

The Assembly met at 2 p.m.

Prayers

### ROUTINE PROCEEDINGS

### PRESENTING REPORTS BY STANDING, SELECT AND SPECIAL COMMITTEES

#### Standing Committee on Estimates

**Clerk Assistant:** — Mr. Gardner, from the Standing Committee on Estimates, presents the second report of the said committee, which is as follows:

Your committee considered the estimates of the Legislative Assembly, Legislative Library, and Legislative Counsel and Law Clerk and adopted the following resolutions:

1. Main estimates to March 31, 1989:

Resolved that there be granted to Her Majesty for the twelve months ending March 31, 1989, the following sum:

For legislation — \$4,048,500

2. Resolved that towards making good the supply granted to Her Majesty on account of certain expenses of the public service for the fiscal year ending March 31, 1989, the sum of \$2,905,600 be granted out of the Consolidated Fund.

3. Resolved that there be granted to Her Majesty for the twelve months ending March 31, 1988, the following sums:

For legislation — \$572,500

4. Resolved that towards making good the supply granted to Her Majesty on account of certain expenses of the public service for the fiscal year ending March 31, 1988, the sum of \$572,500 be granted out of the Consolidated Fund.

5. Resolved that this committee recommended that upon concurrence in the committee's report the sums as reported and approved shall be included in the Appropriation Bill for consideration by the Legislative Assembly.

**Mr. Gardner:** — Mr. Speaker, I would move, seconded by the member from Regina Lakeview:

That the second report on the Standing Committee on Estimates be now concurred in.

Motion agreed to.

### INTRODUCTION OF GUESTS

**Hon. Mr. Berntson:** — Mr. Speaker, I'd like to introduce to you and to all members of the Assembly a guest in your

gallery, Mr. Speaker, and I hope I'm saying this right, Mr. Declan Kelly, chargé d'affaires of Ireland and the Irish embassy in Ottawa. Mr. Kelly is here visiting Regina for Mosaic, I understand, and while he is here is meeting with some officials of Executive Council in government.

I would like all members to join with me, Mr. Speaker, in welcoming Mr. Kelly here to Saskatchewan, and I trust that he will enjoy his visit, not only to Mosaic but to the offices of government here today. And I ask all members to join me, Mr. Speaker.

**Hon. Members:** Hear! Hear!

**Mr. Tchorzewski:** — Thank you, Mr. Speaker. On behalf of the opposition, I would also like to extend our greetings to Mr. Kelly and wish him a very enjoyable stay in Saskatchewan and a safe trip home.

**Hon. Members:** Hear! Hear!

**Mr. Pickering:** — Thank you, Mr. Speaker. It gives me a great deal of pleasure this afternoon to introduce to you, and through you to all members of the Assembly, a group of 12 students from the Parry Elementary School. They are in grades 1 to 6, seated in your gallery, Mr. Speaker, and they are here for question period. I will meet with them immediately following question period for pictures on the steps and drinks. I would hope that they enjoy proceedings here during question period and enjoy their stay in Regina. I would ask all members to join with me in welcoming the children from the Parry Elementary School. Thank you.

**Hon. Members:** Hear! Hear!

**Mr. Mitchell:** — Mr. Speaker, on behalf of my colleague member from Humboldt, I'd like to welcome, on behalf of you and the House, 33 grade 6 students from Watrous Elementary School who are seated in the east gallery. They are accompanied by their teachers Arley Olson and Shelley Engel, chaperons Milton Sather and Doreen Rudneski, and the bus driver Vivian Boisvert. I'll be meeting them for pictures and for refreshments on the lawn following the question period.

**Hon. Members:** Hear! Hear!

**Mr. Muller:** — Thank you, Mr. Speaker. I don't have the sheet in front of me, but I recognize the grade 12 students from Shellbrook, so I'd like to introduce them to you, and through you to this Assembly. I also recognize the principal, Mr. McIvor, that's with them.

I want to welcome them here and hope they enjoy the question period. I'll be meeting with them for drinks at 2:30 and pictures. I hope they enjoy their trip home afterwards. I'd like all members to welcome them in their usual manner.

**Hon. Members:** Hear! Hear!

**Mr. Kowalsky:** — Mr. Speaker, it's my pleasure to introduce to you, and to members of this Assembly, a constituent of mine who was seen on television regularly

and has got a road show that's travelled across Canada and across the United States — is Brian Sklar, who is the lead player and the owner and organizer of Prairie Fire. Welcome Brian.

**Hon. Members:** Hear! Hear!

## ORAL QUESTIONS

### Lay-off Notices for PCS Workers

**Mr. Romanow:** — Thank you, Mr. Speaker. We might not be able to get prairie fire going in the legislature, but maybe in this question period a little bit of legislative fire.

My question today, Mr. Speaker, with your permission, is actually directed to the Deputy Premier because of what we, as the opposition, believe is the gravity of the problem, but it could also be directed to the minister in charge of the Potash Corporation of Saskatchewan, the Minister of Finance.

It refers to a copy of a letter which we received in our office of the opposition just around noon hour, approximately that time, from a Saskatoon woman by the name of Gina Digness, a wife of a soon-to-be unemployed potash worker at Cory. And I've sent copies of her correspondence to both the Deputy Premier and to the minister in charge of PCS (Potash Corporation of Saskatchewan International) so they have them before them and can answer the questions that I direct to them.

Mr. Speaker, to begin with, the letter contains what can only be categorized as some fairly outrageous events describing the actions of the chairman of the Potash Corporation of Saskatchewan, Mr. Paul Schoenhals, in terms of his attitude and statements, but I won't be dealing with that in my question period, as important as that is. Rather I want to refer the minister to page 1, paragraph 5 of the letter where Mrs. Digness states that, quote:

Mr. Schoenhals advised me that "the decision to shut down Cory was made last fall!"

These are the words, quote: "advised me that the decision to shut down Cory was made last fall!"

My question is this: last fall the government, in introducing The Potash Resources Act, from the Premier down, assured the legislature, assured the workers, assured the industry that in fact there would not be a shut-down or a loss of jobs, where now it appears obvious on the admissions by Mr. Schoenhals to Mrs. Digness that all the while that they were telling the Assembly this, the government was secretly planning for, and in fact had decided to shut down Cory.

I ask the minister in charge — those who wish to respond, whether it the Minister of Finance or the Deputy Premier: how in the world do you expect this legislature and the people of the province of Saskatchewan to accept that degree of untruthfulness in dealing with this important and vital issue respecting the workers?

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

**Hon. Mr. Lane:** — I simply, Mr. Speaker, would have hoped that the Leader of the Opposition would have asked the question whether it was true or not. The fact is that the decision to deal with Cory and to have it simply produce the white product with the lay-offs was made at the most recent board of directors meeting of the potash corporation, and the statement that it was made last fall is simply not a true one. It is not an accurate one, and it's not a fair one.

I mean, you're taking this at face value. It may or may not be correct, the statements. I've asked for a meeting with the chairman and the employee referred to, to get their version of the facts. And certainly if these statements were made, and if that type of attitude was shown, I think appropriate action would be taken. It's not called for, if true, if accurate. But I simply can assure the hon. member that the decision on Cory was made at the most recent potash corporation board of directors meeting.

**Mr. Romanow:** — Mr. Speaker, I thank the minister for that answer, and I'm particularly pleased that he is going to take the time to check with the chairman of the potash corporation in terms of the statements that have been made.

As a follow-up and as a supplementary, I direct this question to the minister. Would the minister be prepared to table minutes or copies of the minutes of the board of directors of PCS (Potash Corporation of Saskatchewan) to, in effect, assure the members of the House that the decisions with respect to Cory were taken when he says they were taken?

And furthermore, would the minister be prepared to go back to the period of August, September, October, November of 1987, at the time of the consideration of The Potash Resources Act, and to table also relevant board minutes or documents at the time that PCS's responses to The Potash Resources Act was being considered, so that we can have further verification of what the minister say today?

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

**Hon. Mr. Lane:** — Well I remind the Leader of the Opposition of the traditional and historical practice of an assurance of a member of this Assembly.

I'll go back and take a look and see what the precedent is on tabling of minutes. I seem to recall requesting minutes when you were minister responsible for the potash corporation with regard to Lanigan expansion, decisions made on what it was based, and being refused that type of information.

I certainly would be prepared to take a look at it from the precedent point of view as to confidentiality of the minutes, but let me say, I do feel it a proper and an appropriate course of action to, before I make any response on the allegations made, that I do meet with the chairman and the employee responsible.

**Mr. Romanow:** — Mr. Speaker, a new question to the responding minister, the minister in charge of PCS. There is of course another employee of PCS who was involved,

other than the chairman Mr. Schoenhals, according to this letter, and that is the person who's in charge of your industrial relations, Mr. John Gugulyn.

And there on page 2 of the letter which we have before us, the letter writer, Mrs. Digness, reports that Mr. Gugulyn said, quote — these are her words:

We were shocked when he warned us that if the media got involved "it could get dirty" (in quotation marks, she attaches) not only for us, but for the men at work.

Then he went on to say, according to the letter, that Cory has always been a source of irritation and that Cory employees were most vocal in regards to lay-offs.

The minister has a copy of the letter before him. My question to him is this: Mr. Minister, doesn't that say to the workers who have been so dramatically and tragically affected by the decision of your corporation, that the real reason for the closure of Cory was more an act of vindictiveness than it was economics? Isn't that really the reason for the closing of Cory?

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

**Hon. Mr. Lane:** — Again, Mr. Speaker, when I answered the question earlier I made reference to the employee, as well as the chairman, as to the allegations made by the individual. Some make the allegations that if there was political decisions or political vindictiveness as the basis for the reason, then why not shut down Lanigan where we had a highly partisan political strike, as well-known the involvement of the member from Quill Lakes? That's been a question that was raised, Mr. Speaker.

So the political one is not a factor; it never was a factor. We made the decision in the best interests of the Potash Corporation of Saskatchewan. And, Mr. Speaker, again it's simply not a true statement, but I have undertaken and I have asked for a meeting, as I said in my first answer to the hon. member, to meet with both the chairman and the employee referred to.

**Mr. Romanow:** — Mr. Speaker, I have to ask a new question, with your permission, of the minister because I want to refer to a brief quotation. I just, before asking the question, would preface my remarks by saying that the Lanigan example, with the greatest respect to the minister, should give no assurance to anyone, because the attitude displayed by the ministers, if the facts are proven to be the case — and I would see no reason why Mrs. Digness would misrepresent — would cast a chilling tone and a note for all government workers, not only in potash but everywhere, about the nature of this government.

But my question is this. The minister says that it is not for political vindictiveness. He uses Lanigan as his example. We'll see about that. He implies that it's economic reasoning. How would the minister explain therefore, in the *Star-Phoenix* as of today's date, January 2, 1988, under a headline called "Economist doesn't buy denial of U.S., Cory link", the following is stated by Mr. Arne

Paus-Jenssen, Professor Paus-Jenssen is from the University of Saskatchewan. He said:

"It's always been my impression that the Cory mine was a commercially-viable operation. I'm just wondering if (the scaledown) means they're simply going to write it off and close it down completely," said Paus-Jenssen.

And then I'll just finish the quote to frame my question:

The mayor of Carlsbad, (New Mexico) Bob Forrest, was overjoyed that the local mines (there) would be re-opening, but puzzled as to why the Cory mine would be cutting back.

"If you're in business at \$30 (US) a ton, you could damn sure stay in business at \$60 a ton," he said.

And that's what the Americans are saying. They don't understand the economics.

I say to the minister opposite, in the light of these statements, isn't it true that the real reason for Cory is an act of vindictiveness against the workers for standing up for their rights, and an act of vindictiveness because the people in Eastview didn't vote for your party; they voted for the New Democratic Party? You're punishing us.

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

**Hon. Mr. Lane:** — Let me respond first, Mr. Speaker, with regard to the *Star-Phoenix*. And I suppose we have an example of a newspaper, representing a city with a major industry called potash, with a frankly frightening ignorance.

The *Star-Phoenix* today, Mr. Speaker, said there is a new potash mine coming on stream in Manitoba. We can't find that mine, Mr. Speaker. Manitoba can't find the new mine. But the *Star-Phoenix* says there's a new mine. The *Star-Phoenix* in the editorial today said a new mine in New Brunswick has come on stream. We can't find that new mine, Mr. Speaker. New Brunswick can't find the new mine. There's no new mine, Mr. Speaker. There's no mine in Manitoba, but the Saskatoon *Star-Phoenix*, Mr. Speaker . . . It's frightening, it's frightening how stupid, Mr. Speaker, this . . .

**Mr. Speaker:** — Order, order. Order, order. The hon. member still has an opportunity to finish his answer. I'd just like . . . I'd like the House to give him the opportunity to do so.

**Hon. Mr. Lane:** — Mr. Speaker, in responding to the Paus-Jenssen . . . in each of the last years, the potash corporation has in fact increased its sales into the United States. The shares of Canpotex have also increase its sales into the United States. The shares of Canpotex have also increased. The argument that we're losing market share is simply not true.

The problem, Mr. Speaker, is a very simple one, that when Lanigan phase 2 expansion was completed, the Potash Corporation of Saskatchewan has the capacity to produce 8.6 million tonnes of potash. This is in excess of 4 million tonnes, Mr. Speaker. We have

double the productive capacity over what our sales are, and our sales are increasing. It's that simple. It's that difficult, Mr. Speaker. That's the fundamental problem.

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

**Mr. Romanow:** — Mr. Speaker, the hon. minister talks about frightening news coverage. Well I'm not going to get into the business of shooting the messenger, and I don't think that the Minister of Finance enhances the debate by shooting the messenger and failing to address the main issue.

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

**Mr. Romanow:** — Mr. Minister, what is frightening is the fact that the mayor of Carlsbad, Mr. Bob Forrest, is cited in this newspaper story, and we know it to be a fact, that two mining operations in Carlsbad which had been idle for more than six years, according to this news story, they're now opening up, and the mayor of New Mexico, Mr. Forrest himself, says he can't believe it.

They're opening up. He can't believe your argument that at \$30 a tonne you can't make a go of it, yet two broken-down, old, New Mexico potash mines are getting started.

What in the world can we interpret except that this government has decided to play over dead . . . roll over and play dead to the American potash industry to help the American potash workers while the husbands of people like Mrs. Digness go unemployed, begging for some job security. That's a shame.

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

**Hon. Mr. Lane:** — Mr. Speaker, the Leader of the Opposition . . . For some reason, Mr. Speaker, the Leader of the Opposition who, we should remember throughout the course of this debate, was the minister who took the potash government take-over legislation through this House and became the minister responsible for the potash corporation — and they cheer that, Mr. Speaker — and was the minister responsible for the potash corporation when the decision was made to expand the Lanigan potash mine, Mr. Speaker. We should remember that. And they cheer. They haven't changed their policy, and we all should read that, including the Star-Phoenix. They have not changed their policy, Mr. Speaker — they have not changed their policy.

Here's what's happened when they said that the potash corporation is rolling over and playing dead. In 1985 the potash corporation's share of the U.S. market of Saskatchewan producers was 28 per cent. In 1986 it was 30.4 per cent — an increase, Mr. Speaker. In 1986 it was 30.5 per cent, another increase in 1987. And for the first four months of the current year, Mr. Speaker, we are holding at 30.5 per cent increase, Mr. Speaker — increases, increases, increases into the United States market, Mr. Speaker.

And they say lay-offs. The lay-offs come about because, Mr. Speaker, in 1979 the now Leader of the Opposition made the decision to bail the member from Quill Lakes

out by doubling the capacity of the Lanigan mine so that the Potash Corporation of Saskatchewan today, at taxpayers' expense, has 8 million tonnes capacity when there are sales for 4 million tonnes, Mr. Speaker.

We have to clear up that difficult situation, Mr. Speaker. Those are the reasons for the decisions. I'm disappointed in the hon. member.

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

**Mr. Romanow:** — Mr. Speaker, this is a new question to the minister in charge of the Potash Corporation of Saskatchewan. I have to preface the question by a short quotation which say as follows:

With this belief in mind, the board of directors supported management's recommendation to continue with (to continue with — I underline those words) one of our major projects in Saskatchewan. I refer to the PCS mining Lanigan phase 2 expansion which is now under way.

And then goes on to justify why it's being done.

Signed by Lorne McLaren, chairman of the board. Your minister in charge of the Potash Corporation of Saskatchewan had made that decision.

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

**Mr. Romanow:** — . . . (inaudible interjection) . . . That's not the issue. You say that there is . . . (inaudible interjection) . . . Well, if it's the issue, then the issue falls squarely on the minister that you fired, in charge of Potash Corporation of Saskatchewan. And if it's an issue, it's your responsibility for going with that route.

My question to the minister is this, my question to the minister is this: you claim that our share of the potash market in the United States is being maintained. You claim that they're doing the job; they're doing the job in selling, and you also claim that in doing that job of selling we're maintaining our work-force.

If that's the case, how in the world do you justify the fact that 200 families in Cory, and other families in the potash industry in Saskatchewan, are being laid off; and why is it that The Potash Resources Act, which apparently was designed to stem this kind of discriminatory action, has not been proclaimed? You're nothing but propagandizing this issue, and you know it yourself.

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

**Hon. Mr. Lane:** — The hon. Leader of the Opposition said that his decisions to nationalize, to take over the potash industry, expand the potash . . . (inaudible interjection) . . . No, they don't want to hear, they don't want to hear, Mr. Speaker. They don't want to hear, for very good reasons. He said that his decision in 1979, his personal decision, is not the issue. It is the issue . . .

**Mr. Speaker:** — Order, order. Order. Order, order. The minister is having difficulty answering, and as the hon. members can see, there are a good number of members

who would like to answer. But the minister has been asked to answer; therefore, let us allow him to answer.

**Hon. Mr. Lane:** — Mr. Speaker, secondly, with referring to the minutes that he hon. Leader of the opposition referred to, as we've debated in this assembly during his four-year absence where the seemingly didn't learn anything about the potash industry, Mr. Speaker, the commitment was so far down the road that the cost would have been too great. But, Mr. Speaker, what he fundamentally misses when he talks about the one mine, two shafts — and we should keep that in mind, not two mines again, like the Star-phoenix seemingly didn't understand — Mr. Speaker . . .

**Mr. Speaker:** — Order, order. Order, order. Order, order.

**Hon. Mr. Lane:** — Mr. Speaker, the particular mine that's opening up in New Mexico — and the company bought very little from the potash corporation, Mr. Speaker. It bought its tonnage, when it was shut down, from Israel, Mr. Speaker. Israel is the one losing market share with the increase or the opening of the mine in New Mexico, Mr. Speaker. The fundamental decision was the hon. member making the decision to have a double shaft, Mr. Speaker, in Lanigan, a double shaft for the people of this province, Mr. Speaker.

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

**Mr. Romanow:** — Mr. Speaker, a new question . . .

**Mr. Speaker:** — Order, order. Order, order. There are a good number of members who would like to ask a question now, but I believe the Leader of the Opposition has the floor.

**Mr. Romanow:** — Thank you very much, Mr. Speaker. A new question to the minister in charge of the Potash Corporation of Saskatchewan, who talks about shafting, and he's right; the only people who have been shafted are the working men and women and the families that this government says it cherishes and protects, by words — but by action, dismantles and hurts. That's the shaft in the first place.

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

**Mr. Romanow:** — I want to return to the letter by Mrs. Digness to your chairman Mr. Paul Schoenhals. Mrs. Digness says in the letter, quote: "He accused me of being . . ." . . . (inaudible interjection) . . . No, it's right on the subject. If you would listen to the families and be concerned about them, you'd know it's right on subject. He says this . . .

**Mr. Speaker:** — Order, order. Order, order. Order, order.

**Mr. Romanow:** — Thank you, Mr. Speaker. The letter says, from Mrs. Digness, as follows:

. . . he accused me of being an irrational woman involved in a political exercise . . . He also accused me of acting on behalf of the Union and the N.D.P. When I denied this, he accused me of

"lying".

Now, Mr. Minister, do you consider that these are words which should come from any civil servant, words of insult and ridicule? And if you disapprove of those words, and on your investigation you find those words are said, will you give this House assurance that there will be an unqualified apology to Mrs. Digness and all of those wives and families struggling for survival, and an apology to the people of the province of Saskatchewan?

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

**Hon. Mr. Lane:** — Mr. Speaker, I think everyone notes how the Leader of the Opposition wanted to get off the potash decision-making process for obvious reasons, Mr. Speaker. I think it's quite clear as he made in his reference with regard to who got shafted, Mr. Speaker.

The government take-over of the potash industry by the New Democratic Party and the now Leader of the Opposition was a shaft for the people of this province, a tremendous financial loss at a great cost to the taxpayer. I said — and, Mr. Speaker, this is a repetitive question. I assured the hon. member in this Assembly that I have asked for a meeting of the two people involved, and I want to hear their side of the story, Mr. Speaker. I think that's only fair.

If, Mr. Speaker, and I say, if, that those statements were made, then more than an apology is necessary, Mr. Speaker. I don't think that would be tolerated by any public service of any party or anyone in public life, Mr. Speaker. I said "if." But, Mr. Speaker, in fairness, in fairness, Mr. Speaker, I think, before this is taken as fact, we should check it out, Mr. Speaker.

### Effects of Privatization Legislation

**Ms. Atkinson:** — My question is to the minister of privatization. Mr. Minister, yesterday your government introduced its omnibus privatization Bill. This Bill gives the cabinet the power to sell any public asset to anyone, at any time, under any terms of conditions that you see fit, without ever having to justify that sale to the taxpayers of this province through this Legislative Assembly.

Mr. Minister, the question is simply this: why are you afraid to bring your privatization deals one by one before this legislature? And why are you afraid to account for your actions in this legislature?

**Hon. Mr. Taylor:** — Well, Mr. Speaker, that simply isn't the case. The Bill was introduced, and I'd be more than pleased to give second reading of this Bill this afternoon to explain to the critic the actual intent of the Bill. Obviously she does not understand it.

I think the Bills before the House today indicate that many of these ventures will be debated in this legislature, as is the case with the Bill of SMDC (Saskatchewan Mining Development Corporation) that is before the House at this time, which indicates that things will come here for dialogue and debate.

**Ms. Atkinson:** — Mr. Minister, this Bill is the arrogance of

the highest order. This Bill gives the PC cabinet the power to make deals to sell off public assets in the dead of night without ever any public scrutiny on these deals.

Mr. Minister, are you afraid of the public's reaction to your privatization deals, or have you and your government become so arrogant that you simply don't care about what the public thinks?

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

**Hon. Mr. Taylor:** — Well again, Mr. Speaker, it's very evident the member is not aware of the content of the Bill. The Bill does give some power to me as the minister. But that is power to protect the interests of individuals in Saskatchewan, of employees and of the public. And yes, I would be pleased to have the open and up front . . . And as of always, be it due to their ideological blinkers of the members opposite, they will oppose all of these initiatives, and that's where exactly I like to have them.

## INTRODUCTION OF BILLS

### Bill No. 70 — An Act to amend The Corporation Capital Tax Act

**Hon. Mr. Lane:** — Mr. Speaker, I move first reading of a Bill to amend The Corporation Capital Tax Act.

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

### Bill No. 71 — An Act to amend The Wildlife Act

**Hon. Mr. Berntson:** — Mr. Speaker, I move first reading of a Bill to amend the Wildlife Act.

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

### Bill No. 72 — An Act Respecting the Saskatchewan Municipal Board

**Hon. Mr. Klein:** — Thank you, Mr. Speaker. I move first reading of a Bill respecting the Saskatchewan Municipal Board.

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

## POINT OF ORDER

**Mr. Tchorzewski:** — Thank you, Mr. Speaker. I rise to raise with you, on orders of the day, to raise with you a point of order and ask you for your ruling and interpretation. And I rise pursuant to rule 51 in the *Rules and Procedures* of this Assembly.

In the blues today, Mr. Speaker, there are 19 Bills in second reading. Twelve of those Bills are labelled as being not printed. Now that's not a totally unusual occurrence, but it is used very rarely, Mr. Speaker. This large number is unusual.

And it would not be, I think, surprise to anyone if people were to conclude that what we see here is the government

attempting to hide something and be very secretive and dishonest in their approach with important legislation to this legislature.

Now, Mr. Speaker, it is my understanding that Bills not printed cannot be introduced into second readings and read a second time. And I would like you to provide to this House an interpretation of the rule 51 to clarify that issue and make it clear whether those Bills which are indicated to be not printed can be read a second time.

**Hon. Mr. Berntson:** — Speaking to the point of order. And I'm surprised that a member with the experience of the Opposition House Leader and certainly with the experience of his seat mate who was government house leader for about, well several years, would have difficulty in understanding or interpreting that particular rule. The fact is that Bills that are not printed cannot proceed with second reading without leave of the Assembly.

The normal course of events of course is that Bills are printed and distributed at first reading. Second reading cannot proceed until Bills have been circulated, I think for 24 hours, Mr. Speaker. And that's always been understood as long as I've been around here. And Bills that are indicated to be not printed on the blues cannot be proceeded with in second reading without leave.

However, those who attach some importance to proceeding quickly with some of these bits of legislation, would give leave providing they had the opportunity to adjourn debate and review the Bill. And I'm not asking that they should do that. I'm just telling what has happened in the past.

And I freely admit, Mr. Speaker, that there's an unusual number of Bills on the blues today that are indicated to be not printed.

**Mr. Speaker:** — I listened to the point of order raised by the member for Regina North East and to the response to it by the Deputy Premier, and I find that the point of order raised by the member for Regina North East is well taken. Bills which are not printed cannot go forth for second reading unless of course they receive the leave of the House. So the point of order is well taken.

## POINT OF PRIVILEGE

**Mr. Tchorzewski:** — Thank you, Mr. Speaker. Thank you for that clarification. I now rise on a question of privilege before orders of the day. Before orders of the day I rise, Mr. Speaker, to raise a question of privilege according with the rules of this Assembly and in accordance with the parliamentary authorities.

I'm aware that while *Beauchesne's* states that a question of privilege must be indicated one hour prior to the normal sitting time, the rules of the Assembly specify that notice should be given two hours. Let me correct that. Whereas I gave you notice one hour prior, there is a requirement of two hours.

I advised you in writing of my intention to raise a question of privilege earlier today as soon as I was apprised of the issue that I am addressing here. I believe that this matter is

of such serious concern, and that with respect, I would like to suggest that a waiver of the two-hour notice is in order, and I will leave that, with respect, with you, Mr. Speaker.

Yesterday the government gave first reading to a number of Bills. And many of those Bills were not printed and they were not tabled and they were not distributed to members. And while that is not unknown in this Assembly, as I said earlier, in raising my point of order, it is rare.

But one of those Bills is the one listed on today's order paper as Bill 55 to establish the public participation program. Instead of waiting until the Bill was properly printed and tabled in the legislature for all members to see, however, the government gave a few copies to the press very late yesterday afternoon.

I submit, Mr. Speaker, that by distributing copies before the Bill was tabled in the Assembly and available to all members, the minister committed a breach of privilege.

I refer you, Mr. Speaker, to Beauchesne's Fifth Edition, article 16, which defines "privilege" as follows:

... the sum of the peculiar rights enjoyed by each (member) collectively ... and the Members of each House individually, without which they could not discharge their functions ...

He states further:

The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers," ... and are enjoyed by individual Members, because the House cannot perform its functions without (the) unimpeded use of the services of its Members.

Now, Mr. Speaker, the people of Saskatchewan elected all the members of this Assembly, on both sides of the House, to consider Bills of public importance. There can be no such consideration if the Bills are not printed, not tabled in this Assembly, and not given to members.

I submit to you, sir, that by giving copies of the Bill to some members of the press yesterday afternoon before providing any copy to members, constitutes a breach of privilege by the Minister of Public Participation.

I'm aware of the appropriate role and the important function played by the Speaker in such cases pursuant to Beauchesne's, article 84, and rule 6(2) of this Assembly. And accordingly, Mr. Speaker, I respectfully urge you to find that there is in this case, a prima facie case of privilege, after which I shall move an appropriate motion in order that the legislature itself may take the appropriate action.

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

**Hon. Mr. Berntson:** — Mr. Speaker, if the facts as set out by the hon. member are in fact true, I would suggest that there might indeed be a case of breach of privilege in the circumstances. However, in talking with the minister, he

is not aware that there have been advance copies given to anyone. That's not to say that there wasn't an advance copy given to someone or maybe more than one. I don't know.

I would invite Mr. Speaker to investigate the allegations as set out by the hon. member and bring his ruling back to the House.

**Mr. Speaker:** — I received a copy of the notice of the point of privilege at 12:59 today, for which I thank the hon. member from Regina North East. Notwithstanding the fact that the notice was received after the deadline, I am prepared to rule on the matter at this time. The point raised by the hon. member is not a new circumstance, and I refer all hon. members to a ruling of the Chair of December 4, 1975, and I quote:

(1445)

It has been the custom of the Assembly that when a minister is going to make an important announcement while the Assembly is sitting, he does so in the Assembly before making the announcement outside the Assembly. The custom or practice is based on the principle that the members should be advised of new policies before the public generally.

This is a Speaker's ruling of March 22, 1967, found in the Journals of the Legislative Assembly of Saskatchewan on page 255.

The same custom has usually applied to the distribution of Bills. This custom has grown up as a courtesy to the members of the Assembly that they should receive copies of the Bill before general distribution of the Bill to the public.

However, neither the rules or the precedents require that the Bills are to be kept confidential until introduction in the Assembly. For further clarification of this point, I refer hon. members to other precedents of this House, namely dated January 19, 1976 and April 5, 1976.

I therefore rule that the hon. member for Regina North East does not have a point of privilege, but caution all hon. members that the usual courtesies shown to the Assembly should be maintained.

## ORDERS OF THE DAY

## GOVERNMENT ORDERS

## ADJOURNED DEBATES

## SECOND READINGS

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Klein that Bill No. 39 — **An Act to amend The Municipal Revenue Sharing Act** be now read a second time.

**Mr. Tchorzewski:** — Mr. Speaker, we are on Bill 39, The Municipal Revenue Sharing Act. I spoke on it yesterday and I indicated at that time that I wanted to take a look at

the remarks which the minister had made when Hansard was made available. I have done so.

I indicated at that time our concern with the severe cut-backs that the government has brought about in revenue-sharing funding, and I indicated to the minister that I would be having a lot of questions of him when it came to specific cases, as well as to the total approach of the government including the kind of revenue-sharing formula that is being applied. I can ask those questions only in the committee, when the Bill comes to committee, and I will be prepared to do that. For now we're prepared to concur that the Bill should go to the committee.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Klein that Bill No. 42 — **An Act to amend The Controverted Municipal Elections Act** be now read a second time.

**Mr. Tchorzewski:** — Thank you. I will not pursue the debate on this any further. I indicated to the minister yesterday the questions that I will be asking of him. The principle of the Bill is something we agree with in the opposition. We have no objection to the principle but there are some specifics which I think need some clarification, and I will be doing that when the Bill is in committee. And so for now we are again prepared to let the Bill go to committee.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Berntson that Bill No. 38 — **An Act to amend The Residential Tenancies Act** be now read a second time.

**Mr. Koenker:** — Mr. Speaker, thank you very much. This Bill is typical of this PC government. This Bill 38, to amend The Residential Tenancy Act, really purports to befriend renters and tenants, when in reality it does them in. It does them no service by making the amendments that are proposed by this particular legislation.

This legislation, as the government has indicated, abolishes the Rent Appeal Commission. But it really does more than this. What really is behind this, Mr. Speaker, is a betrayal of renters and a failure to protect them from inordinate and unfair fees and manipulations by landlords.

This legislation is really stacked in favour of landlords and against tenants. It allows for tenants to file complaints with the Rentalsman's office, but lo and behold, they now have to do it at their own initiation and they have to conduct their own investigation.

The investigatory powers of the Rentalsman's office are gone with this legislation, gone the way of the wind. And that means that tenants have to do their own investigation, marshal their own evidence, produce their own facts, argue their own case before the appeal board put up by this legislation. And that simply isn't good

enough for most tenants.

This legislation then, sets tenants adrift on a landlord sea of legislation. It's part of deregulation, Mr. Speaker. It's part of the deliberate, calculated strategy of this government to deregulate and abrogate its own responsibilities and to privatize the conduct of business and government business, public business, the public welfare, into the hands of individual Saskatchewan people and Saskatchewan families.

It's analogous, essentially, to what happened with the prescription drug program. That was really privatization of the provision of health care onto the shoulders of the individual. This legislation privatizes the provision of protection for renters onto their own shoulders.

And we on this side of the House believe, Mr. Speaker, that there is a positive role for the government to play in protecting renters from inordinate rent increases, from manipulatory practices, from predatory practices on the part of landlords, when it comes to the refunding of rental deposits.

The problem, Mr. Speaker, is that most renters are ill-equipped to conduct an investigation against a landlord. It's not uncommon for landlords to own any number of rental properties, often in large blocks; to have their own expensive legal counsel to protect and to defend them; to take rental deposits and to simply put them into a bank account, and even now, to bank on the fact that tenants will not go through the hassle with the Office of the Rentalsman to secure their deposit back when they're entitled to it, because they have to go through so many hurdles in terms of approaching the commission and getting an investigation going. That's a problem already now, but how much more will it be a problem when tenants have to initiate and conduct that investigation themselves.

Not only this, Mr. Speaker, not only do they have to conduct it themselves, but they now have to pay a fee for this kind of appeal. And this is really uncalled for and really unfair in that this is costly for renters when they've had to put up a rental deposit to begin with. We all know that most people who are renting aren't in their own homes, aren't home owners, precisely because they aren't in that circumstance to be able to afford it.

But now they're going to be asked, with this legislation, to further pay for government services, that they should be provided for by the taxpayers and the public purse, out of their pocket and at their own initiative for their own protection. We believe that the government should be providing this service.

This is an intimidating process, to conduct an investigation and to go up against your landlord, for most renters — the kind of process that most renters are not going to be prepared to initiate for precisely that reason. Not only is it costly and intimidating, but it's fundamentally unnecessary.

We believe, as I said earlier, that this sort of public function should not be privatized on to the backs of individual renters; that there is a positive role for the rent



commission to fulfil on the part of all renters in the province of Saskatchewan.

What this legislation will do, Mr. Speaker, is essentially make rent relations a matter of dispute for small claims court. There's no longer any enforcement function for the Office of the Rentalsman. They're there simply to collect fees from consumers. God only knows who will enforce this legislation. No one from the government or from the Office of the Rentalsman will be around to enforce it; tenants won't be able to enforce it. Even if they initiate a case, even if they pay for the case, even if they go to a lawyer for legal advice, there's no guarantee that there's going to be enforcement.

This is not responsible legislation. Mr. Speaker, in our view. We will be opposing it. And before I go any further in addressing it, I would like to adjourn debate so that I can do more consultation with people who will be affected by this legislation. I think that that is only appropriate. And it's obvious that the government has not conducted a consultation with renters, but rather with landlords on this particular legislation. Thank you, Mr. Speaker.

Debate adjourned.

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Lane that Bill No. 44 — **An Act to amend The Department of Finance Act, 1983** be now read a second time.

**Mr. Van Mulligen:** — Thank you, Mr. Speaker. Yesterday in his explanatory remarks the Minister of Finance said that the Bill before us was, and I quote him, “simply to address a long-standing technical difficulty with the Act.” Later the minister went on to indicate that the amendment “simply clarifies.”

Mr. Speaker, when that minister uses those kinds of words, tries to pass off an Act dealing with the revenues of the province, dealing with the finances of the province, tries to pass off amendments as innocuous, that's when I get concerned; that's when all members of this side of the House get concerned; that's when the public of Saskatchewan gets concerned, Mr. Speaker.

Because you have to remember that this is the minister who ran a government for some months in 1987 on special warrants, until forced to bring a budget forward. You have to remember that this is the minister who has set records for late tabling of the Public Accounts and denies the public the right of information on a timely basis. You have to remember, Mr. Speaker, that this is the Minister of Finance from a government that has earned a special place in history for prompting the Provincial Auditor to state, and I quote the Provincial Auditor:

I find it regrettable that, for the first time since my appointment, I must include in my annual report comments concerning a lack of co-operation in obtaining information that I consider necessary.

(1500)

And let's remember, Mr. Speaker, that this is a Minister of

Finance who projected a \$400 million deficit before an election, then conceded that there is a \$1.2 billion deficit after that election, and we are now finding out that in actual fact, that that deficit is \$1.4 billion. This is a Minister of Finance who is \$1 billion out. That's the Minister of Finance we are talking about.

This Minister of Finance is not to be believed when it comes to the fiscal management of this province. And now he asks us to believe, and he asks the people of Saskatchewan to believe, that what he proposes is simply an innocuous minor amendment to The Department of Finance Act.

And as I look at this amendment, as I look at the Bill before us, Mr. Speaker, it states that, or indicates that where special warrants are issued, that rather than the special warrants having to be included in the next Appropriation Act or which can be interpreted under certain circumstances to mean an interim supply measure, he says rather than do that, we want to amend it so that if we spend money by special warrants, we shouldn't really have to report on that or include that in The Appropriation Act until the Estimates are tabled in the next ensuing year.

Well, Mr. Minister, as I look forward to 1991, as I look forward to 1991 I can see, for example, a government that might table a budget that year, which grossly underestimates, grossly underestimates certain expenditures in order to present a picture of a budget that is balanced or perhaps shows a large surplus, so that they can say to the people of Saskatchewan, well, isn't this a great budget? but in the course of doing so, grossly underestimates certain expenditures, and then would propose to deal with these under-expenditures through the course of special warrants during the course of the year — and saying then that we shouldn't consider those during the course of interim supply Bills which might be before this Assembly, but simply to leave those until the next estimates come forward, until the next budget comes forward — the year after the year after an election.

What we're seeing here, Mr. Speaker, is a way for this government to legitimize the kinds of things that it did in the last election campaign, and I say that all members of this House have very grave concerns about what that minister is doing. And when he says that it's an innocuous, minor amendment, I say that perhaps there's much more to it than this, and I find myself very concerned about the Bill that's before us.

Thank you, Mr. Speaker.

**Mr. Solomon:** — Thank you, Mr. Speaker. As I listened to the member from Victoria talk about Bill 44, which on first blush is exactly three clauses long and about 40 words long, I had some real cause for concern. I remember over the past while some of the details that the member from Victoria relayed with respect to this Minister of Finance and what he has done with respect to our . . . management of our province.

He talked about the fact that the Minister of Finance, in 1986, leading up to the provincial election, indicated to the people of this province that there would be a budget deficit of \$389 million. After the election was over and

the dust was cleared, we have seen over a billion dollars, over and above that that was spent to re-elect the Conservative government in this province, that the minister did not account for — that's a billion dollars. Instead of \$389 million deficit, Mr. Speaker, the deficit for that fiscal year was \$1.4 billion — one billion more than the minister originally projected.

And what that means to me, Mr. Speaker, is it lends and reinforces the air of incredibility that this government has, and this minister has. We've seen the Minister of Finance participate in the pork-barrel politics and the patronage. He's up to . . . he's so far deep into the pork-barrel you can't even see him, and his colleagues are in the same position.

And when you see those kinds of things with regard to the political appointments and the amount of money they're getting, and you see the fact that the Minister of Finance in this Conservative government made commitments during the election campaign to eliminate the gas tax, and the Premier of this province himself, standing outside of this Legislative Building, in full view of the public and television cameras, in May 1982, promising that the gas tax will be abolished — he abolished it; promising as well, Mr. Speaker, and you may recall this in clear terms, that as long as there was a Conservative government in this province, we would never, ever see the reinstitution of the gas tax — well, we've seen that reinstituted, Mr. Speaker, and we see it increased as well.

I recall vividly, Mr. Speaker, the promises that personal income tax would be cut by this government. They promised a 10 per cent cut across the board. Instead of that, we've not seen a decrease in personal income tax, Mr. Speaker, but we've seen a massive increase, and in fact an additional tax on personal income, called the flat tax, levied on workers and families in this province.

We've seen as well, Mr. Speaker, promises from this government and the Minister of Finance to eliminate the sales tax, to eliminate the 5 per cent E&H tax in this province. On the contrary, we have not seen the elimination or the reduction of the sales tax, Mr. Speaker; we've seen an increase of 40 per cent, from 5 per cent to 7 per cent, of all goods purchased in this province.

And, Mr. Speaker, what that does, along with the remarks from the member from Victoria, is re-emphasize and remind the people of this province, and in particular the opposition, what kind of government we have. They say one thing and they do the opposite. It's a government of opposites, Mr. Speaker.

In this Bill, the Minister of Finance gives a reason for introducing an amendment to not allow discussion of special warrants in the current session, because he calls it a technical amendment which will facilitate and make his job easier. Well you got it right. It will make his job easier, because now he can hide special warrants leading up to election years for longer periods than we've even had them in the past.

Mr. Speaker, I think there's some very, very incredible things and some incredible motives with respect to this Bill. And I have a real suspicion as to the motive of the

minister; I have a real suspicion as to the remarks that he's made. And I'd like to, as member and former revenue critic, member from Regina North West, I think we have to undertake a clear scrutiny, a timely scrutiny in questioning of all special warrants as they are issued, not a year or further down the road.

And I believe the Minister of Finance is hiding the real reasons for introducing this amendment and wanting to see this amendment go through.

So as a result of those considerations, Mr. Speaker, I would beg leave to adjourn the debate, or I'd move we adjourn the debate on this issue.

Debate adjourned.

## SECOND READINGS

### Bill No. 41 — An Act to amend The Teachers' Dental Plan Act

**Hon. Mr. Hepworth:** — Thank you, Mr. Speaker. I am pleased to explain to you, and to all members of the legislature, the purpose of these amendments to The Teachers' Dental Plan Act.

In 1986 the government established a dental plan for Saskatchewan teachers in accordance with the provision of the collective agreement for that year, the new agreement for '87 through '89, which was signed several weeks ago, includes a number of changes to the plan, and the purpose of these amendments is to simply enable the new provisions of the teachers' dental plan to take effect.

There are three specific amendments, Mr. Speaker. First, it was recognized some time ago that certified teachers employed in those private high schools which qualify for government grants should be included in this dental plan. These teachers are now being included, retroactive to the date of the plan's implementation, Mr. Speaker.

Second, teachers who are on a temporary contract of employment with the school board, as opposed to regular contract, will become eligible for dental plan benefits on January 1, 1989.

And finally, the required period of service before eligibility for benefits commences is being reduced from 80 days to 50 days, effective January 1, 1989.

As I have indicated, Mr. Speaker, these amendments are all necessary in order that changes to the teachers' dental plan, as included in the new teacher contract, can be legally implemented.

I therefore move second reading of Bill No. 41, And Act to amend The Teachers' Dental Plan Act, Mr. Speaker.

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

**Mr. Kowalsky:** — Mr. Speaker, I listened to the minister's remarks and indicated that this Bill was designed to provide the legislative authority for what has been negotiated between the teachers' federation and the

government trustee team.

I would mention that we are in agreement with the changes, particularly because it expands the dental plan to private schools and to temporary teachers, in addition to the regular contract.

I also want to mention that we on this side of the House have been looking for ways to expand dental service to all residents of Saskatchewan, slowly, and this is happening to more and more residents. That was why we brought in the school dental plan to begin with, which this government now saw fit to get out of the way. But nevertheless this particular thing is moving in the right direction.

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

**Hon. Mr. Hepworth:** — Mr. Speaker, this Bill is a very specific Bill. It has absolutely nothing to do with the school-based dental plan. My remarks were very specific in second reading, Mr. Speaker, and I would ask you to rule the member opposite out of order because he is clearly straying away from the content of the Bill and my remarks, Mr. Speaker.

**Mr. Tchorzewski:** — Thank you, Mr. Speaker. The minister really should not be so sensitive about this. Surely he should understand that the member opposite is talking about the Bill. He is indicating that — and I'm speaking to the point of order — he is indicating that this Bill deals with a dental plan for a certain group of people, and the dental plans for all people would be of some merit, and in fact of great importance. I don't consider that to be point of order. And I would be surprised, Mr. Speaker, if you thought it was a point of order.

**Mr. Speaker:** — Order. Debates and their relevancy to issues being discussed, of course, are always of an issue open to interpretation.

Let me just say this about that. Hon. members should, inasmuch as possible, try to make certain that their remarks, whether they are in second readings or motions or whatever debates, that they're relevant to the issue being discussed and that longbows should be avoided if possible.

**Mr. Kowalsky:** — Thank you, Mr. Speaker. As I was mentioning, Mr. Speaker, the members on this side favour the expansion of dental programs to teachers, to all employee groups. We hope that everybody in this province will eventually be able to achieve this type of work benefit at their place of work or at their place of employment.

I did make contact with the teachers' federation, and they indicated to me that, although they had been consult — of course they took part in a process — they had not had an opportunity yet to peruse the Bill to make sure that all provisions were in there, as they understand it, according to the negotiations. I want to give them an opportunity to get back to us on this, at which time then I would make concluding remarks on it. So I would move adjournment of debate on this motion.

Debate adjourned.

(1515)

### **Bill No. 55 — An Act to establish the Public Participation Program**

**Hon. Mr. Taylor:** — Mr. Speaker, with leave, I would like to present the second reading of Bill No. 55.

Leave not granted.

**Mr. Speaker:** — Order, order. Order. Order. I'd like hon. members to please carry on the debate after I have left, which I am about to do.

### **COMMITTEE OF THE WHOLE**

#### **Bill No. 12 — An Act to amend The Medical Profession Act, 1981**

**Mr. Chairman:** — I ask the minister to introduce his officials.

**Hon. Mr. McLeod:** — Yes, Mr. Chairman, I have one official with me, Mr. Gerry Tegart, who is a lawyer with the Department of Justice.

#### **Clause 1**

**Mr. Simard:** — We're on section 1 now, Mr. Chairman? Thank you.

Mr. Chairman, what this Bill does is changes the appeal procedure that doctors are entitled to under the existing legislation on matters of discipline for unprofessional conduct and on matters of competency to continue practising in the medical profession.

Presently, in the existing legislation, after the doctors have had a review in front of their peers at a discipline committee, there is an appeal to a tribunal on trial de novo; the appeal is by way of a trial de novo. A trial de novo, Mr. Chairman, is a completely new trial. In other words, the evidence is heard again.

This appeal, Mr. Chairman . . . the tribunal rather, I should say, consists of a couple of lay appointments, non-medical appointments, or a judge and an appointment by the university, and there's room for another appointment as well, the appointment by the university, I believe, that could be a doctor, but not necessarily. But I think for the most part there's one medical person on the tribunal.

The minister had indicated in second reading that the reason for the amendment was to keep the legislation in line with the intent of The Medical Profession Act, which is peer review. The existing legislation however has that peer review at the discipline committee — that will still be maintained. But in addition, it has review by a tribunal, with some non-medical individuals on the tribunal. In other words, there's provision through this tribunal for consumer input into the question of disciplining the medical profession.

We had some concern with respect to this Bill because there was mixed feelings amongst the medical profession as to whether or not the tribunal and the trial *de novo* should be eliminated, and we wanted to put those concerns on record. We felt, Mr. Chairman, that it would be more advisable to put forward an amendment which allowed an appeal by trial *de novo*, but made the trial *de novo* an option upon the application of either party. And we will be putting those amendments forward today in Committee of the Whole.

I just want to say for the record, that the first amendment that will be moved with respect section 3 will be of a technical nature, but it is necessary inasmuch as it deals with the latter part of the amendment, which is an amendment to allow an appeal to a tribunal on trial *de novo*.

That amendment that is the sort of the heart of the matter basically says:

Upon notice of the appeal being filed, the minister shall:

request the Chief Justice of the court to appoint a judge of that court, which judge shall preside at the hearing of the appeal;

request The University of Saskatchewan to appoint a member: and

appoint another person:

to hear the appeal, and those persons constitute the appeal tribunal.

So it reinstitutes the appeal tribunal, Mr. Chairman.

As soon as the appeal tribunal has been appointed, the minister shall deliver to each member of the appeal tribunal a copy of the notice of appeal.

The local registrar of the court at the judicial centre where the appeal is to be heard shall act as registrar for the appeal tribunal and shall have custody of all documents relating to or concerning the appeal.

The latter part of that amendment says that:

The appeal shall, on the application of either party, proceed:

by trial *de novo*, to be conducted in accordance with The Queen's Bench Rules relating to trials of civil proceedings in the court except that there shall be no discovery as to documents and no examination for discovery; or

on a question of fact or law arising out of the record of proceedings before the discipline committee.

The key words being that the appeal shall be on application of either party, proceed by trial *de novo* or

proceed on the transcript. And that's the intent of that amendment.

I have chosen to read it into the record at this time in the event that the consequential amendments to section 3, which will come first, because section 3 of this Bill comes up first, are rejected by the government. I want the record to show that we were going to move this amendment. We will not be able to move that amendment, however, if our earlier consequential amendments to section 3 are rejected. And that's why I'm reading it into the record at this particular time.

I have some questions then, Mr. Chairman, of the minister, with respect to the legislation. And I would like to know of the minister whether or not he knows whether the entire process of appeals and discipline in front of the College of Physicians and Surgeons is being reviewed at this time or whether there is the intention to review it in the near future.

**Hon. Mr. McLeod:** — Louise, I didn't get the gist of your question, exact question. Sorry.

**Mr. Simard:** — I will repeat the question for the minister, Mr. Chairman. Is the minister aware of whether or not the process of disciplining doctors, the process in front of the College of Physicians and Surgeons and at the discipline committees, is he aware as to whether or not this is being reviewed at this time or whether it will be reviewed in the near future?

**Hon. Mr. McLeod:** — Mr. Chairman, as it relates to a specific review within the college as to how they do or how they might conduct their peer review process, I believe there's an ongoing sort of process at any event, and there may well be. And that's about as far as I can say about it now, because it certainly is something that is internal to the college in terms of how they will conduct their peer review process.

Mr. Chairman, I just might put on the record and just speak for a moment about the need for this. We did some of this in second reading, and just somewhat in reply to the hon. member's concerns — I guess you could characterize them as — that she's mentioned here.

In coming to the decision to bring forward a Bill, or this specific Bill, there was a good deal of consultation and a very good deal of discussion, Mr. Chairman, with the College of Physicians and Surgeons. And certainly the SMA (Saskatchewan Medical Association) has had some discussion with me as well, although in this case certainly it's the college that we deal with because it is the college that's responsible for, first of all, the protection of the public, and also are responsible for the review by peers of members of their profession.

And the balance that we must come to, the balance they must come to, and within the college certainly, and that which is provided for in their Act but certainly which is part of the professional judgement there, the balance must be between the protection of the public from what we could call substandard practice on the one hand, and protection of the individual physician who is subject to appeal proceedings or is subject to scrutiny by his peers

and by his college.

So there's always that balance, and from time to time it's a difficult one, and it certainly is one that we all have to be cognizant of, and I know the member is raising that.

In effect, Mr. Chairman, what we've done in bringing this Bill forward, after the consultation that I refer to, is we've brought forward a process which we believe, and which the college very strongly believes, is a better process than what is there now; is a process that has been successful and in fact is, at this day, successful in almost every jurisdiction across this country. And the process we're asking for here is that same process.

The amendments that the member refers to, which would have the basic effect of maintaining the status quo the way it is now, would basically, I believe, take the present status, the trial *de novo* status, in virtually all cases. That would be the net effect of what would happen, because the tribunal that is in place in the present legislation has been for some period of time used — if I might characterize it this way — as a delay tactic in the process. And that's fine. I know that works in the . . . I mean, I know that goes on in the legal profession and through courts and so on, that there can be some reason for that. But I know that that's the case and I believe it to be the case and I know the college believes it to be the case, as do many physicians.

(1530)

And I guess what I'm saying is it's extremely important when you're trying to balance this protection of the public and the protection of the individual physician and coming to some semblance of balance which we believe this Bill, as it's presented, does. And we have to look, and we did look, to places in other jurisdictions in other areas where this very process works well and continues to work well.

Now what I'm saying to the member of the House, Mr. Chairman, is that I would ask all members to vote for the Bill as it now stands because I believe, and the College of Physicians and Surgeons believe, through long consultation, that it is the proper course to take.

**Mr. Chairman:** — Why is the member on his feet?

**Mr. Muller:** — I would ask leave of Assembly to allow me to introduce some students.

Leave granted.

### INTRODUCTION OF GUESTS

**Mr. Muller:** — Thank you, Mr. Chairman. It gives me a great deal of pleasure to introduce to you, and through you, 21 grade 7 and 8 students from Wild Rose, Saskatchewan, some of the most beautiful country up there north of Holbein between Prince Albert and Shellbrook, chaperons, Mrs. Anne Curran, Mrs. Sandy Shaw, and their bus driver, Eddie Nelson.

The reason I left the teacher to the last, Mr. John McKenzie — I was at a banquet last Saturday night where

he spoke after me, and I said that I would be speaking here in the legislature, introducing him today, and that I'd get my rebuttal. But he was very kind to me last Saturday night at that banquet.

And I want to welcome them here. I hope they had a good trip down. I hope their trip is educational and I hope they have a good trip home. I would ask all members to welcome them in the traditional way.

**Hon. Members:** Hear! Hear!

**Mr. Kowalsky:** — I'd like to join the member from Shellbrook-Torch in welcoming the students from Wild Rose School, and particularly in welcoming Mr. McKenzie, who is very active in the soccer association in the city of Prince Albert. I hope that you all have a very enjoyable time and that you have a safe journey home.

**Hon. Members:** Hear! Hear!

### COMMITTEE OF THE WHOLE

#### Bill No. 12 — An Act to amend The Medical Profession Act, 1981

#### Clause 1 (continued)

**Mr. Simard:** — Thank you, Mr. Chairman. Mr. Minister, with respect to the comments that you made as to your reasons for introducing this Bill, I would like to reply by saying that this right to a trial *de novo* has been there for doctors in Saskatchewan for many, many, many years. There was only a brief period when it was repealed by Thatcher and then reinstituted again in '81. So the right . . . Not in this particular form, Mr. Minister, but nevertheless, the concept of a trial *de novo* was there, and I think we have to acknowledge that. It's a long-standing right that doctors have had in Saskatchewan.

The other point that I wish to make about the amendments that we're proposing — simply maintaining the **status quo** — I would suggest to you that that's not the case, because I have consulted with lawyers who have said to me that they would choose to go on a transcript, and would be using the trial *de novo* only when they felt that their client . . . that the trial had not been fair from their point of view initially, and then they would be opting for another trial.

There may be some lawyers or doctors who will want a second trial regardless, but I have been advised by people that they would be going on the transcript, would, in some cases, perhaps prefer the transcript. So I don't think it's fair to say that it would simply maintain the *status quo*.

Now with respect to a review of the laws by medical profession, I have been advised that there is going to be a review of the laws relating to discipline, with respect to the medical profession. Now perhaps I have been misinformed, but I have been advised that that is the case. So I am assuming that that information is correct. And if it is correct, I think the minister had an obligation to find out whether or not this was in effect the case, and if it was, to hold these amendments to see exactly what was going to be suggested by the council of the College of Physicians

and Surgeons and by the Saskatchewan Medical Association.

Now the minister has indicated that he doesn't really know what's happening, and I wish to suggest to the minister that this should have been determined before he proceeded with these amendments.

The other question I have of the minister, Mr. Chairman, is that I'm wondering whether the minister agrees to consumer input into the governing and management of the medical profession and health care in Saskatchewan.

**Hon. Mr. McLeod:** — Well, Mr. Chairman, in answer to the direct question to the member, yes, I agree with consumer input, and it's the very reason that there is consumer representation. And I know, as the member's very well aware, on the council of Physicians and Surgeons there are consumer or non-physician representatives there. I believe the hon. member was one of those people at one time in the province's recent history.

And frankly, we'll be coming forward with other health professional Acts soon, in the nursing profession and others, that will ask for and that will call for consumer representation on the council of those professions. So certainly I agree with that concept.

If you're leading to the next question which says well, if you believe in the concept, then why not have consumer representation on the tribunal, you know, the next step, as it is in existing legislation. And I suppose the answer to that is you have your consumer representation on the council, the peer review process is done by the council, and I believe that the process that we've outlined in the Bill certainly is considered by the College of Physicians to be very overdue now. And with the consultation that we've had with the College, I am satisfied on behalf of the Department of Health, and from that position on behalf of the citizens, that the balance that I spoke of earlier is achieved by this Bill.

**Mr. Simard:** — Mr. Minister, you're quite right . . .

**Mr. Chairman:** — Excuse me, Why is the member on his feet?

**Mr. McLaren:** — Mr. Deputy Chairman, I would like leave to introduce some students that have just arrived.

Leave granted.

### INTRODUCTION OF GUESTS

**Mr. McLaren:** — Mr. Chairman, it's my pleasure to introduce through you, and to members of the Assembly, 45 students from two schools in Yorkton, Saskatchewan — grades 4 and 6 from Angus Spice, and the grade 4's from Fairview School, a total of 45 students altogether.

And I would just like to welcome all here to the legislature this afternoon, we hope you've enjoyed your trip to Regina and I hope you enjoy the proceedings that are taking place in the Assembly this afternoon.

Students, we're in Committee of the Whole, which is debating the Bills that come to the legislature. And we're debating today an Act, Bill 12, The Medical Profession Amendment Act, and the opposition member from Regina Lakeview is questioning the Minister of Health on the contents of the Bill. So that's what is taking place. I will look forward to meeting you at 4 o'clock for pictures and to have some refreshments with you right after that. So I would ask all members to please welcome these students from Yorkton to the Assembly this afternoon.

**Hon. Members:** Hear! Hear!

### COMMITTEE OF THE WHOLE

#### Bill No. 12 — An Act to amend The Medical Profession Act, 1981

#### Clause 1 (continued)

**Mr. Simard:** — Thank you, Mr. Chairman. Mr. Minister, I take it then that you agree that the appeal tribunal allowed for consumer input into the disciplinary process and the governing of the medical profession.

**Hon. Mr. McLeod:** — Mr. Chairman, as I said in my earlier answer, while I agree with you that under the tribunal that is now in existence there was some consumer representation, I don't believe, nor does the college believe, that there was a necessity for consumer representation at that additional stage, let's say. Because let's recognize, and I think you do recognize what the purpose of the appeal was in the first place — any appeal in this kind of case. And it's important to recognize that the purpose of the appeal is for the judge, in this case and what we're proposing, to determine whether the college is operating under the proper framework in making its decision. And I believe that a Court of Queen's Bench judge is the proper forum for that to rest.

**Mr. Simard:** — Well, Mr. Minister, you have in effect acknowledged then, that by the repeal of this appeal tribunal you are removing an element of consumer input into the governing of the medical profession. I don't believe that fact can be disputed.

As to whether or not a Queen's Bench judge is appropriate, I simply wish to say that on the tribunal there was a Queen's Bench judge appointment as well, but you also had input from other individuals, from consumer representatives and probably from a doctor, so you had more input from the public, and as well your Queen's Bench judge. And what you've done is eliminated that public input, not to mention the fact that a long-standing right that was there for doctors is being removed.

Now I understand the reasons for doing it, the fact that there were delays with respect to the appeal process — and those delays cause me concern as well — but, Mr. Minister, with respect to my earlier comments, those delays are not solely caused by the appeal process. There are other ways along the process where there are delays, and it's for that reason I feel you should have insisted on the whole process being reviewed completely and updated, if you like, before you removed a right from doctors and before you removed consumer input on

behalf of the public. That process of review should have been completed.

Now, Mr. Minister, I would like to know . . . Because you've indicated in this discussion here today that the option is not acceptable to you, having in mind the fact that some people would exercise the option for trial de novo, others for transcript, would you please advise why you see that option as not a good option for the government to choose?

**Hon. Mr. McLeod:** — Well, Mr. Chairman, as I've indicated, when you mention the option, I believe that the . . . and while you will say, I've discussed this with some lawyers who say they would, and their preferred option would be, in most cases, to use the transcript and so on, I believe that by giving the option — and just because of the nature of the work that is being done here — that there would be significant delay and that they would be used as a delay option.

The second thing is this, Mr. Chairman. I think it's important that all members understand this as well. The only professional Act for professions that are governed in the way in which the medical profession is — and there are several others that we'll deal with in a few moments that are . . . or whenever we'll deal with, some time today — that are contingent upon this one, that have this type of tribunal process, is this medical profession and other health care professionals.

Legal profession, for example, does not have that. And the hon. member would . . . maybe would suggest to me that it isn't as important. I know she's a member of the legal profession. But in any case, I think that they're both important, very important to the well-being of the public, and so on.

And I think that both professions have had a good history, frankly, of . . . their peer review processes have worked well and will continue to work well, and I believe that this process, as we've outlined it in this Bill, will accomplish what the public will require, and it will also accomplish looking after the rights of the individual physician.

(1545)

**Mr. Simard:** — Mr. Minister, the legal profession is not unimportant, but the fact of the matter is the government does not pour the sort of money into the legal profession that it does into the medical profession.

The people of Saskatchewan . . . (inaudible interjection) . . . Well, on an individual basis they don't. The people of Saskatchewan don't express the same sort of interest . . . I mean, the letters that I received before I was opposition Health critic were largely in the area of health, Mr. Minister. So the people of Saskatchewan are interested in health; it's a major concern of the people of Saskatchewan. And so I would like to distinguish it on that basis, and that is one of the reasons why I believe there is an appeal by trial de novo in existing legislation.

Mr. Minister, I take it from your comments that you're not going to be agreeing to our amendments. I have a second amendment that I will be proposing, and that is an appeal

on the application of either party to proceed by trial *de novo* or on the transcript solely to a Queen's Bench judge.

Now we prefer the first option, there's no question about it. But we would like, in order to preserve the right that has been long-standing for doctors, to put forward the second option if the minister, as he has indicated, is not prepared to go with the first option, are you prepared to . . .

**Hon. Mr. McLeod:** — Would you . . . Do you just want . . . The member wanted me to reply with her. I am prepared to go with either option.

**Mr. Simard:** — Yes.

**Hon. Mr. McLeod:** — Well what I would say to you is that the . . .

**An Hon. Member:** — I know you're not.

**Hon. Mr. McLeod:** — I'm glad to hear that the member from Regina Centre is so perceptive.

Mr. Chairman, we believe strongly, and the medical profession in this province believes strongly, that the Bill, as it's presented to the House today, is a system which will work well and which has worked well elsewhere.

Just let me say, Mr. Speaker, that the arguments presented by the member from Lakeview as it relates to health care being very important to the people and so on, I certainly agree with that. But while those arguments . . . The arguments that she talks about in terms of the public being concerned about health care and the amount of dollars that are spent in health care are arguments for a system which works well, and they're arguments for a system that must protect the public; I agree with that. And they're arguments for a system which must protect the individual physician who is practising medicine in the province; I agree with that. And they, frankly, are arguments for the system which I am proposing here because this system works well elsewhere. I will work well, and work well for a number of years in some form here in the province, Mr. Speaker.

So I guess the short answer to the question that member has about whether or not we will be in agreement with the amendment that the member is suggesting she will put forward, the answer to that, Mr. Speaker, is that we will not.

**Mr. Simard:** — Okay. I simply want to say, Mr. Chairman, that the amendments we are proposing are very reasonable. They are certainly a compromise position. They recognize the need to deal with the delays. At the same time, they preserve the doctor's right to a trial de novo in cases where he or she feels it is necessary. At the same time, they preserve consumer input where the medical profession or the doctor feels it is necessary.

And we feel that the amendments we are proposing are reasonable and are a very good option for the government to be accepting. And I'm very disappointed that the government has indicated it won't be going along with our amendments.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

**Mr. Simard:** — Mr. Chairman, with respect to clause 3, I want the . . . I wish to move:

That section 3 of the printed Bill, being Bill 12, be amended by striking out the words “appeal tribunal and,” and “court and,” and “where they occur therein.”

And in so moving that, Mr. Chairman, I wish to state that that is a consequential amendment upon the further amendment that there be trial *de novo* to an appeal tribunal.

Amendment negatives on division.

Clause 3 agreed to.

Clauses 4 to 6 inclusive agreed to.

### Clause 7

**Mr. Simard:** — Mr. Chairman, because the earlier amendment was rejected, I am proposing a second amendment to section 7 of the printed Bill:

By adding immediately after subsection 62(2) thereof, the following subsection 2.1:

The appeal shall, on the application of either party proceed:

(a) by trial *de novo*, to be conducted in accordance with the Queen’s Bench rules relating to trials of civil proceedings in the court except that there shall be no discovery as to documents and no examination for discovery or;

(b) on a question of fact or law arising out of the record of the proceedings before the discipline committee.

This motion, Mr. Chairman, allows for an appeal either on trial *de novo* or on the transcript to a Queen’s Bench judge, which is the second of the two amendments that we wanted the government to agree to.

Amendment negated on the following recorded division.

### Yeas — 18

Shillington	Goulet
Tchorzewski	Hagel
Thompson	Pringle
Brockelbank	Lyons
Mitchell	Calvert
Simard	Trew
Kowalski	Smart

Solomon  
Atkinson

Van Mulligen  
Koenker

### Nays — 28

Muller	Martin
Duncan	Sauder
McLeod	Johnson
Berntson	McLaren
Lane	Hopfner
Taylor	Petersen
Smith	Swenson
Muirhead	Martens
Hodgins	Baker
Gerich	Gleim
Hepworth	Gardner
Hardy	Kopelchuck
Klein	Saxinger
Pickering	Britton

Clause 7 agreed to.

Clauses 8 to 10 inclusive agreed to.

The committee agreed to report the Bill.

### Bill No. 11 — An Act to amend The Ophthalmic Dispensers Act

#### Clause 1

**Mr. Simard:** — Thank you, Mr. Chairman. Mr. Minister, as I understand The Ophthalmic Dispensers Amendment Act is consequential upon amendments to The Medical Profession Act, and therefore I’d like to ask you whether or not the Ophthalmic Dispensers Association is in agreement with this legislation, because the last time I spoke to them, I believe they hadn’t met you on it at that time.

**Hon. Mr. McLeod:** — Thank you, Mr. Chairman. And if I could just clarify. I know during second reading debate, the member had indicated that she had talked to one of their representatives who said that there was something that they weren’t sure about with it, but that’s been cleared up. And I just say to the House now and to the hon. member, this association is in agreement with this Bill. One of their legal counsel had written a letter at one stage asking for something a little more than that, and that’s been resolved. And I just say to the House that this profession is in agreement.

And just add one more thing, Mr. Chairman. This Bill, plus I believe three others that follow, while they may not be, in the classic sense of the word, consequential to The Medical Profession Act, they are to bring these professional Acts into the same format that has been adopted for The Medical Profession Act.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

The committee agreed to report the Bill.



**Bill No. 13 — An Act to amend The Denturists Act**

Clauses 1 to 5 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 14 — An Act to amend The Dental Profession Act, 1978**

Clauses 1 to 6 agreed to.

The committee agreed to report the Bill.

**Bill No. 15 — An Act to amend The Optometry Act, 1985**

**Clause 1**

**Mr. Simard:** — There are some other amendments in this Bill, other than those that are consequential upon amendments to The Medical Profession Act, or flow as a result of amendments to The Medical Profession Act.

And I would like to ask the minister a general question with respect to the section of the Bill that allows for the association to specify a limit on the number of times an individual can fail an examination. That limit was not there before, and I believe this legislation gives the association the right to do so by by-law. Would the minister please advise what limit the association is intending to put?

**Hon. Mr. McLeod:** — Excuse me. Can I ask the hon. member to make specific reference to the section that you refer to?

**Mr. Simard:** — The particular section that I have in mind is section 16 of the Act and it's section 7 of the Bill. And what it does is section 7 of the Bill add the words, "subject to the by-laws." The explanatory notes indicate that the reason for that is to allow for a future by-law to specify a limit on the number of times an individual can fail the examination.

**Hon. Mr. McLeod:** — I'm informed, Mr. Chairman, that it's not uncommon, in various professions, for a profession to require a person, after having failed a particular exam a certain number of times, to be required to go to take further education or a refresher course or whatever before wanting to attempt the exam again. And that is in place in several other pieces of legislation, and the optometrists are contemplating that type of a change in their by-laws.

**Mr. Simard:** — The explanatory note, Mr. Minister, says that it is to . . . The association will be specifying a limit on the number of times an individual can fail the examination. It does not say the individual could go back and take further courses and then resubmit for an exam.

Have you discussed with the association what that limit will be and what their intent is with respect to the by-law?

**Hon. Mr. McLeod:** — Mr. Chairman, I wish to inform the member that I have not had specific discussion as it relates to the specific number that they would contemplate, the number of times that one of their

profession would be allowed to fail a particular exam before being required to go further.

But I would say to the member — and I know that she knows this as well; I'll just put it on the record — that the by-laws that we refer to here are by-laws which are subject to the approval of the Minister of Health.

And, you know, if a by-law change came forward, that by-law change would have to lay out the specifics, and I would certainly review it at that stage, but not at this stage, in terms of what they are contemplating, as the profession will deal with it and then they'll come forward to the by-laws. But I have not had, and I make it clear, I have not had specific discussion with this profession as to what they are contemplating or a specific number they're suggesting.

**Mr. Simard:** — Well, Mr. Minister, I would suggest before you bring an amendment into the House that you know what the association is intending to do with that amendment.

But since you've neglected to do that, then can I get your undertaking that you will flag these by-laws when they come in to the government for the minister's approval, and that you will ensure that the limit is not too strict so that it operates against the public interest? Can we have that assurance from you, Mr. Minister?

**Hon. Mr. McLeod:** — You have this assurance in that that's the reason for the by-laws requiring approval of the Minister of Health for that very reason that you just cite.

But in terms of the principle of bringing the amendment forward, the principle of allowing the profession to limit or to at least adopt in principle the right to limit the number of times that an individual may fail a particular exam before being required to go to further education or whatever, is a principle that I think is valid. And that's why it's here, without regard or without reference to a specific number that may be contemplated.

The by-laws, as I've said, when they come forward for the approval of the minister, that is the time at which we look at and would look at, in the normal course, how their particular by-law may impact upon the public.

**Mr. Simard:** — Well, Mr. Minister, it just seems to me that it would be much more thorough for you to have discussed with the association, or your officials to have discussed with the association, what limit they had in mind before the amendment was put forward. And I don't wish to labour that point, but certainly I believe that the minister now has extra responsibility to make sure that that limit is not unreasonable.

**Hon. Mr. McLeod:** — As I've said, Mr. Chairman, the principle that's in this Bill that we are dealing with here today is a valid one in terms of the profession having the right to limit the number or to discuss the number that they would . . . (inaudible) . . . So the principle is a valid one without regard to the particular number and then the by-laws would be dealt with.

The member says there's a responsibility that lies with the

holder of this office to be sure that that's there for the protection of the public. I agree with that and carry out that duty with that in mind, certainly.

(1615)

Clause 1 agreed to.

Clauses 2 to 19 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 10 — An Act respecting the Licensing of Persons who Perform Work of Electrical Installation or Sell Electrical Equipment**

**Hon. Mr. Berntson:** — Mr. Speaker, sitting beside me is Peter van Es, deputy minister of Environment and Public Safety; Rick Knoll, next to him, director of administration; and Nick Surtees, behind the deputy, director of administration.

**Mr. Chairman:** — Thank you, Mr. Minister, for introducing your officials.

**Clause 1**

**Mr. Calvert:** — Mr. Chairman, this Bill had been referred to the Non-Controversial Bills Committee. I understand that it was brought back to the House for a matter of a technical amendment, and we're happy to see this technical amendment go through, and would consider the Bill to be non-controversial.

Clause 1 agreed to.

Clauses 2 to 26 inclusive agreed to.

**Clause 27**

**Hon. Mr. Berntson:** — Mr. Speaker, I move:

That section 27 of the printed Bill be amended:

(a) by striking out "gas" in subsection (3) and substituting "electrical"; and

(b) and by striking out "gas-fitter" in subsection (4) and substituting "journeyman."

And as has already been explained, Mr. Speaker, that's just a technical amendment to get things right.

Clause 27 agreed to.

Clauses 28 to 35 inclusive agreed to.

The committee agreed to report the Bill as amended.

**Bill No. 9 — An Act to amend the Fire Prevention Act, 1980**

**Clause 1**

**Hon. Mr. Berntson:** — Same officials, Mr. Speaker, and this is a consequential to what's going on in the whole

inspection thing.

**Mr. Calvert:** — Mr. Chairman, the minister has indicated that this is consequential to what's going on in the whole inspection change-over, a process to which I have indicated my opposition.

The more substantive changes are happening in other Bills, and so therefore, Mr. Chairman, I would like to reserve our discussion for these more substantive Bills, but just to indicate that we will be opposing this Bill on the grounds that we are opposing changes being made in the other Bills.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 17 — An Act respecting the Inspection of Gas Installations and Gas Equipment for Consumers**

**Hon. Mr. Berntson:** — Mr. Speaker, with me, sitting beside me is Fred Bates, vice-president, human resources of SaskPower; Jim Mitchell, current director of gas and electrical branches of SaskPower; and Douglas Nunn, previous director of gas and electrical branches of SaskPower.

**Clause 1**

**Mr. Calvert:** — Thank you, Mr. Chairman. This Bill will shift the responsibility for the inspection of gas installations from the Department of the Environment and Public Safety over to SaskPower. I want to ask the minister to explain to the House why this is being done. Why the move from the Department of Environment and Public Safety over to SaskPower?

**Hon. Mr. Berntson:** — Sorry. That's one of the toughest questions I've ever had to deal with. As we talked about when the Bill was introduced, this was a decision taken by government to move the gas and electrical inspection over to SaskPower for a couple of reasons, not the least of which is to take advantage of some existing facilities or processes that exist in Power relative to where the expertise lies.

The human resources branch of SaskPower is responsible for public safety and gas and electrical installations in the province, or they have a general interest in public safety, period. So it was considered that there would be some reasonable logic to moving this inspection over to SaskPower, Mr. Chairman.

**Mr. Calvert:** — Mr. Minister, I would like you to answer the question, please. In terms of the cost of the program now being administered by the Department of the Environment and Public Safety, how much of the . . . what figure in the budget of the Department of the Environment and Public Safety is there for gas inspections, and therefore how much will be taken out of the budget for the Department of Environment and Public Safety. How much will the cost be, therefore, transferred over to SaskPower?

**Hon. Mr. Berntson:** — There's nothing being transferred over in terms of budget. The total cost will be picked up by SaskPower, and revenues from the delivering this service, as well, will be picked up by SaskPower.

(1630)

**Mr. Calvert:** — Yes, I understand that, Mr. Minister. What I want to know is: what is the figure? How much in the Department of the Environment and Public Safety, how much is budgeted to provide this service through the department to Saskatchewan consumers now. How much?

**Hon. Mr. Berntson:** — Why didn't you ask when I had the department officials here?

**Mr. Calvert:** — Well you sent them out. I expect we would have Environment officials here. The Deputy Premier wants to know why these questions weren't asked when the Environment officials were here. You sent them out and brought in SaskPower officials, which surprises me. I thought this Bill was being conducted through ... under the jurisdiction of the Minister of the Environment.

I'd still like an answer to the question, Mr. Minister. I'd like to know how much is being currently spent by the Department of the Environment and Public Safety to provide this service to Saskatchewan consumers? It's being taken from that department and placed into the hands of SaskPower. I'd like to know how much money the government is saving, in doing this, from the Department of the Environment?

**Hon. Mr. Berntson:** — Obviously, Mr. Speaker, I don't have that. I'll undertake to get it for the member. My guess is that the Environment officials that were here a few minutes ago are a block from the building now and between telephones, and obviously I'm sure you wouldn't expect that SaskPower officials would have that information.

**Mr. Calvert:** — Well then perhaps you could give me a figure, at least a ballpark figure.

**Hon. Mr. Berntson:** — No, I can't.

**Mr. Calvert:** — No, not on what the department is now spending but on what SaskPower, on what it is anticipated that it will now add to SaskPower's expenses to have the process being conducted under the jurisdiction.

**Hon. Mr. Berntson:** — It's hopeful that it will pay its way once it's set up and, you know, had time to be — become established in its new environment. We hope that it will pay its way.

**Mr. Calvert:** — Well then I guess I do need the figure from the Department of the Environment and Public Safety. Do you know if it's paying its way now; like, do the fees that are being charged now cover the cost?

**Hon. Mr. Berntson:** — It's probably fairly close, but we

don't know. Those are the questions that we should have addressed to the Department of the Environment. I'll get those numbers for you, but I don't know.

**Mr. Calvert:** — Well, Mr. Minister, now I hear you saying that you're hopeful that the fees are going to cover the cost. That would indicate to me that you have established the fee structure that will be instituted by SaskPower for the inspections. Could you provide the House with the fee structure that'll now be enforced?

**Hon. Mr. Berntson:** — As it exists now, there will be no change in the fee structure. As it exists now, that will be moved over and the same fee structure will be in place.

**Mr. Calvert:** — Mr. Minister, I'm just a little surprised that you don't have a little more precise information.

**An Hon. Member:** — How can you be more precise than as it exists?

**Mr. Calvert:** — Well you're saying, you're saying that you hope that the fees are going to cover the cost, but you're not sure.

**An Hon. Member:** — I said that in a very jocular way.

**Mr. Calvert:** — You say that in a jocular way? Well, Mr. Minister, we're talking about people's power bills in this province, and if it's going to end up on power bills, this is not too jocular. So do you have an estimate, Mr. Minister, or do your officials have an estimate on what this service costs? Let's just do the cost side. What does this service cost to provide to the people of Saskatchewan?

**Hon. Mr. Berntson:** — I apologise for the lack of precision, but ballpark, typically total annual revenues for both gas and electrical inspections come in at around \$2.6 million.

**Mr. Calvert:** — The ballpark revenues are \$2.6 million, now being, I understand, collected through the Department of the Environment. Is that correct?

**An Hon. Member:** — That's the case now.

**Mr. Calvert:** — That is the case. Okay. Do you anticipate that the cost to SaskPower for providing the inspection service will be, therefore, \$2.6 million? Are you assuming, are you hoping or assuming or what, that the cost to SaskPower for undertaking the inspections now will be \$2.6 million?

**Hon. Mr. Berntson:** — I would hope that it's not wildly out of line with that, because if it is, there will be some adjustments made. This is not, in the long haul, to be a revenue generator, it's to provide the service at cost. And I would hope that kind of revenues balance off against cost, that that would be the intention.

**Mr. Calvert:** — Well, Mr. Minister, you see, if I'm having the inspection done either as a contractor or a consumer and I have to pay the fee, I have some interest in this. And as you know, the new Bill indicates that the corporation shall prescribe the fees.

What I'm trying to determine is, are we going to see an increase — small, large? Are we going to see an increase in the fees?

**Hon. Mr. Berntson:** — There is no plan to change the existing fee structure at this time . . . (inaudible interjection) . . . Well she says, next week. Maybe next week when we get a look at it and get it moved over and get it set up — which won't be that soon, by the way — but it may well be that there'll be a reduction, I don't know. What I'm telling you is that revenues will be offset against cost; cost against revenues, whatever.

And I mean, what would you have them do? Would you move this thing over to Power and do inspections for nothing and put it on the power bill? I don't think you would suggest that to be a wise course of action. Would you move it over and have terribly inflated fee schedule for electrical or gas inspections so you could take care of the debt problem at Power? I don't think you'd suggest that as a wise course of action either. I think, when you really think about it, that you would suggest that the wise course of action would be to provide this inspection service, gas and electric, at somewhere near cost of delivery.

**Mr. Calvert:** — Mr. Minister, I think the wise course of action would have been for yourself to have done this research prior to making the change. It's not, it seems to me, it's not difficult research to know precisely what costs SaskPower is undertaking in this change and to know precisely how it's going to be and how we're all going to come out in the end on this.

Now we've heard a lot of "I hopes" this afternoon. Well indeed we all hope that we see neither a dramatic increase in the fees, nor a dramatic increase in our power bills.

So I will trust, Mr. Minister, that you will endeavour to get the information from the Department of Environment and Public Safety on what it costs now, and to provide that to me.

**An Hon. Member:** — Yes.

**Mr. Calvert:** — And I hear you saying, yes.

Mr. Minister, the major change of course in this legislation is that this legislation will permit the contracting out of inspection. I guess again I'll start with the question: why? Why are you moving to the option of contracting out inspections rather than using public servants who have been inspectors?

**Hon. Mr. Berntson:** — I'm told that there's a significant backlog in inspection right now, and in order to take care of the backlog and get things up to date, it's considered to be appropriate to do some contracting out initially. In the long haul it's considered that the inspections can be covered off with in-house staff once the backlog has been taken care of.

**Mr. Calvert:** — Mr. Minister, why in the world do we have this huge backlog? How has this happened that we

have this huge backlog?

**Hon. Mr. Berntson:** — I'm told that — and again I'm trying to speak for the Department of Environment and I'm not competent to do that — but I'm told that there have been some vacancies in the inspection branch and this has built up over some time, and so we are planning to do some contracting out to take care of the backlog, and once things are current, we expect that we will be able to take care of it and keep it current with the in-house staff at Power.

**Mr. Calvert:** — Well, Mr. Minister, I guess you've confirmed my fear that in fact the backlog has built up because of vacancies that the department hasn't filled. It's just shortage of staff that has allowed this backlog to build up. And that's been clearly, then, the responsibility of the department, not having enough staff out there doing the inspections. So that's your reason for contracting it out.

Would it not be an alternative, Mr. Minister, to in fact simply hire more permanent inspectors?

**Hon. Mr. Berntson:** — If you hire more permanent inspectors and take care of the backlog with permanent inspectors, then you either have them sitting around or lay them off once the job is done, and you have less of an ongoing load to maintain a current situation. So I think that the suggestion of the hon. member isn't appropriate in the circumstances, and I think the more appropriate course of action is to contract out to take care of the backlog and then have some stability and continuity in the process from here on in.

**Mr. Calvert:** — Well, Mr. Minister, we found ourselves in a backlogged position because we didn't have, apparently, enough inspectors out in the field. So we're going to hire some contractors to wipe out the backlog. At the end of all that we're still going to have, I assume, the same number of permanent inspectors, unless you intend on adding to that staff. If it's the case that we come to the end of the backlog and we have the same number of inspectors that we have now, then what's to prevent another backlog from building up?

**Hon. Mr. Berntson:** — We already have a slight increase in numbers that will be transferred to Power with this legislation, so it's not accurate to say that the same number of inspectors will be at Power as were in Environment. That number's increased.

**Mr. Calvert:** — Well, Mr. Minister, I guess if I wanted to deal with a backlog and I knew there was going to be a continuing demand for inspectors — and there will be, you know that; we hope the demand would go up; that's what we would hope — that it would be the wisest course to put people on staff, permanent people on staff, people who have no, absolutely no vested interest in the contracting, in the installation of gas installations in this case, electrical installations in the other case.

So what we're going to do for an indefinite period of time — however long it takes to deal with this backlog — we're going to be appointing, I take it, contractors to do the inspections. Mr. Minister, how will this process work?

How will the contractors be chosen to do the inspections?

**Hon. Mr. Berntson:** — Any contractor who would qualify as an inspector would, so to speak, be de-licensed as a contractor — he obviously couldn't wear two hats, as a contractor and an inspector. And in addition to that, he would be under the strict control of the chief inspector, in-house. So, you know, I don't have the same kind of concern that the member opposite does as it relates to that potential conflict. We think that's covered off quite well.

**Mr. Calvert:** — Mr. Minister, where in this Bill does it indicate that contractors will be de-licensed as contractors before they can serve as an inspector? I just don't see that in the Bill at all.

**Hon. Mr. Berntson:** — It's a simple matter of internal regulation between the chief inspectors, so that's covered off both on the gas and electrical side.

**Mr. Calvert:** — So let me the this straight if I can, Mr. Minister. If a contractor who is in the business of installing gas appliances, and so on, wishes to do the inspection role, then you're saying, well while he's contracted to do inspections, he can't be involved in any of his usual installations. Is that true?

(1645)

**Hon. Mr. Berntson:** — That's right. That's true — absolutely right.

**Mr. Calvert:** — Well, Mr. Minister, do you think you're going to find many contractors who are willing to shut down their business to undertake a part-time contract of inspections?

**Hon. Mr. Berntson:** — We're talking again, Mr. Chairman, about a backlog, and I would hope that the backlog isn't dealt with helter-skelter. I would like to have it dealt with quite quickly, to get things current as quickly as possible. So I don't see that as being part-time; I see it as being, you know . . .

**An Hon. Member:** — You see it as being holus-bolus, not helter-skelter.

**Hon. Mr. Berntson:** — That's right. And until things are current, Mr. Speaker, I see it as being virtually full time for a contractor that would be interested in that. But he will obviously make his choice. He will not be, at the same time, an installer and an inspector.

**Mr. Calvert:** — Well, Mr. Minister, when we're talking about a contractor then, let's assume that I'm a contractor who owns the ABC plumbing company; I have other people who are under my employ. Those people who are under my employ in the ABC plumbing company, are they still able to conduct my business while I serve as an inspector?

**Hon. Mr. Berntson:** — I would say not. I would say it would be probably in the realm of the smaller operator that would be interested in this contracting out, not somebody that has a multifaceted or larger business. The

choice is clear — him and his organization cannot, at the same time, be an installer and an inspector.

**Mr. Calvert:** — Okay.

**An Hon. Member:** — So your company, Calvert Plumbing doesn't qualify.

**Mr. Calvert:** — Mr. Minister, I may become Calvert Plumbing and look for a contract.

I still have a concern. Even if the contractor, while being an inspector, cannot be involved in the actual practice of his trade, I'd still have a concern, because he does not, or she does not, forget or lose acquaintance with those others in the field who he or she may know, who may on one hand be a friend, or on the other hand may be a professional enemy, competitive enemy in the field.

Mr. Minister, do you not admit there at least exists the possibility, the possibility of some sort of deal-making, favouritism, or personal vendettas involved in this kind of a new process?

**Hon. Mr. Berntson:** — I suppose the same possibility exists even with in-house inspectors, because they all live in our community, they all know . . . they all go to the same movies, their kids go to the same school, they know one another, like you and I know one another — and I would not want to be accused of showing favouritism to you, of course. But, you know, the same possibility exists.

I think that there is a genuine sense of fair play among the vast majority of people in Saskatchewan, and they are under the strict control of the chief inspector. So, you know, I think that it's reasonably covered off.

Clause 1 agreed to.

## Clause 2

**Mr. Hagel:** — Thank you, Mr. Chairman. Mr. Minister, I refer specifically to 2(e), the definition of "corporation," which here is defined as meaning Saskatchewan Power Corporation.

Mr. Minister, I am of the view that you have announced in this Assembly previously that Saskatchewan Power Corporation now only deals with electricity. And would you please advise me, Mr. Minister, as to why it is that we have an Act here that says that this SaskPower Corporation, which is no longer deals with gas, deals only with electricity, is now going to appoint gas inspectors. Could you please explain the rationale for the definition of corporation being SaskPower corporation?

**Hon. Mr. Berntson:** — Two things, I think, Mr. Chairman. Number one, the spin-off of the gas side didn't spin it off into never, never land. These . . . the gas side of the utility is still wholly owned by SaskPower, that's number one.

Number two, the human resources division, of which Mr. Bates is the V.P. responsible of SaskPower, is responsible for gas and electrical safety. So this inspection unit will be housed in the human resources section of SaskPower.

Clause 2 agreed to.

Clauses 3 to 5 inclusive agreed to.

#### Clause 6

**Mr. Calvert:** — The minister, with his remarks today and the other day, has not convinced me that we are not endangering public safety by privatizing the inspection process. That is permitted in this Bill by section 6, and so, Mr. Chairman, I would like to move an amendment.

I would move:

That section 6 of the printed Bill is amended by striking out subsections (3) and (4) thereof, and substituting the following subsection therefor:

(3) No person shall be appointed to the office of chief inspector or as an inspector who is interested, either directly or indirectly in the sale or installation of gas equipment.

**Hon. Mr. Berntson:** — Mr. Speaker, if I could speak to the amendment. The difficulty we have with this amendment is that the only way that we can do this would be if we privatized the gas side of the utility. Because SaskPower is involved in the gas business, this would therefore, if this were passed, would therefore make it impossible for any employee of SaskPower to be involved in the inspection or chief inspector's position that we're trying to set up here.

It would make things a little awkward, I'm afraid. So I would urge all members to vote against the amendment.

Amendment negated on division.

Clause 6 agreed to.

Clauses 7 to 30 inclusive agreed to.

**Mr. Chairman:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: An Act respecting the Inspection of Gas Installations and Gas Equipment for Consumers

Agreed to on division.

The committee agreed to report the Bill.

#### Bill No. 18 — An Act Respecting the Inspection of Electrical Equipment, Installation and Material

#### Clause 1

**Mr. Calvert:** — Mr. Chairman, in the interests of time and because this is such a similar Bill as Bill 17, I won't raise the concerns again. I continue to hold the concerns.

I will though, Mr. Chairman, want to move an amendment at the appropriate clause of this Bill.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

#### Clause 6

**Mr. Calvert:** — Again I have the concern of the privatization of the inspection process, of contractors inspecting contractors. This amendment would stop that from happening, Mr. Chairman, and so I move:

That section 6 of the printed Bill is amended by striking out subsections (3) and (4) thereof, and substituting the following subsection therefor:

(3) No person shall be appointed to the office of the chief inspector or as an inspector who is interested, either directly or indirectly, in the sale or installation of electrical equipment.

**Hon. Mr. Berntson:** — Mr. Speaker, I could speak to that. I will just substitute the word "electric" for "gas" in my previous argument, and the same argument applies.

**Mr. Chairman:** — Order, order. Order. Order.

Amendment negated on division.

Clause 6 agreed to.

Clauses 7 to 35 inclusive agreed to.

(1700)

#### Clause 36

**Mr. Chairman:** —

Amend section 36(1) of the printed Bill by adding "may," immediately after the word "Commission" where it occurs in the second line therefor.

Clause 36 as amended agreed to.

Clauses 37 to 39 inclusive agreed to.

The committee agreed to report the Bill as amended.

#### Bill No. 6 — An Act respecting the Consequential Amendments to Certain Acts resulting from the enactment of The Regional Colleges Act and The Institute Act

#### Clause 1

**Mr. Kowalsky:** — Mr. Chairman, I have a statement to make regarding the amendment to one of the amendments here . . . one of the clauses, that is, specifically clause 3 of Bill 47. And what this clause does is it used to, in the old Bill, it used to make provision for a commission of the Municipal Employees' Superannuation to consist of a representative of the association of community colleges.

Now this has now been changed to regional colleges, and we are talking here about the people who teach in the regional colleges who are non-union. And the Bill makes

provision for change. So instead of it being written in The Municipal Employees' Superannuation Act that the representative be in the association of community colleges, it's now written, "an association, that in the opinion of the minister, represents employees of regional colleges."

So the objection here, Mr. Minister, is that I believe it to be inappropriate that the minister should make the decision as to who represents. It should be left completely up to the association. So I will be proposing an amendment within a moment.

I want to ask the minister one or two questions before I do that. One is, Mr. Minister: what procedures are in place for these employees to select their representatives if there is any procedures in place?

**Hon. Mr. Hepworth:** — Okay, relative to the point that you've raised around the amendment, and to put you at ease perhaps on your view that the minister may be into a power grab or something, the association is, or has been at least, or would have been under the community college structure — SCCTA, the Saskatchewan Community College Trustees Association — that association now that they are . . . it is now a regional college system, are in the process of redefining their mandate, and where that will take them, we're not really sure at this very moment.

So in the face of that, it's not as though I'm on a power grab. It's just that there has to be somebody to make some decisions, if you like, and that's why we've got the minister down. In so far as the process in place, I mean, the representative has been SCCTA and whether that changed or not, as I said earlier, they're in the process of redefining their mandate. So it's not as though as I'm trying to impose myself here, if you like.

**Mr. Kowalsky:** — Are you playing any role, or is the department playing any role, in establishing an organization in this new context?

**Hon. Mr. Hepworth:** — No, Mr. Chairman, That's within their own membership to make those decisions.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

**Mr. Kowalsky:** — In accordance with the comments I made earlier, I move:

That clause 3 be amended by striking out the words "in the opinion of the minister" in line 3.

Amendment negatived on division.

Clause 3 agreed to.

Clauses 4 to 9 inclusive agreed to.

The committee agreed to report the Bill.

## **Bill No. 40 — An Act to amend The League of Educational Administrators, Directors and Superintendents Act**

### **Clause 1**

**Mr. Kowalsky:** — Mr. Minister, have you got concurrence of the LEADS (League of Educational Administrators, Directors and Superintendents) group on this, and did they ask you to put in any appeal procedure with respect to the recommendations that may arise from the professional relations committee?

I would ask the minister whether they had the concurrence of LEADS organization to put this into place, and whether the LEADS organization asked them to put in any type of an appeal procedure that may be asked for as a result of a judgement or recommendation of the professional relations committee?

I understand that there's an appeals procedure following a disciplinary committee recommendation, but I'm asking about the first one, the professional relations.

**Hon. Mr. Hepworth:** — Mr. Chairman, yes, the changes were brought to us and in full concurrence with LEADS and the LEADS executive, and relative to an appeal on the professional relations committee, there was no mention made of that. The observation is made by my officials — it's not certain why one might want that, because it doesn't lead to the same kinds of things that a ruling on the discipline committee might lead to, for example.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

The committee agreed to report the Bill.

## **THIRD READINGS**

### **Bill No. 12 — An Act to amend The Medical Profession Act, 1981**

**Hon. Mr. Berntson:** — I move the Bill now be 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. 11 — An Act to amend The Ophthalmic Dispensers Act**

**Hon. Mr. Berntson:** — Mr. Speaker, I move the Bill now be 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. 13 — An Act to amend The Denturists Act**

**Hon. Mr. Berntson:** — I move the Bill now be 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. 14 — An Act to amend The Dental Profession Act,  
1978**

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

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

**Bill No. 15 — An Act to amend The Optometry Act, 1985**

**Hon. Mr. Berntson:** — I move the Bill now be 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. 10 — An Act respecting the Licensing of Persons  
who Perform Work of Electrical Installation or Sell  
Electrical Equipment**

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

Motion agreed to.

**Hon. Mr. Berntson:** — Mr. Speaker, with leave, I move the Bill now be 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. 9 — An Act to amend the Fire Prevention Act, 1980**

**Hon. Mr. Berntson:** — Mr. Speaker, I move the Bill now be 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. 17 — An Act respecting the Inspection of Gas  
Installations and Gas Equipment for Consumers**

**Hon. Mr. Berntson:** — I move the Bill now be 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. 18 — An Act respecting the Inspection of Electrical  
Equipment, Installation and Material**

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

Motion agreed to.

**Hon. Mr. Berntson:** — I move the Bill now be 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 respecting the Consequential  
Amendments to Certain Acts resulting from the enactment**

**of The Regional Colleges Act and The Institute Act**

**Hon. Mr. Berntson:** — I move the Bill now be 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. 40 — An Act to amend The League of Educational  
Administrators, Directors and Superintendents Act**

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

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

**COMMITTEE OF FINANCE**

The committee recessed until 7 p.m.