relationship is not exactly the same; nor in fact many would say it's not very much the same at all. So I don't think it's the same. The employee-employer relationships, which are addressed in The Trade Union Act, I don't think are addressed here, nor should they be.

Ms. Atkinson: — Mr. Minister, I'm not suggesting that they should be. What I'm talking about is the relationship that individual doctors have with the SMA. And I think that there is to a certain extent a parallel between the relationship that doctors would have with the SMA, and I'll give an example. An individual employee of the Government of Saskatchewan has, by statute in The Trade Union Act, certain protection when it comes to dealing with their trade union and how that trade union

deals with them as individuals. What I'm suggesting to you is perhaps there is a need for individual doctors to have the same kind of protection when it comes to their dealings with the Saskatchewan Medical Association. And I don't think that there's any need to differentiate because of the employer-employee relationship because we're not talking about that, we're talking about individuals' relationships to their employee association or doctor association.

Hon. Mr. McLeod: — Well I just could respond in saying that I don't believe there is a need for the kind of protection that the member suggests that there may be. And I don't think there is. The SMA has been recognized for — I know I'm not just totally on the question that you've asked — but the SMA has been recognized for a good long time as the association of physicians in the province. And I also know that there are something in the order of 20 per cent who are not members of the SMA and so on, but it has not come to our attention that there would be a problem in this area and so on.

But I would just say that I don't believe that there is that sort of need, even though I suppose a case could be made in terms of protections of this individual or that individual regardless of whether they're in a profession or wherever. I recognize that trend in some of the questions that you'd asked earlier. But the short answer is, no, I don't believe that it's there, at this time, the need for that.

Ms. Atkinson: — Just one final question, Mr. Chairperson. What if a doctor, on religious grounds, has a problem belonging and paying dues through this compulsory check-off to the SMA. Are there any provisions legislatively for that doctor to not have to have his or her money going to the SMA?

Hon. Mr. McLeod: — I think it should be clarified. The check-off provision that's being provided here does not constitute a membership in the SMA. And I know you know that. I think you were clarifying that. Okay. So that's good. And the member has indicated that she knows that's the case. So the 75 per cent of a normal membership fee which is being checked off is deemed to be a reasonable amount on the basis of the doctors throughout the province benefiting from the activities of the SMA in terms of negotiating on behalf of them and whatever.

The clear point here is the point that I made at the very beginning of this answer, and that is that it's not a membership. I know you asked about the case of a conscientious objector on the grounds of religion or whatever, and I would say there's been no suggestion of that, and there's no provision here for that. Although if it came to our attention, I suppose that there could be something done, but I can't think of what it might be just now.

Ms. Atkinson: — My apologies, Mr. Chairperson. One final question. What are we looking at in terms of a percentage check-off? Are we looking at a flat rate, a percentage rate? Can you give me any details on that?

Hon. Mr. McLeod: — I believe it's 75 per cent of the SMA membership fee, whatever that may be at a given year.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

(0030)

THIRD READINGS

Bill No. 2 — An Act to amend The Farmers Counselling and Assistance Act

Hon. Mr. McLeod: — Mr. Speaker, I move that Bill No. 2 be now read a third time and passed under its title.

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

Bill No. 3 — An Act to establish a Mortgage Protection Plan

Hon. Mr. McLeod: — Mr. Speaker, I move that Bill No. 3 be now read a third time and passed under its title.

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

Bill No. 4 — An Act to amend The Saskatchewan Pension Plan Act

Hon. Mr. McLeod: — Mr. Speaker, I move that Bill No. 4 be now read a third time and passed under its title.

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

Bill No. 6 — An Act to amend the Saskatchewan Medical Care Insurance Act

Hon. Mr. McLeod: — Mr. Speaker, I move that Bill No. 6 be now read a third time and passed under its title.

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

ROYAL ASSENT TO BILLS

At 12:32 a.m. His Honour the Lieutenant governor entered the Chamber, took his seat upon the throne, and gave Royal Assent to the following Bills:

Bill No. 1 — An Act to amend The Farm land Security Act
 Bill No. 5 — An Act respecting the Organization of the Executive Council of Saskatchewan
 Bill No. 7 — An Act to amend The Legislative Assembly and Executive Council Act
 Bill No. 2 — An Act to amend The Farmers' Counselling and Assistance Act
 Bill No. 3 — An Act to establish a Mortgage Protection Plan
 Bill No. 4 — An Act to amend The Saskatchewan Pension Plan Act
 Bill No. 6 — An Act to amend The Saskatchewan Medical Care Insurance Act

His Honour retired from the Chamber at 12:34 a.m.

MOTIONS

House Adjournment

Hon. Mr. McLeod: — Mr. Speaker, by leave of the Assembly I move, seconded by my colleague, the member from Maple Creek:

That when this Assembly adjourns at the end of this sitting day it shall stand adjourned to a date and time set by Mr. Speaker, upon the request of the government, and that Mr. Speaker shall give each member seven clear days notice, if possible by registered mail, of such date and time.

I so move.

Hon. Mr. McLeod: — Mr. Speaker, just prior to putting the adjournment motion, I think I, on behalf of all members on the government side, and certainly I'd like to wish you and all members of the House, the staff at the Table, members of the press gallery — if their editors are watching it could be noted that they are all there. It's obviously been a very eventful year for all of us — 1986. I believe that we all deserve a rest. All people in this province deserve the joy, and so on, that Christmas brings, and I would say to all members here a Merry Christmas and all the very best in 1987.

Some Hon. Members: Hear, hear!

Hon. Mr. Blakeney: — Mr. Speaker, I want to join with the Deputy Speaker and the House Leader in extending to you our best wishes for the holiday season, and I want to join with the House Leader in wishing all members of the House a happy holiday season. It has been a good 1986 for those of us who are here, and we look forward to an equally good 1987.

I want, as I know the House Leader will join with me in extending our best wishes to the staff who serve us — the pages and the Clerks at the Table. We want to wish each and every one of you a holiday season that will be memorable, and a 1987 which will be particularly memorable, and we will all define that in our own way. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Speaker: — Before moving the adjournment motion I, too, would like to take this opportunity to wish each and every one of you a very Merry Christmas and a Happy New Year. I know that the Christmas season is spent in different ways by different people. Some use it as an opportunity to spend it with family and friends; others use it as an opportunity to perhaps go to the church of their choice; others use it perhaps to go away somewhere. But whichever way you choose to spend your Christmas and which . . . any combination of ways, I wish each and every one of you the very best, and I hope you have a lovely Christmas day and beautiful holiday.

In the absence, ladies and gentlemen, of Mr. Craig James

who is not here tonight, I would like to take this opportunity to also thank him on your behalf for the good work he has done for us. I understand that Mr. James and his wife are moving to British Columbia to take up similar duties in that legislature, so I would just like to pass on our good wishes to him.

Hon. Members: — Hear, hear!

Mr. Speaker: — I, too, would like to thank the Clerks and the pages and all the members of the Assembly who have done any work to make this Assembly run smoothly. And with that, hon. members, the House Leader.

Hon. Mr. McLeod: — Mr. Speaker, it being past 10 o'clock, I move this House do now stand adjourned.

Motion agreed to.

The Assembly adjourned at 12:39 a.m.