

The Assembly met at 1:30 p.m.

**MLAs vs CBC Hockey Match**

Prayers

**ROUTINE PROCEEDINGS**

**READING AND RECEIVING PETITIONS**

**Clerk:** — According to order the following petition has been reviewed, and pursuant to rule 11(7) it is hereby read and received.

Of citizens of the province of Saskatchewan humbly praying that your Hon. Assembly may be pleased to cause the government to ensure the medical needs of Rocanville community by allowing the Rocanville emergency unit to transport patients.

**INTRODUCTION OF GUESTS**

**Mr. Sonntag:** — Thank you very much, Mr. Speaker. I would like to introduce to you and through you to the rest of the members of the Assembly here today a friend of mine seated in the west gallery, Mr. Speaker.

On March 14, the Onion Lake First Nation successfully ratified their band-specific and trust agreements, and on April 29 they will have a signing ceremony. Mr. Vern Chocan is down here with other meetings and is here to visit the Assembly this afternoon for a half an hour or so. And I would like all members to join with me in welcoming him here today. Vern?

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

**Mrs. Bergman:** — Thank you, Mr. Speaker. Mr. Speaker, today I'd like to introduce to you and through you the grade 4 students from St. Angela School which is in my constituency of Regina North West.

Their teachers are Ms. Laurianne Jacques and Ms. Elaine Giroux Sylvestre. The chaperons are Sean Chase and Lee Kosier.

I'll be meeting with all 68 students and their teachers after question period, and I'd like to ask the House to join me in welcoming them today.

**Mr. Trew:** — I thank you, Mr. Speaker. Through you I'd like to join my colleague across the way in welcoming the St. Angela grade 4 students. In particular there is one, a Michelle Dalrymple, who is the daughter of the best constituency association president in Christendom.

But I trust that the entire 68 grade 4 students from St. Angela, the teachers and the chaperons will enjoy the visit with the member opposite. And I ask all members to again welcome them to the legislature, particularly Michelle Dalrymple.

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

**STATEMENTS BY MEMBERS**

**Mr. Trew:** — Thank you, Mr. Speaker. This evening, I'm pleased to report that the event of the year is happening this evening. This evening will be a time to see which group of people are the most skilled — the followers of the news or the creators of the news. The corpulent, corporate correspondents of the CBC (Canadian Broadcasting Corporation) or the marvellous, masterful MLAs (Member of the Legislative Assembly).

There's little doubt the CBC is in big trouble. There's also, Mr. Speaker, little doubt about the skill level of both teams.

At 10:15 tonight in the Regina North West Hockey Arena, win or lose, the CBC and MLAs' teams are both teamed up to help a very, very worthwhile Regina cause. Chili for Children will benefit from the free-will donations accepted at tonight's game.

Mr. Speaker, on behalf of my colleagues, let me assure CBC hockey players there's nothing personal about the elbowing, high sticking, holding, and total humiliation that the CBC will be feeling tonight. It is wonderful that they are willing to subject themselves to that and suffer so greatly so that Chili for Children will win. I hope to see you at the event of the year in the Regina North West Arena, 10:15 this evening.

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

**Sponsorship of Family from Eritrea**

**Ms. Bradley:** — Thank you, Mr. Speaker. I want to tell a story about my home town and its neighbour town which gives visible and compassionate substance to our statements against racism. The towns of Milestone and Lang, through the United Church, have opened their arms to the Aman family from Eritrea.

As you know, Mr. Speaker, Eritrea was trapped in a long, terrible civil war. Like millions of people around the world, the Ahmends were caught in the violence and had to escape to save their lives. It is a sad comment to make, but they were lucky to become refugees rather than victims. Their journey took them from Eritrea to the Sudan, to Syria, to Turkey, to Greece, and to Milestone. And there is a dramatic story connected to each leg of their flight. Along the way, twin girls were born, Sophia and Maria. There is a story of terror, hardship, courage, and finally of happiness.

The people of Lang and Milestone have combined to sponsor the family, to provide shelter and support, training through the Open Door Society, and friendship to the Aman family. They are rapidly becoming members of their extended Canadian family right here in Saskatchewan. While I was driving Mohammed to work today, he told me he has been offered a full-time job with Dutch enterprises when his work training is now complete. That's good news.

I welcome Mohammed, Elsa, Sophia, and Maria, and I'm proud of my community and my province for their generosity in both goods and spirit.

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

### **Farm Finance Seminars**

**Mr. Keeping:** — Thank you, Mr. Speaker. Mr. Speaker, in recognition of Agriculture Week in Saskatchewan, I would like to announce that throughout the province seminars are being held for farm people on farm finance law. These seminars will help us, as farmers, to understand better our requirements and our rights and responsibilities in dealing with our finances.

The farm people on farm finance seminars will cover a variety of topics in the area of farm finance law. They will include the legal rights and obligations, preclosures, garnishees, farm tenure, and The Farm Security Act, bankruptcy, mediation, and negotiation with the lenders.

In these tough economic times, we need to know our legal rights and obligations. It is important because farm management decisions have legal implications. Through these seminars we, the agriculture community, have a chance to better our knowledge on these issues.

These seminars are open to the farming public to update themselves on the legal issues of financing. And I urge people who are interested to look into their local papers for specific dates and locations.

Thank you very much.

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

### **Tourism Industry Association of Saskatchewan Awards**

**Mrs. Teichrob:** — Thank you, Mr. Speaker. Today I would like to honour and congratulate the recent winners of the 5th annual TISASK (Tourism Industry Association of Saskatchewan) tourism awards. The event, which attracted over 300 people to the Delta Bessborough in Saskatoon, was a night to let the Saskatchewan tourism industry shine.

There were 14 awards with a wide range of categories from individuals to business to community organizations.

The big winners of the night were Saskatoon tourism operators who captured seven of the awards. The President's Award of Merit went to George Piotto, the long-time manager of the Travelodge. Wanuskewin Indian Heritage Inc. won the newly implemented First Nations and Metis Peoples Culture Award sponsored by the Peace Hill Trust; WIHI represents all cultures in Saskatchewan and all 72 bands.

Saskatoon's downtown organization, The

Partnership, won the Spirit of Saskatchewan award for its ambitious hosting of the Great Northern River Roar. The Great Western Brewing Company received the Corporate Tourism Partner Award, largely for their work in promoting its product via the Destination Saskatchewan campaign in conjunction with TISASK.

The Western Development Museums were winners of the Gil Carduner Tourism Business Marketing Award; C95-FM along with its Regina affiliate Z99-FM shared the Saskatchewan Media Award; and the Tourism Rookie of the Year went to the operators of the Saskatoon Berry Farm.

Other winners included the Prince Albert Tourism and Convention Bureau, Jim McKenzie of Jim Champs in Nistowiak Falls, Betty Bahuys of La Ronge, the city of Weyburn . . .

**The Speaker:** — Order, order. The member's time has run out.

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

### **Multicultural Week**

**Mr. Serby:** — Thank you very much, Mr. Speaker. As you are aware March 21st to March 25th is Multicultural Week in Saskatchewan. This very important week stresses the need for people of all cultures to join together in harmony. This is a time when people of all cultures should learn, understand, and become involved with other cultures as well as their own.

In Saskatchewan we take Multicultural Week very seriously. In fact, a good many events are taking place around this great province this week. In the way of education, we have a variety of events, lectures, and contests.

In Yorkton, an essay contest was held for children's grade 7 to grade 9 with the theme, If You Don't Stop Racism, Who Will? A racism in the workplace symposium was held at the City Hall Forum in Regina, just to name a couple of events.

Other attractions such as displays, art, and cuisine from all over the world play a large role in Multicultural Week — small undertakings in an effort to bring about understanding for each of us. I believe that racial discrimination, Mr. Speaker, cripples and limits the freedoms and opportunities of us all.

So I ask all members of this Assembly and the people of Saskatchewan to join with me to reaffirm our commitment to a society free of racial discrimination, a society whose citizens of every conceivable racial heritage have the opportunity to make the most of their gifts and their strengths as full members of our society. Thank you very much, Mr. Speaker.

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

### **ORAL QUESTIONS**

## Judges' Salaries Recommendations

**Mr. Toth:** — Thank you, Mr. Speaker. Mr. Speaker, my question today is to the Minister of Justice. Mr. Minister, yesterday you stood before your hon. colleagues on both sides of this Assembly and issued a statement which indicated that your government was about to retroactively repeal legislation, break a legal contract, and overturn a legally binding decision by an independent panel.

Mr. Minister, the issue today is not the decision made by that panel. The issue is the conduct of the highest officer of the law in this province. Mr. Minister, you claimed in your statement yesterday that, and I quote:

... it is our view that the use of binding arbitration for determining compensation in situations like these must be reconsidered.

Mr. Minister, could you tell this Assembly why you have so drastically changed that opinion? Can you tell us why you have broken your word?

**Hon. Mr. Mitchell:** — Well, Mr. Speaker, in answer to the member's question, it ought to be obvious to all members of the House, including the member from Moosomin, as to why we would have serious second thoughts about this kind of process. This process produced a result with which we cannot live. It produced a result of 24 per cent to a relatively high-salaried group of people and we just simply can't live with that. It would be irresponsible for us to do that, particularly in light of the serious fiscal situation which the government faces. It presented us with a proposal that was simply not acceptable, and that led us to the decision which I announced yesterday, which I think is the right decision.

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

**Mr. Toth:** — Thank you, Mr. Speaker, Mr. Minister. Mr. Minister, when you introduced this legislation last year, you had a great deal of confidence and pride in the process you were about to embark on.

In your second reading speech on May 25, '93, you said that this process must be put in place, that the issue of judges' salary must be completely independent of political expediency.

In fact you said that the independence of the panel must be guaranteed because the Supreme Court of Canada demands it. In an eloquent defence of this position you quoted from the Supreme Court which said:

The essence of ... (judicial independence) is that the right to salary and pension should be established by law and not be subject to arbitrary interference by the Executive in a manner that could affect judicial independence.

Mr. Minister, would you agree that your actions represent an arbitrary interference by your

government and that you have destroyed the judicial independence you had held so dear and had sworn to uphold?

**Hon. Mr. Mitchell:** — Mr. Speaker, if the member is seriously suggesting that the government should pay this award of 24 per cent, then I wish the member would simply say so and not come at it in such a sideways fashion. Are you in favour of it or not? We are not.

Now the member mentions the second reading speech that I made a little less than a year ago. And certainly that is a desirable goal to have achieved and we accepted that notion. It is certainly in pursuance of a very high respect for the doctrine of judicial independence which is an important doctrine.

I would remind the member though that every jurisdiction in Canada, every jurisdiction in Canada keeps unto the government a decision about how much judges shall be paid and what their benefits shall be. Many of them have a process which is not binding. We tried the binding process in pursuance of the goal of judicial independence and it simply didn't work. And so we make the statement that we made yesterday.

But I do say if the member is arguing we should pay 24 per cent, let's be very clear about it and say so in this House.

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

**Mr. Toth:** — Mr. Speaker, again to the minister. Today the judges of the Provincial Court of Saskatchewan have responded to your actions. In their statement, they say that the issue, and I quote:

... involves two fundamental principles: Is the government itself subject to law, and secondly, whether courts are independent and separate from the government. If not the courts, who is there to protect the public and individuals from the power of government?

Mr. Minister, we have seen your government break contract after contract, rewrite and change legislation like they were rules to Monopoly, confiscate the rights of individuals to redress in the courts, and ignore fundamental principles of law and democracy. Mr. Minister, will you answer the judges' question: who — if not the courts — is to protect the public and individuals from the power of your government?

**Hon. Mr. Mitchell:** — Again, Mr. Speaker, it is implicit in the member's question that he — and I presume he's speaking on behalf of his colleagues — are arguing that we should pay the award, and if that's his position, I wish he had the courage to just stand up and say so, so it would be clear. So it would be clear.

Every government is subject to the law. The rule of law governs all of us. But there are some situations, and this is one of them, in which we simply can't stand by and allow this to happen. It is just not consistent with

what we're trying to do in this province. The member knows that.

We have fashioned a consensus in this province around the necessity for restraint. A lot of people have made a lot of sacrifices, and they've made them willingly, if not gladly, in pursuance of this objective of getting the fiscal affairs of this province back on track. Judges must expect to do the same thing.

And so the theory, the theoretical notion, which are very important ideas of the independence of the judiciary and those . . . and what flows from that simply has to give way to the fiscal realities of Saskatchewan. And I would hope that the member would know that and not argue that the judges should receive a 24 per cent increase.

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

**Mr. Toth:** — Mr. Speaker, again to the minister. Mr. Minister, you have thrown away valid legislation, you have broken the law, you have breached a contract, and you have broken your word. The judges put it very succinctly. Today they said, and I quote:

Contracts and laws appear to be of no effect if the government decides that they no longer suit their own purposes. The whole principle of government under the rule of law, in our view, has been sacrificed on the altar of political expediency.

Mr. Minister, is that not what this is? Are you saying that you and your government are no longer subject to the laws of this province and country? Are you, Mr. Minister, above the law?

**Hon. Mr. Mitchell:** — Now that is the fourth question that the member has asked, Mr. Speaker, and each one of them carries with it the implication that the members opposite favour this 24 per cent increase. And if he doesn't stand up and deny that, we're all entitled to assume that that is their position.

There's no secret here about why we've done what we did. We've nailed our colours right up there on the masthead and we did that after having paid great attention to the fundamental questions raised by the judges and raised by the members opposite.

These are important principles, but they must give way to the dreadful situation in which this government and this province finds itself. The consensus that we have managed to fashion around the principle of restraint is too important to risk, too important to throw away in a situation like this, and so with great difficulty and with a great deal of regret we have come to the decision we've come to. We simply can't pay it.

Now stand up, Mr. Member, and tell us whether you favour paying it or not. And if you don't say anything, we're entitled to assume that . . .

**The Speaker:** — Next question.

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

**Mr. Toth:** — Mr. Speaker, a final question to the minister on this series. Mr. Minister, you have broken the law; make no doubt about it. The judges said that and I quote:

This is not a matter of the government changing a law, this is a matter of the government, having clearly broken the law, now passing another law trying to justify their breach.

And I'm sure that sounds awfully familiar to the former minister of Agriculture.

Mr. Minister, your response has been — there is law and there is justice. Mr. Minister, this is an unbelievable thing for the Attorney General of the province of Saskatchewan to say.

We all know who the arbiters of the law are. They are and live within the legal system. Are you now saying you and your government are above that system? Mr. Minister, has the Premier now appointed you the sole determiner of who is just in this society?

**Hon. Mr. Mitchell:** — Well, Mr. Speaker, at least I got an answer to my question. Because I said in my last answer that if he didn't address this question of their position we would all be entitled to assume that the opposition favours the increase.

I used the term "justice" yesterday because when I used that term I had in mind a lot of people who have made sacrifices: single moms, disadvantaged children, unemployed workers, youth of all kind, seniors, name it — everybody has shouldered their share of the burden. And it was in that sense, as the House will know, that I used the term "justice." It is simple, human justice. We cannot ask those people who have sacrificed so much to bear the burden of this award. We wish it were otherwise, but it is not. Fiscal reality is fiscal reality. We had no choice. But it is very interesting to know what the position of the opposition is.

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

**Mr. Swenson:** — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Premier. Mr. Premier, when you appointed your friend to the position of Minister of Justice, he swore the following oath:

I,  
do swear that I will be faithful and true and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.

Mr. Premier, this province's judges are saying that your government and in particular your Minister of Justice has violated the law in direct contravention of his sworn oath. Mr. Premier, your minister has broken his solemn oath by breaking the law. How can you allow your Minister of Justice to violate his own law

and his oath of office? How is that, Mr. Premier?

**Hon. Mr. Mitchell:** — Well that's an interesting tactic, Mr. Speaker. We're now going to try and personalize the whole issue and try and make me the issue. With every deference to the Leader of the Opposition, I am not the issue. No single person is the issue. The issue is simply whether or not the Government of Saskatchewan can pay to the Provincial Court judges of this province a wage increase of 24 per cent. The answer, we say, is no. The opposition apparently says yes.

But whatever one may think of that issue, one thing is cut clear, and that is that I personally am not the issue. Now you can try that tack if you like, but the Saskatchewan people are going to judge this issue in terms of whether or not this government should pay 24 per cent to judges. It's as simple as that.

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

**Mr. Swenson:** — Thank you, Mr. Speaker. Mr. Premier, I have here The Department of Justice Act. Section 9 of that Act is a definition of the duties of the Minister of Justice. Section 9(b), and I quote:

The minister shall:

see that the administration of public affairs is in accordance with the law;

Now, Mr. Premier, the Provincial Court judges, men and women who know a little something about the law in this province, say that your Minister of Justice has clearly broken the law. That contravenes the legal definition of his duties in The Department of Justice Act.

What steps, Mr. Premier, do you plan to take against your minister for breaking the provisions of The Department of Justice Act? Or are you going to allow him simply to change that Act retroactively as well?

**Hon. Mr. Mitchell:** — Well, Mr. Speaker, this gets more absurd all the time. We announced clearly yesterday what we were going to do as a government and why we were going to do it. The simple issue is whether or not you accept 24 per cent. If you do — and apparently that's the position of the opposition — then you simply pay it. If you don't, if you don't accept the 24 per cent, then you've got only one choice, and that is to change the law. There is no other mechanism for doing it. You just can't put your hands in your pockets and say, I ain't payin'. You've got to go beyond that and you've got to change the law.

Now how in the world that necessity leads you to a position where the member would ask the question he's just asked, I can't imagine.

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

**Mr. Swenson:** — Thank you, Mr. Speaker. Mr. Premier, in reading through the minister's duties in The Department of Justice Act, it's amazing how often

the word law keeps popping up. It gives you the impression that law is something that should be important to the Minister of Justice.

But yesterday your minister told us, Mr. Speaker, that law and justice were two different things, and that he has the solemn duty to determine which laws he liked and then break those laws that he didn't like.

It's funny, Mr. Premier, that I don't see that duty anywhere in The Department of Justice Act. It just says things like, the minister should work in accordance with the law, advise the Crown on the law, and carry out his duties assigned by law. It keeps talking about the law, Mr. Premier, and your minister has broken the law.

Mr. Premier, do you think it is right for the Minister of Justice to break the law?

**Hon. Mr. Mitchell:** — Well, Mr. Speaker, this is another one of those interesting situations where the opposition quite obviously don't listen to the answer. Now I had expected more of my friend, the Leader of the Opposition, for whom I have a great deal of respect. I would have expected him not to feel it necessary to work his way through to the bottom of that page of questions.

The answer is simply this, Mr. Speaker, and Mr. Member. The issue is whether or not you're going to pay the 24 per cent. If you're going to pay it, you pay it. If you're not going to pay it — and we can't — then you have to change the law. You have to change the law. And the responsible minister is going to stand in this House and make the statement that the law is going to be changed, as I did yesterday. That's the issue, Mr. Member. Now let's get real about this and let's not try to drag in red herrings that will somehow obscure the fact that it's the 24 per cent that we're talking about, not any individual.

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

**Mr. Swenson:** — Thank you, Mr. Speaker. Mr. Premier, you know, you know that the reason that these questions must be asked is because people in our society expect the Minister of Justice to uphold the law. Your minister has sworn to carry out the oath of his office according to the law. The legal definition of his cabinet post is to administer the public affairs in accordance with the law; the highest law officer in the land — the protector of the rule of law by your government.

Now, Mr. Premier, as a former attorney general yourself and someone who knows that the position means you must obey the law, that someone in the position of attorney general is not above the law, would it not be reasonable, sir, that if that minister breaks the law he should and must resign, Mr. Premier? Your Minister of Justice has broken the law, even though he doesn't think so. I ask you, sir, as a former attorney general of this province, to do the right thing and ask for his resignation. Would you do that, sir?

**Hon. Mr. Mitchell:** — Now, Mr. Speaker, the Leader of the Opposition with a perfectly straight face, has ignored all of the answers and continues to ask versions of the same question to an empty chair.

**The Speaker:** — Order, order, order. I think the Minister of Justice knows that that comment is out of order and he should refrain from . . . Order, order.

I can't remember talking to the Government House Leader and if he has a point of order he should raise it after question period.

Order. I don't want to warn the Government House Leader again.

**Hon. Mr. Mitchell:** — Well I'll say to the Leader of the Opposition with all of the kindness and the consideration that I'm capable of mustering in these circumstances, but with all respect I am hardly the issue. I am a member of the government and a member of the caucus who have responsibilities to deal with the particular Act in question.

The issue here, and I repeat this for I think the eighth time in this question period, is the 24 per cent. You're either in favour of paying it or you're not. If you're not, you've got to change the law. If you're not, you're not going to follow the procedure that we set down in this House a year ago — a year ago.

We have decided that we can't pay the 24 per cent. We came to that decision with difficulty and with regret, but reality dictates that we just can't do it. And with that decision there is only one procedure available, and that is to change the law under which that award was given. We wish there were another way. There is not. And so we will do what we have to do.

And I challenge again the opposition to stand up and make their position known on this crucial issue of the 24 per cent.

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

#### **SaskPower District Office Closures**

**Mr. McPherson:** — Thank you, Mr. Speaker. My question today is directed at the minister in charge of SaskPower.

Mr. Minister, a number of SaskPower district offices are slated for closure at the end of this month. In Ponteix this will result in five jobs being eliminated. When the Ponteix hospital was converted to a wellness centre, 23 people lost their jobs. Another 20 jobs will be lost shortly when the community's nursing home closes. Collectively, these positions represent one-third of Ponteix's total workforce.

Mr. Minister, will you acknowledge the economic impact your decisions are having on rural communities? And will you please take action to correct this before more damage is done?

**Hon. Mr. Anguish:** — I'd like to thank the hon. member for his question and I will take that under advisement. The government is currently having a look at some of the issues which he brings up and we appreciate the concerns that exist in rural Saskatchewan.

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

**Mr. McPherson:** — Thank you, Mr. Speaker. I want to thank the minister for that response and can I have assurance in writing that the Ponteix office will then be left open and not closed as of March 31?

**Hon. Mr. Anguish:** — No, you can't have that assurance.

**Mr. McPherson:** — Thank you, Mr. Speaker. Mr. Minister, many communities depend on the services provided out of the SaskPower office in Ponteix. The people of Glentworth, Ferland, Mankota, Aneroid, Hazenmore, Kincaid, Meyronne, Glenbain, Vanguard, Neville, Pambrun, Val Marie, Cadillac, they also rely on this office.

Mr. Minister, a winter power failure can be much more than a minor inconvenience. It can become a genuine emergency. Given the fact that response times for SaskPower crews could be now as much as 2 or 3 hours, can you explain what criteria you have established to have an adequate level of service?

**Hon. Mr. Anguish:** — The government is currently looking at the criteria for level of service. And that's why, as I said to the member in my opening statement to his question, is that the government is reviewing this situation. And we're not about to stand by as a government and allow services to be degraded and not provide that service just so some offices could possibly be closed in areas. So the level of service is very important to this government and the decision will be made very soon. And we want to assure the public, through the member's question, that we have no intention of making sure that Saskatchewan people don't have an adequate level of service.

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

**Mr. McPherson:** — Thank you, Mr. Speaker. Mr. Minister, this decision to close the office is only one week away. And today you tell me you can't give the Ponteix people the assurance that their jobs won't be lost.

Mr. Minister, other communities have also expressed concerns about the loss of their SaskPower district offices. A number of people in the community of Punnichy have signed a petition protesting a move. This petition is apparently in the hands of the member from Last Mountain-Touchwood who has chosen not to bring it forward in this Assembly.

Mr. Minister, why is it that these people are continually paying more for utility service yet they are receiving less and less service for their money?

**Hon. Mr. Anguish:** — Well the member raises many questions in his preamble as well his statement. I want to make it very clear that the proposal that was given to me does not eliminate any jobs because of the Ponteix situation. There may be vacancies there that won't be refilled but there are no jobs ever contemplated lost out of the Ponteix office. I want to assure the member of that. So let's set the record very straight there.

In terms of the member representing the Punnichy area, the member representing the Punnichy area represents his area very well and I don't know why the member opposite would make that kind of an accusation. I'm sure that the member from that constituency feels fully and freely to come to me with issues of concern of his constituency. And I'm sure that he would do that if he was in possession of such a petition. And although the member says there's a week left, I'm not about to rush into making a hasty decision during question period here. What I can assure the hon. member is, we will provide adequate service to the people of the province of Saskatchewan.

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

**Mr. McPherson:** — Thank you, Mr. Speaker. Mr. Minister, the people of Ponteix are saying you did rush in and make a hasty decision. They're telling us that the Ponteix office will be closed March 31. And now you have said two things: firstly, you have said you can't guarantee them or you can't assure the Assembly today that the office will be left open; and the next question you say, no jobs are going to be lost; the Ponteix office isn't going to be closed.

Now can you give us a very clear understanding what will happen to the SaskPower office in the community of Ponteix?

**Hon. Mr. Anguish:** — No, I can't give the hon. member that assurance here in the House this afternoon. But I would ask the hon. member, do you want, based on the information that was given to me by SaskPower, what the decision would be on the Ponteix office? If you're asking me to give that to you today, the answer should be very clear to you. And if you push me for that answer, I could possibly give it to you in the House here this afternoon.

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

## STATEMENT BY THE SPEAKER

### Ruling on a Point of Order

**The Speaker:** — Before orders of the day, I wish to make a Speaker's statement. Yesterday the member for Rosthern raised a point of order to question the role of the Chair in dealing with the discussion of *sub judice* matters, particularly in respect to questions asked by the member from Moosomin during oral question period on Monday, March 21.

On that occasion I cautioned the member from

Moosomin several times that in putting his supplementary questions to the Minister of Justice about the White Bear casino he must refrain from asking questions relating to court proceedings.

The Minister of Justice had already declined to answer the first question which the member had put to him on the White Bear casino, stating that he could not answer the question considering that this matter is currently before the courts.

My interventions followed when the member from Moosomin made it clear that he was insistent in putting his question to the minister in a violation of the *sub judice* convention. It has long been the practice of this Assembly that matters before the courts are not to be discussed or debated by members. The purpose of this convention is to protect the parties involved in the court action and to maintain respect between the legislative and judicial branches of government.

I don't believe any member of this Assembly has any doubt about the objective of the *sub judice* convention and the need to observe it. However the member for Rosthern raised a point of order yesterday because he felt the Chair had acted precipitously in intervening as I did.

To support his case he referred to citation 323 on page 97 of Beauchesne's *Rules and Forms*, 6th Edition, and I quote:

Questions of order are decided only when they arise and not in anticipation.

Further, the member stated the position that with respect to question period, and I quote:

. . . it's the responsibility of the minister to make the decision to answer or not to answer a particular question . . .

While I can understand the member's position and generally sympathize with it, the Chair has procedural responsibilities that it must maintain. Indeed I would say that the member's reference to Beauchesne is fitting. Citation 323 does indeed state that questions of order cannot be decided in anticipation of their occurrence. And it goes on to state that, and I quote:

The Speaker is bound to call attention immediately to an irregularity in debate or procedure and not wait (and not wait) for the interposition of a Member.

That is exactly what happened last Monday. In response to the member for Moosomin, the Minister of Justice explained that he could not answer the question because it involved evidence before the courts.

In some instances the Chair is not aware of the status of a matter before the courts and cannot intervene immediately. But on this occasion, the current nature of the case was clear. Indeed the member for Moosomin had acknowledged the status of the court

case in his preamble, which I quote:

... last week in Carlyle Provincial Court, Chief Bernie Shepherd testified ...

And I quote. The matter was also reported in the press. It is also very clear in this case that comment by the Minister of Justice could clearly prejudice the outcome of the trial.

My interventions were to warn the member that the Chair would not accept a breach of the *sub judice* convention.

Contrary to what the member for Rosthern claimed, the Speaker did not anticipate any point of order. Rather I took action to call attention to an irregular proceeding, as I am bound to do according to citation 323 of Beauchesne's. The fact that the Speaker has an obligation and the authority to intervene in matters of *sub judice* is expressed by rulings of the Chair.

On March 1, 1967, the Speaker stated that it is the role of the Chair to determine whether it is proper for members to make reference to matters before the court and whether the *sub judice* convention should be applied.

On May 9, 1978, the Speaker ruled that the responsibility for upholding the *sub judice* convention was on the members' shoulders with, and I quote:

the final discretion left up to the Speaker.

In regard to question period, the Speaker ruled as follows, and I quote:

I remind all members that during the oral question period, the minister of course has the right to refuse an answer on the grounds that the matter is or is about to be before the courts. And I also reserve the right of the Chair to rule out references which I feel may constitute a real and substantial danger of prejudice to the pending trial of a case.

(1415)

In support of his claims regarding the application of the *sub judice* convention in this Assembly, the member for Rosthern referred to events that had occurred in late May, 1989: the first concerned the present Minister of Justice; and the second, the current Minister of Energy. Both involve the issue of GigaText. As the member correctly pointed out yesterday, in both instances, and I quote:

the opposition member and the minister answering were both fully aware that the matter was before the courts.

Moreover, and this is the member's principal point on those two occasions, and I quote: at no time was there any interruption or intervention from the Speaker.

The member for Rosthern asserts that these events prove that the members can put questions on an issue which may be before the court. The member is not entirely correct. The *sub judice* convention, as it pertains to this Assembly, applies to courts that have relevant jurisdiction in Saskatchewan.

In the case referred to by the member from Rosthern, the court case has involved courts of another province, specifically, Quebec. There was little risk that the comments made in the Assembly would have prejudiced the court proceedings in Montreal.

As well, in that case it is not apparent that a minister refused to answer on the grounds of the *sub judice* convention. The events of 1989 did not violate the *sub judice* convention nor were they inconsistent with the actions I took on Monday. The member does not have a valid point of order. None the less, I appreciate the opportunity afforded me to explain further the role of the Chair and the application of the *sub judice* convention.

I take great exception to the member's remarks, from Rosthern, and I ask the member to withdraw the statement and to apologize to the Chair. I ask the member from Rosthern to withdraw the statement, that the minister wrote the Speaker's statement that I made today. And I ask the member from Rosthern to withdraw the statement and apologize to the Chair.

**Mr. Neudorf:** — Mr. Speaker, I withdraw the statement. I was obviously wrong, and I apologize.

## ORDERS OF THE DAY

### GOVERNMENT ORDERS

#### COMMITTEE OF THE WHOLE

##### Bill No. 15 — An Act respecting Certified General Accountants

**The Chair:** — At this time I would like to ask the minister to introduce the officials who have joined us here today.

**Hon. Ms. MacKinnon:** — Thank you very much. Sitting next to me is the deputy minister of Finance, John Wright. On my left is the Provincial Comptroller, Gerry Kraus. Behind me is Susan Amrud, Crown solicitor from the Department of Justice. And at the back is Elaine Wood, analyst in the Provincial Comptroller's division.

#### Clause 1

**Mr. Martens:** — Thank you, Mr. Chairman. Madam Minister, we have generally no objections to the Bill. In fact, in our discussions with the certified general accountants, that they have been involved with the process, and I think that's a good idea.

However, I just have some questions that I think we need to visit about. And the first one deals with an item under one of the clauses that deals with the method of



appointment for board members. And is this the normal method that we appoint board members for professionally recognized bodies? Is this the same format that is used?

**Hon. Ms. MacKinnon:** — Yes, it is.

**Mr. Martens:** — Under these recommendations the Lieutenant Governor, which is the cabinet, are assigned the responsibility of providing that the recommendation by the association, these members are appointed by Lieutenant Governor in Council.

What are the circumstances that you would see where you would not go along with the recommendations of the certified general accountants? And if there aren't, if they are solely upon their recommendations that you appoint these people, would you indicate that to the Assembly today.

**Hon. Ms. MacKinnon:** — Mr. Chairman, there would be no circumstances in which we would not accept the appointment.

**Mr. Martens:** — Another question regarding the board. In section no. 8(4) it talks about the individual not being able to be a part of the board if he no longer is a resident.

Would you clarify the requirements for residency. For example, a CGA (certified general accountant) be eligible to sit on the board if he maintain an active practice and a nominal residence in the province but has his usual residence outside the province.

**Hon. Ms. MacKinnon:** — Mr. Chairman, that provision only applies to the government appointees and it's because they're representing the Government of Saskatchewan as appointees.

**Mr. Martens:** — So the certified general accountants' board of directors could have its appointments from outside of the province of Saskatchewan sitting on the board. Do I take that as your indirect response?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer to that is all appointees have to be residents of the province of Saskatchewan.

**Mr. Martens:** — So that your inference in an indirect way earlier to the question was not quite accurate, and each person will have to live in the province in order to be on the board of directors. Is that fair?

**Hon. Ms. MacKinnon:** — Mr. Chairman, that's right. You were talking about one section and the other appointees are under the other section. But what I said about the one section applies to both sections.

**Mr. Martens:** — Item no. 14(2)(o) says:

establishing any committees that the board considers necessary and prescribing the manner of election or appointment of committee members.

And this is the administrative laws pursuant to section 14 . . . or section 13, pardon me.

Could you clarify this clause and explain its purpose. The wording is somewhat confusing. Would you mind doing that for me.

**Hon. Ms. MacKinnon:** — That provision establishes the right of the board or the association to establish subcommittees and to also establish the rules by which people are chosen for those subcommittees.

**Mr. Martens:** — Okay. Clause no. 15, Madam Minister:

The association shall file with the minister two copies, certified by the secretary to be true copies of:

(the) regulatory bylaws; and

any amendment to a regulatory bylaw together with two certified copies of the bylaw to which the amendment relates.

Would the minister be able to clarify this clause and give examples of situations under which she would not approve by-laws? Are there any circumstances that there are where you would not say yes, these by-laws are approved by the Lieutenant Governor in Council? And if you would be approving them anyway, why not state that in the legislation?

**Hon. Ms. MacKinnon:** — Mr. Chairman, I think the answer that I would give the member opposite is by-laws would not be approved if for some reason the by-laws exceeded the powers that the body had. But under other circumstances the by-laws would be approved.

**Mr. Martens:** — If, for example then, Madam Minister, the by-law dealt with an infringement on the chartered accountants, provisions in their Act, or another Act in a similar kind of a profession, if those by-laws infringe on that other Act, they will not be passed.

**Hon. Ms. MacKinnon:** — Mr. Chairman, that's a fair representation of the point that I was making.

(1430)

**Mr. Martens:** — Okay. In section 25(8), is it normal for the Crown to grant professional societies the right of subpoena?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer to that is yes.

**Mr. Martens:** — And for what purpose would the government allow the body to subpoena a witness? And would you give me kind of a definition or a situation where they would be required to do that or ask if they would be saying to a person in a disciplinary function that he should have a subpoena to the court or to this board?

**Hon. Ms. MacKinnon:** — Mr. Chairman, an example would be, for a discipline hearing, witnesses could be subpoenaed.

**Mr. Martens:** — Under 26(1):

Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

Just to clarify, is it safe to assume that the orders allowed under this provision are not legally binding except as they relate to the person's ability to retain professional certification?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer is yes.

**Mr. Martens:** — And what kind of opportunity is there to prevent a frivolous action coming forward? Is there some response to the person that brings a frivolous action against an individual?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes there is. There's an investigation first, and then the investigation will determine whether there's sufficient evidence to proceed to a hearing.

**Mr. Martens:** — And if it's found to be frivolous, is there some response to the individual that brings a frivolous action forward to the board?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer is there is no penalty against the complainant. All that occurs is that the action has to be dropped.

**Mr. Martens:** — If there is a frivolous action brought forward, would the person who the action is being brought against, would that person have a reason under a professional basis to bring some sort of recommendation to the board for action against that individual who brought a frivolous action against a person?

**Hon. Ms. MacKinnon:** — Mr. Chairman, that avenue would be open if the person was another member.

**Mr. Martens:** — In section 47 which says:

The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

Is there a standard and prescribed format that you have for the association to bring its report to the minister? If so, what is it?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the government is developing guidelines to assist organizations like this in the establishment of their annual statements and reports.

**Mr. Martens:** — I know that there are many associations — we have the chiropractors coming up,

the physiotherapists, and all of these. Do you perceive that it can take exactly the same format for all of them?

**Hon. Ms. MacKinnon:** — Mr. Chairman, we're working to standardize the format.

**Mr. Martens:** — And is there consultation with the association in doing that?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes there is.

Clause 1 agreed to.

Clauses 2 to 51 inclusive agreed to.

The committee agreed to report the Bill.

#### **Bill No. 14 — An Act to amend The Fuel Tax Act, 1987**

**The Chair:** — At this time I'd like to ask the minister to introduce any new officials that may have joined us here.

**Hon. Ms. MacKinnon:** — Thank you, Mr. Chairman. Again we have the deputy minister of Finance, John Wright, next to me. Behind John is Len Rog, assistance deputy minister of Finance, and next to Len and behind me is Doug Lambert, director, revenue programs branch. And at the back we have Mr. Rob Dobson, legal analyst in the revenue division.

#### **Clause 1**

**Mr. Martens:** — Thank you, Mr. Chairman. I took the liberty of sending this Bill to a number of associations, Madam Minister, and I got support from the majority of them on their behalf, although they did take the time to say that there are some other things that we would like you to talk about. And some had to do with insurance and some had to do with other statutes like The Education Act and The Tobacco Tax Act, and they took the liberty of doing that as well.

But I do have some questions regarding this Bill. And I understand this Bill is supposed to aid Saskatchewan's trucking industry. Could you please outline how this would be an asset to them? Would you explain that to us, please.

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes, I'd be pleased to answer that question. What this Bill does is it simplifies the process that truckers have to go through in order to report their fuel taxes. There are 350 truckers in the province who will benefit from this change. And I think it's part of our broader commitment to business to try to get rid of unnecessary regulation, unnecessary red tape, and make their lives easier for them by simplifying the process. And that's essentially what this does.

**Mr. Martens:** — Would you explain the process to the House for me, please.

**Hon. Ms. MacKinnon:** — What occurs is that truckers register with the government. The cost is a \$65

registration fee and a \$2 decal fee. Then they do not have to keep track of the taxes they owe to the many jurisdictions that they might travel through. They report to us quarterly, we keep track of all of those details, and it means a lot less paperwork and time for the truckers involved.

**Mr. Martens:** — How does the process of remission of the tax occur? That's kind of where I was leading to. The process that they have to substantiate to the Department of Finance the miles that they drive within the framework of the province, and then they submit and remit back to the province those volumes of dollars in taxes. And if there is anything more than that, I'd like you to explain that as well.

**Hon. Ms. MacKinnon:** — Mr. Chairman, I think the member has a good understanding of what the Bill does. They remit everything to us and then we distribute it to the jurisdictions that need to be paid for the fuel tax.

**Mr. Martens:** — So if trucker A fills up in Regina, he can fill up his whole fuel tank. There will be no tax collected on the basis that the fuel is purchased here. And if he drives into Manitoba, the tax will be paid and distributed by you as a part of the distribution to that jurisdiction for the volume of tax dollars. Do I have that correct or is it different than that?

**Hon. Ms. MacKinnon:** — Mr. Chairman, no, that's not exactly correct. He or she pays the tax in the jurisdiction in which he or she is driving the truck. But the requirement is that the trucker has to pay the amount of tax equivalent to the driving done in that province. So there is obviously often an imbalance where you actually are purchasing, say more fuel in this jurisdiction and paying more tax in this jurisdiction than you're actually driving in this jurisdiction.

So it becomes a very time-consuming and bothersome task to keep track of how many miles you drove in that particular jurisdiction, how much tax did you pay in that jurisdiction. So they pay the tax at the time but it's left to the government to sort out the distribution after the fact rather than the trucker having to do that.

**Mr. Martens:** — Then how do you assess how many miles have been driven and how much fuel has been consumed in Saskatchewan and Manitoba? Manitoba will be doing the same thing for you. Now how do you assess that volume of tax dollars that will accrue to you, let's say on a Manitoba truck that came through Saskatchewan and had the tax paid in Manitoba and had to deliver tax in Saskatchewan?

**Hon. Ms. MacKinnon:** — Well, Mr. Chairman, when they report to us they have a log of their journeys so that we know the miles and then they also have the receipts of the tax purchased in that jurisdiction. So in a sense what they're doing is they're passing all of their information on to us and we are dealing with the other jurisdictions, and I think doing a very important job of cutting the red tape involved and making it easier for that business to operate in our province.

**Mr. Martens:** — Does this same rule apply to Manitoba and Alberta and Ontario? Is this an interprovincial agreement, and if so, do they all do the same? I'd like to know that.

**Hon. Ms. MacKinnon:** — It applies only in member jurisdictions. So that in the case of Alberta, yes, it would apply in Alberta because Alberta is a member. In the case of Manitoba, it would not apply in Manitoba because Manitoba is not a member. Alberta is a member, as are 26 other states.

And I think that's one of the reasons it's so important for people of the province to be aware of what we're doing here, because we are the second jurisdiction in Canada to actually take this action. And we believe that in a very short period of time all provinces and the vast majority of the states will become members.

**Mr. Martens:** — Is the difficulty in having this process move forward for an interprovincial agreement difficult because of the original . . . or the origins of some of the trucking companies? Or is it to do more with the inability of the other governments to move forward on it?

**Hon. Ms. MacKinnon:** — Well, Mr. Chairman, I think it shows that this government is just more dynamic in getting its act together, because there's no real problem. Other governments could proceed the way we are. It's just that they have not done so, and we expect them to follow suit.

(1445)

**Mr. Martens:** — Did you meet with a trucking association in the province to discuss this and bring this to this conclusion?

**Hon. Ms. MacKinnon:** — We certainly have, Mr. Chairman. We certainly have had consultations with the trucking associations in the province.

**Mr. Martens:** — Is this something that the minister is looking at doing and suggesting to the other Finance ministers, that they bring forward this so that it helps our trucking industry in Saskatchewan to have the same impact and benefit accruing to them when they originate the supplies here and move it to Ontario, for example?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes, we are encouraging other provinces to follow our example here.

**Mr. Martens:** — The Bill, Madam Minister, in section 25.2 states:

. . . the minister may:

(a) participate in arrangements or programs respecting the interjurisdictional administration and enforcement of the tax or similar taxes imposed by other jurisdictions inside or outside Canada; . . .

Just what sort of arrangement and programs is this clause speaking of?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the arrangement is the international fuel tax agreement.

**Mr. Martens:** — Are there any administration costs that the minister is removing from the truckers and placing it on the Department of Finance? Is there any cost involved in doing this as a benefit to the trucking associations?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the estimated cost of this program is \$100,000 for the administration of the program. The fees that we will be levying will recover about 50 per cent of that cost, so that the department is redirecting another \$50,000 to cover the administration costs that are in excess of the fee for service.

**Mr. Martens:** — Did you say 15 or 50?

**Hon. Ms. MacKinnon:** — Mr. Chairman, five zero.

**Mr. Martens:** — Section 25.3(1) deals with a minister paying other jurisdictions inside or outside Canada, that part of the tax collected under this Act. What happens to these revenues? Are they held for a period of time until that jurisdiction requires them? Is it paid quarterly, semi-annually, or what?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the fees are paid quarterly, so we keep track of the material. And then every quarter we pay what we owe to the other jurisdictions as they pay what they owe us.

**Mr. Martens:** — On an annual basis, have you projected what the volume of dollars that will be sent to other jurisdictions will be?

**Hon. Ms. MacKinnon:** — Mr. Chairman, well as the member opposite would understand, seeing as this is the first time we've done it, we can't be absolutely accurate. But the sort of estimate we'd be looking at would be, the high end, \$2 million changing hands in one way or another.

**Mr. Martens:** — Do the other jurisdictions have a cost recover similar to yours in providing the funding to the Minister of Finance in Saskatchewan?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer is yes.

**Mr. Martens:** — Could you give a brief explanation to additions under section 25.4 (1) to (3), regarding the minister issuing licences to carriers and imposing any terms and conditions that the minister considers appropriate on a licence. Why is this necessary?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer to that is the international fuel tax agreement is a standard agreement. All jurisdictions joining the agreement automatically put in place the regulations or the language contained in the agreement. And that

is just part of the standard language in the agreements.

**Mr. Martens:** — Would you be able to provide for the committee a list of the American states that have joined the agreement. And I assume that Alberta and Saskatchewan are the only two in the agreement.

In addition to that would you . . . I believe this is necessary to be done, in fact I've thought this for a long time already, as a part of streamlining things. My wife's family has been involved in the trucking industry across Canada for many, many years. And in fact the tax structure originated, where each province is allocated their funding based on fuel and the volume of fuel consumed relating to the miles driven in a province, was probably somewhat originated by people in Manitoba, where my family worked. And that is . . . it's interesting to note that Manitoba isn't a part of it at this point, and I find that really interesting.

But having said that, I'd like to know all of the jurisdictions that are involved. And has the minister encouraged the interprovincial stabilization or putting in a level playing-field across Canada so that our truckers in Saskatchewan have the same benefit accruing to them in other provinces, and encouraged other provinces to deal with that in a way that is going to give them a level playing-field?

My concern in this matter is that the people in Ontario would perhaps get an advantage because many of the major trucking companies are out of Ontario, and they would or maybe do get an advantage the way they operate their business in relation to Saskatchewan, their independence and other things like that.

So I wouldn't mind if you'd comment on a few of those things.

**Hon. Ms. MacKinnon:** — Mr. Chairman, to answer some of the questions that the member opposite asked, yes we will definitely get you a list of the 26 states, and you are correct when you say that in Canada only Alberta and Saskatchewan are members.

With respect to other jurisdictions, yes, we are encouraging them to standardize these sorts of procedures to make it easier for the trucking industry. And we are in regular consultations with the trucking industry and other industries to see of ways in which we can smooth out their operations and streamline them for them.

**Mr. Martens:** — Is this a matter that I should raise with the Minister of Highways as well, to have him in interprovincial discussions, deal with the issue?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes, I think that would be a very good idea.

**Mr. Martens:** — Madam Minister, the Bill also states that you will be able to set forth duties, obligations performed by the carrier, the consequences, and any other matters that the minister considers necessary or appropriate.

Is that in the agreement that is among the 26 states and the two provinces?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes that is.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 16 — An Act to amend The Revenue and Financial Services Act**

**Clause 1**

**Mr. Martens:** — Madam Minister, under the explanatory notes under section 47(3) it lists the situations under which a person may be deemed liable. We understand the last one, directors' liability, since that is what the majority of the Bill deals with. Could you go through and clarify other conditions and explain how they relate to other provisions of the Bill? For example, failure to comply with a third-party demand, failure to account for amounts wrongly collected, and failure to obtain a clearance certificate.

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer is that this is a technical amendment or technical wording recommended by the Department of Justice to ensure that we can pursue our end here, which is the end of ensuring that we can collect the tax.

**Mr. Martens:** — The directors' liability is there in certain circumstances, and I understand why that would be. But in the failure to account for amounts wrongly collected, why would you want to have that circumstance, that the directors would be liable for that?

**Hon. Ms. MacKinnon:** — Mr. Chairman, I should clarify to the member opposite that the particular section he is talking about has nothing to do with directors' liability. This is a separate issue.

**Mr. Martens:** — What provision . . . what specifically, under the provision about failure to account for amounts wrongly collected, what is the procedure for determining amounts wrongly collected?

**Hon. Ms. MacKinnon:** — Mr. Chairman, maybe the best way to explain that would be to give you an example. The issue is, if in fact tax is collected on something that should not be taxed. Let's say that a tax is collected on children's clothing in the province of Saskatchewan. Without this provision, we have no authority to go in and say to the person who has collected the tax, give us the tax so we can give it back to the individuals who should not have paid the tax.

So it gives us the authority to remit the tax that has been wrongly collected to the people who should have the money back.

**Mr. Martens:** — Under section 48(1), the liability is

put back to the directors and they are only excused from that liability if due diligence is put forward by the directors. And I understand that this is for many taxes collected. It's not only for E&H (education and health), it's for liquor, and those.

In dealing with this, and it deals with bankruptcy and liquidation of assets and all of those kinds of things, how do you go about proving due diligence?

(1500)

**Hon. Ms. MacKinnon:** — Mr. Chairman, maybe I should preface my answer by making one very strong point here, because I know that when you talk about directors' liability, this can cause concern.

Directors are only liable if in fact the corporation has collected, say, the E&H tax. So they've taken it from the consumer, they have it, and they have not passed it forward on to the government.

Directors are not liable for any taxes the corporation may owe. Let's say the corporation gets into financial difficulty and the corporation owes taxes of another kind — let's say income tax or whatever. The directors are not liable for that. They're only liable for taxes which they have collected from consumers in good faith and have failed to pass those taxes on to the government.

Now with respect to due diligence, the criteria would be, have the directors taken any reasonable actions to ensure that they are informed of the operations of the company. And if they have done that and they have shown that they have taken every reasonable action, then they would not be liable.

**Mr. Martens:** — My question to you, Madam Minister, under which of the taxes that you're going to be collecting under the revenue Act, in all of these, which is the greatest amount of concern to the minister?

**Hon. Ms. MacKinnon:** — Well, Mr. Chairman, the education and health tax would be the one that is of major concern, because of the taxes collected by the province — rather than the taxes collected by the federal government — the taxes collected by the province, this is the largest tax that we collect.

**Mr. Martens:** — Maybe I didn't explain myself quite right. I was asking you which of the agencies that you . . . under the revenue Act, you have nine different tax Acts and you asked for compliance under this new Bill. And in which ones of these do you or have you had the greatest degree of concern, not only in dollars, but in volumes of actions taken where you have had to deal with these?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer still is the education and health tax.

**Mr. Martens:** — Fuel tax is a long ways down, and the one I was really thinking is the liquor consumption tax. Is that not a significant one?

**Hon. Ms. MacKinnon:** — Mr. Chairman, again the answer would be essentially the same. It's the E&H tax way up by itself, and the other taxes are of lesser concern.

**Mr. Martens:** — Is there a method or a hierarchy of taxes in which you collect first, or do you go after the whole gamut — like we're talking about a bankruptcy or a liquidation. Do you have a receiver involved? Where do you put the assignment to? And I would expect too, Madam Minister, that the penalties on some of these are different than others. Or if that is not the case, would the minister explain that too.

**Hon. Ms. MacKinnon:** — Mr. Chairman, no, we do not have a hierarchy. When we collect the taxes we treat them all in a similar manner and the penalties are uniform.

**Mr. Martens:** — The due diligence is a matter that I think is of utmost importance to discuss. And due diligence on the part of the estimation of the Department of Finance may be different than the due diligence in relation to a corporation, especially if the corporation goes bankrupt and the directors are still liable. And would the efforts on one single individual to have the taxes paid in a corporation that has 10 directors, would that individual's due diligence be sufficient in order to offset the requirement by the corporation to have paid its taxes?

**Hon. Ms. MacKinnon:** — Mr. Chairman, it won't be left to the Department of Finance to determine what is due diligence. There is an adequate body of case-law there that establishes what due diligence is.

But I think that the thing for the average person who might be concerned about this, I think there's two issues. First of all, they will not even be considered as being liable unless they are in the situation in which their company has collected a tax like the education and health tax, taken that tax from the consumer, has held the tax, and has not passed it on to the government. So they have to be in that unique situation in order to even be concerned about this legislation.

And I think the other general principle that should reassure the average person is in law, the principle is essentially what would a reasonable person have done. And if they have taken every action that a reasonable person would have done to ensure that the tax that was collected from the consumer was in fact passed on to the government, then they should not have any problems here. If in fact the corporation withholds the tax and the person has done, as a director, everything reasonable for a director to have done, they will not be considered liable.

**Mr. Martens:** — That's right. You took an easy one and I'll give you the hard one. Where you have a business that sells to a person or a group of people that are tax exempt on certain issues and then have a . . . you come in and do you prove to these people that first of all that they had a right to deduct the tax or have the individual pay on one hand and the other

individual not pay?

For example, you can go into a machine shop and if you are a farmer you can put your land number down on the piece of receipt and you can have . . . you don't have to pay the tax. On many occasions these people have had a considerable amount of discussion as to whether the item that was sold to the individual who was tax exempt was in fact a tax exempt item. And under those circumstances, where does due diligence come in? And that is the kind of question that I'm asking.

**Hon. Ms. MacKinnon:** — Mr. Chairman, I will make two responses. First of all, a lot of what the member opposite is talking about falls under the regular audit process, so when an auditor comes around, those issues would be raised.

But again going back to the basic point, it is what a reasonable person would do in that particular situation. And somebody would not be deemed guilty . . . In order to be guilty, you have to know that you are committing an offence. You have to understand that in your mind. And if in fact the person was not aware that somebody was being exempted, that they'd really thought the person should not be paying tax and gave them that exemption, then they're obviously not guilty. They've done everything reasonable.

Or if you put it the other way, if somebody should have paid tax and didn't, or tax was collected from somebody that should have been exempt, the same principle applies. Did they do everything reasonable to inform themselves? And if in fact they thought that this was perfectly legitimate and legal, then they would not be liable.

**Mr. Martens:** — Madam Minister, it isn't quite as simple as that. A piece of steel cut in a machine shop, that is cut, has to have tax paid on the service provided; the steel is exempt I believe in certain areas. So then what you have is you have a matter of discretion. Was this steel cut when it was manufactured or was the steel cut by the individual? Is the service provided tax exempt?

Now that's what the dynamic . . . Now the business goes under and it's a bankruptcy. You have people who have decided on the basis that this was exempt and this was not exempt; they collected the tax. And then where does due diligence come in? For a member of the board of directors who are perhaps somewhat arm's length to this, where does due diligence on the part of the directors come in, in the liability that they are required to pay? That's the question I have.

**Hon. Ms. MacKinnon:** — Mr. Chairman, the example that the member opposite cites would not be covered by this Act. This Act would do nothing to alter the scenario or to affect the scenario that the member opposite is talking about.

All this does is it says, in fact tax, the whole accumulation of the tax that a company collects on

behalf of the government from consumers, if that is not passed forward to the government and that the director should have been aware that this tax was collected, should have been aware that the tax should have been passed on to the government, and in that sense was negligent because did not take any action to ensure that occurred — whole aggregate of the tax — then that director is liable.

But in terms of the details of the administration of the company and who collects tax on whom, this legislation does not . . . it does not cover that. And directors are not deemed to be involved in the details of the company to that degree.

**Mr. Martens:** — Well, Madam Minister, I don't want to be difficult with this but I just want to understand this. The matter is fairly significant because the majority of these small businesses are right across this province and they don't deal with big corporations. They deal with a husband and wife; they deal with a husband and a wife and a son or a daughter, and that sort of thing.

So you have the dynamic that some of these people are making decisions about taxable items, non-taxable items, and the conflict that exists even in the department now in assigning them, is at times taken to court to get a resolution on how that exists.

You take that situation and then you add liquidation and bankruptcy, and then you go to the next situation when that individual might have or might not have acted in good faith, and given reasonable evidence that he acted in good faith, and then you have an additional member of the board of directors who stands on the outside. Is he also liable for the activities of the company, when the company did not even know for example that they were acting out of step with the rules and regulations of the Department of Finance?

**Hon. Ms. MacKinnon:** — Mr. Chairman, no. The answer to that question is that person is not liable for that.

**Mr. Martens:** — Okay, then I have another question about liability. If you have half a dozen people who are members of the board of directors, is one person held liable for the lack of due diligence or are they all equally held liable for a lack of due diligence?

**Hon. Ms. MacKinnon:** — Mr. Chairman, no. Not all directors will be held liable. It depends on what the actions of the directors are. Let's assume that you and I are both directors of a company, and we're both made aware of the fact that the company has collected the E&H tax and has not passed the tax on to the government. I write a note to the president or the CEO (chief executive officer) of the company and say, it's come to my attention that this has occurred and I think we should do whatever to ensure that the tax is passed on, and you don't. I think you would be in a position where you would probably be a candidate for being liable and I would probably be a candidate for not, because I took reasonable action when I was

presented with reasonable information.

So the standard will vary depending on what the actions of the directors are.

(1515)

**Mr. Martens:** — Under section 48.1(8), this clause stipulates that payments made by directors may be applied according to the formula set out in the pre-existing section 86 of the Act. For the sake of the House, would you be able to explain what that formula is?

**Hon. Ms. MacKinnon:** — Mr. Chairman, that provision merely allows us to take the receipts that we get and apply the receipts first of all to penalty, interest, and then to the principal.

**Mr. Martens:** — If the first part of the payment is to the penalty, then the next part is to interest, it's not prorated in any way? It's penalty first, interest second, and then principal third?

**Hon. Ms. MacKinnon:** — Mr. Chairman, that's correct.

**Mr. Martens:** — If the company is in receivership, is it still the same?

**Hon. Ms. MacKinnon:** — Mr. Chairman, that's correct.

**Mr. Martens:** — And how does the minister's office deal . . . or the department deal with uncollectibles under those circumstances?

**Hon. Ms. MacKinnon:** — Mr. Chairman, that's a very good question because one of the concerns the province has is, because of recent changes made in Ottawa with respect to bankruptcy, the province's ability to recover has become more difficult. And if we have difficulty recovering, eventually of course we end up having to write off the account.

**Mr. Martens:** — Is there a process for this write-off or is it held in the books? And is there an opportunity to go to the boards of directors of these and get the tax out of them?

And if we want to go to a real big one, why don't we talk about something that's outside the province and go to Principal in Alberta where they're going after some of the principals in the company. Are they then going to be gone after like we talked about before where there could be proven that there's no due diligence?

**Hon. Ms. MacKinnon:** — Mr. Chairman, to the member opposite, yes. If in fact we know that the tax was collected by the company, not passed on to the government, and we know there is evidence of negligence of some kind by the directors, that they were aware of this situation, that they failed to act in the situation, and that they were aware that they should have acted, yes, we will go after the

individuals involved.

**Mr. Martens:** — In these nine different taxes that are collected, what is the total volume of revenue that you would anticipate coming in through the actions you are going to take today?

**Hon. Ms. MacKinnon:** — Mr. Chairman, I'm assuming that what the member opposite is asking is all of the changes that are being made today, not just a specific one. As a result of all of the changes being made today, we would expect to be collecting on an annual basis about \$4 million more than we currently collect.

**Mr. Martens:** — And each one of these will be . . . There'll be lots of numbers, you said, or lots of individual items or individual businesses that you'll be collecting from. And you mentioned also that E&H was the largest one that would be collected. And I would guess that there will be businesses that will do a lot of business and there'll be businesses that do a small amount of business.

Your fines range from 5,000 to 25,000. Is that reasonable in light of the volumes that . . . You were talking about \$4 million. Is \$25,000 fine reasonable under certain circumstances? Under nine Acts that you're collecting money on and you're dealing with collectibles of \$4 million, in anticipation of \$4 million collected, is \$25,000 fine in a reasonable category in relation to that volume of dollars?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes, that \$25,000 figure we believe is reasonable, and I would cite two reasons to the member opposite.

First of all it's a small minority of companies that are going to be affected; who are going to actually end up having to pay that sort of penalty. Our estimate is about 1 per cent of all companies operating.

The second point is that the \$25,000 figure is comparable to what is occurring in other jurisdictions at this time. So we feel that we are very much within the range of what is happening elsewhere.

**Mr. Martens:** — Madam Minister, you have the right to waive penalties and interest. Can you give me some circumstances that are going to dictate to you, what kind of circumstances they're going to be, that you can waive penalties and interest?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes. An example would be something like this: the proper taxes were paid at the proper time, but when the information was made available, we found that in the company there had been a sickness that had affected some of the members and had basically meant that the company was not operating the way it would have if the sickness had not occurred.

Some other disaster of that kind — a natural disaster or tornado had come through and devastated the company and we were not aware of that when we said, you know, you owe us these taxes by this

particular date. So it's situations like that in which the penalties would be waived.

**Mr. Martens:** — Well one case where it might happen is where you have a fire that destroys a facility and inadvertently all the records are lost as well. And those are the circumstances you're suggesting, I assume?

**Hon. Ms. MacKinnon:** — Yes, Mr. Chairman, the member opposite is correct.

**Mr. Martens:** — It then makes some adjustments as to when interest and penalty payments begin. It goes back to the due date. Can you give me an idea? Is it the day that they're collected or that the day that they're to be remitted?

**Hon. Ms. MacKinnon:** — Mr. Chairman, it goes back to the day that they were to be remitted.

**Mr. Martens:** — Are all of the time lines on these nine revenue Act items of the same time line or are they all different?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes, they're generally the same.

**Mr. Martens:** — Section 65.1 says that this section allows the government to recover amounts collected under the false guise of being a tax. Would this not already be covered by laws relating to fraud? Could you answer that for me?

**Hon. Ms. MacKinnon:** — Mr. Chairman, yes, the member opposite is correct. But what this does is it means that we do not have to go to court. This gives us the statutory power to act.

**Mr. Martens:** — To act to take the money, or to act in relation to fraud?

**Hon. Ms. MacKinnon:** — Mr. Chairman, to the member opposite, no, the government would not be able to act with respect to fraud. It would just allow us to take the money back.

**Mr. Martens:** — There is another item under this Bill that changes the . . . the previous version of this section stipulated that third-party payments could be made to the minister or his designate. And now it reads, the minister. Why did you do that?

**Hon. Ms. MacKinnon:** — Mr. Chairman, the answer to the member opposite is that in the initial instance, minister or designate, it should have just been minister. There should not have been "or designate" there. So what we're doing by this change is ensuring that it is accurate.

**Mr. Martens:** — The last item I have deals with fax machines, and the section 83(1)(c) says this section broadens the methods by which a document or notice may be served to include fax machines. We of course think that's a good idea. But I just received a bill in my office from London, England, for 1,200-and-some dollars for paper that I had bought some time earlier



on. I've never heard of the company . . .

**An Hon. Member:** — You should pay your bills more promptly, Harold.

**Mr. Martens:** — If the member from Churchill Downs wants to get into the discussion, you go right ahead. But we were having a very good discussion here with the Minister of Finance.

**An Hon. Member:** — Sorry to interrupt.

**Mr. Martens:** — No, you're not.

Anyway, the fax can make some significant errors not only to providing information but to the wrong location. The fax number was not accurate, but it was sent to the correct address. So then you have a bill that is assigned and delivered, and is assumed to be delivered when it goes to the wrong place. In that way, I think that we have to be very careful how we deal with this in light of some of the circumstances that could exist.

And I would ask the minister to explain to the Assembly how you're going to deal with the fact that the fax actually was received by the individual and that the individual was the correct person to have received it.

**Hon. Ms. MacKinnon:** — Mr. Chairman, to the member opposite. I first of all would hope that whoever does owe \$1,200, you remind them to pay the E&H tax on the paper.

But to be serious and to answer your other question. We will not be serving key documents by fax, because the member opposite is quite correct. If in fact the information goes to the wrong party, then you can have somebody who should be paying or should be attending to a matter and they don't do it.

So what we will do is, if it's an essential document that requires the attention of the individual, we'll send it by registered mail.

**Mr. Martens:** — I'm glad to hear that. I know that fax machines run out of paper as well, and you could get a notice that's from the Minister of Finance and not have any other information on the document and that could . . . I don't think there'd be too many people willing to phone you up and ask you what the message really was.

So I want to say too, to you and to your staff, Madam Minister, I appreciate the opportunity to have had the discussion on these three Bills, and I look forward to doing other business with you in the very near future as it relates to interim supply. And we will be seeing you again. And thank you for your staff coming in.

(1530)

Clause 1 agreed to.

Clauses 2 to 15 inclusive agreed to.

**Hon. Ms. MacKinnon:** — Mr. Chairman, before I do that, I would like to take this opportunity to thank the officials, and I would also like to thank the member opposite for very good questions and a highly civil tone to the discussion.

The committee agreed to report the Bill.

### THIRD READINGS

#### Bill No. 15 — An Act respecting Certified General Accountants

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

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

#### Bill No. 14 — An Act to amend The Fuel Tax Act, 1987

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

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

#### Bill No. 16 — An Act to amend The Revenue and Financial Services Act

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

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

### SECOND READINGS

#### Bill No. 41 — An Act to amend The Registered Psychologists Act

**Hon. Mr. Calvert:** — Mr. Speaker, I am pleased to stand today to move second reading of The Registered Psychologists Amendment Act, 1994.

Mr. Speaker, we have been working closely with the Saskatchewan psychological association on this amendment to the legislation. The current Act allows masters degree psychologists working for government or the school system to use the psychologist title. However, under a reformed health system, psychologists currently employed by Saskatchewan Health will be transferred to the health districts and under the existing Act would therefore no longer be able to refer to themselves as psychologists.

Mr. Speaker, this amendment will resolve this situation by allowing masters degree psychologists employed by the district health boards to continue to refer to the psychologist title. This title protection will also be extended to psychologists employed at the University of Regina, as it already covers psychologists employed by the University of Saskatchewan.

While the actual devolution, Mr. Speaker, of a psychologist's staff to the districts is still several months away, this amendment will help ensure a very smooth transition.

Therefore, Mr. Speaker, I am pleased to move second reading of this Bill, an Act relating to psychologists.

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

**Mr. Toth:** — Mr. Speaker, from the minister's comments, I would take it that this is more a Bill technical in nature. However, I think it appropriate that we take a bit of time to peruse the Bill before we enter into further discussion; therefore I move adjournment of debate.

Debate adjourned.

#### **Bill No. 42 — An Act to amend The Physical Therapists Act, 1984**

**Hon. Mr. Calvert:** — Mr. Speaker, I am pleased today to move second reading of The Physical Therapists Amendment Act, 1994.

Mr. Speaker, this amendment will allow physical therapists to assess and treat patients without a physician referral. A further amendment is proposed to improve public accountability by requiring the association to submit an annual report to the Minister of Health.

Mr. Speaker, this government concurs with the Saskatchewan college of physical therapists and the Canadian Physiotherapy Association, that physiotherapists should be allowed to assess and treat patients without a physician referral.

Mr. Speaker, a referral in certain circumstances is an unnecessary expense to the health system and in some ways denies the public access to primary health care. Of course, Mr. Speaker, if required, the therapist can request that the client see a physician. And in many cases the public will continue to seek a physician's opinion before beginning a physiotherapy.

Mr. Speaker, I want to note today that the College of Physicians and Surgeons of Saskatchewan and the Saskatchewan Medical Association both support this amendment. This amendment, Mr. Speaker, is consistent with physiotherapist legislation in Prince Edward Island, Quebec, Ontario, Manitoba, and British Columbia, and with legislation currently being pursued in the remaining other provinces.

Mr. Speaker, this amendment complements current health reforms which are intended to increase the public's accessibility to basic health services in community settings. This amendment will be an important component in restructuring and strengthening the delivery of physiotherapy services in the province.

I am therefore, Mr. Speaker, pleased to move second

reading of this Bill, an Act relating to physical therapists.

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

**Mr. Toth:** — Thank you, Mr. Speaker. It would appear that Bill does have some significant change to it. There's no doubt that physical therapists would be more than pleased with the intent of the Bill.

The Minister has indicated that there's been ongoing discussion with the college and some of the medical profession. I also think that the public in general, when you look at many cases, when you're facing physical therapy or needing treatment of that nature, may find that the process presently involved of seeking medical advice and then being referred, in a lot of cases, tends to delay that process and tends to delay the therapy.

However, Mr. Speaker, I think it would be only fair for us to take a little more time as well, and my colleague, the critic, to review the legislation before we proceed further. Therefore I move adjournment of debate.

Debate adjourned.

#### **Bill No. 43 — An Act respecting the Licensing and Operation of Medical Laboratories**

**Hon. Mr. Calvert:** — Mr. Speaker, I rise to move second reading of The Medical Laboratory Licensing Act. Mr. Speaker, this Act replaces The Medical Laboratory Licensing Act which received Royal Assent August 25, 1989.

The original Act was supported on both sides of the House as an important measure to improve and maintain high standards of diagnostic laboratory testing. This new legislation builds on those significant accomplishments and addresses administrative and organizational concerns that stakeholders have raised about the laboratory licensing process.

Mr. Speaker, the existing Act established a medical laboratory licensing board, with a mandate to license laboratories based on standards of quality and assessment of need. This mandate made the board operations very cumbersome and stakeholders have expressed concern about the whole licensing process.

And so, Mr. Speaker, the Department of Health and the College of Physicians and Surgeons, with input and assistance from many other stakeholders, jointly reviewed the laboratory licensing process and administrative structure. This revised legislation reflects the consensus that was reached on how the laboratory licensing process can be best administered in our province.

With this new Act, Mr. Speaker, the medical laboratory licensing board will be absolved and licensing of laboratories will be the responsibility of the Department of Health.

The legislation also creates an accreditation program to establish quality assurance standards. The legislation then empowers the department to delegate the operation of this accreditation program to a third party. And, Mr. Speaker, I'm pleased to say that the College of Physicians and Surgeons has agreed to undertake this responsibility. The college will therefore establish a standards of quality assurance, including standards related to qualifications of staff, testing methods, procedures and equipment, and accuracy and reliability of test results.

With this legislation, Mr. Speaker, standards of quality assurance for laboratories will be developed by experts in the laboratory field.

Criteria for licensing decisions pertaining to need will be developed in consultation with stakeholders.

Mr. Speaker, I believe that this new Act will ensure the provision of quality laboratory testing and rational, cost-effective, and efficient delivery of all laboratory services across our province.

Therefore, Mr. Speaker, I am pleased to move second reading of The Medical Laboratory Licensing Act.

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

**The Speaker:** — Before I recognize the member for Moosomin, I do want to remind members, especially experienced members, that when the Speaker is in the Chair anything other than water is not permitted for members to drink. And I do want to remind the member from Regina Churchill Downs of that fact.

(1545)

**Mr. Toth:** — Thank you, Mr. Speaker. Mr. Speaker, as we reviewed the Act before us, The Medical Laboratory Licensing Act, it's interesting to note the ongoing debate that has taken place in the province over the last year and a half to two years regarding public and private labs.

I think, Mr. Speaker, most people would certainly indicate and agree that it is only fair that we have proper and sound regulations regulating the licences of medical laboratories in our province, be they public or private. And I think that there are a few concerns and ideas we'd like to discuss with the minister as we get into further speeches in the adjourned debate process and in committee.

And therefore at this time I move adjournment of debate.

Debate adjourned.

#### **Bill No. 44 — An Act respecting Chiropractors**

**Hon. Mr. Calvert:** — Mr. Speaker, I'm again pleased to rise in my place today to move on this occasion second reading of The Chiropractic Act, 1994.

Mr. Speaker, I'm pleased to say that we've been

working very closely with the Chiropractors' Association of Saskatchewan on a new Act for the last three years. The current legislation governing chiropractors in Saskatchewan is out of date and lacks the necessary tools for the association to effectively regulate chiropractors.

Mr. Speaker, this new Act is entirely consistent with newer health professional legislation in this province and I would like to highlight just some of the Act's features.

Mr. Speaker, the Act provides the association with the power to make by-laws. However, consistent with other regulated professions, by-laws that could affect the public will still require the approval of the Minister of Health.

The Act clarifies the association's responsibilities with respect to investigation and disciplinary hearings. The Act ensures that complaints of incompetence or misconduct are acted upon in an effective manner. It establishes investigation and discipline committees which have the authority to investigate complaints, apply to the courts for subpoenas, and levy a variety of disciplined penalties including fines up to \$15,000. As is standard with other professional legislation, the chiropractor will be able to appeal disciplinary decisions to the Court of Queen's Bench.

Mr. Speaker, a number of provisions have been built into the Act to make the profession more accountable to the public. For example, up to two public representatives may be appointed by the Lieutenant Governor in Council to sit on the board of the association.

Discipline hearings will no longer be automatically held behind closed doors. A public representative will be on the discipline committee. And in addition, the person who laid a complaint against the chiropractor will be entitled to attend the discipline hearing and will be informed of the outcome of their complaint.

Mr. Speaker, by this legislation the association will also be required to submit an annual report on its activities with Saskatchewan Health.

Mr. Speaker, it's important to note that no changes have been made to the registration requirements for members, and the title "chiropractor" will continue to be restricted to registered members.

Mr. Speaker, the Chiropractors' Association of Saskatchewan has been consulted on the Act and fully supports it. The College of Physicians and Surgeons of Saskatchewan, the Saskatchewan Association of Health Organizations, and the Saskatchewan College of Physical Therapists have also been consulted and are supportive. The Act adheres to the standard format for professional legislation and contains no provisions which have a policy influence on existing programs.

Therefore, Mr. Speaker, I am pleased to move second reading of this Bill, an Act relating to chiropractors.

**Mr. Toth:** — Thank you, Mr. Speaker. Mr. Speaker, regarding chiropractors, I find it interesting as we stand here in the Assembly today that the minister continued to refer to the fact of ongoing discussions with chiropractors, and we're quite mindful of the debate that took place two years ago regarding the fee structure change. And certainly in my constituency and many constituencies across the province of Saskatchewan, that fee structure change, Mr. Speaker, led to the elimination of a number of chiropractic offices.

In our discussions and as we continue our discussion with the chiropractic profession, Mr. Speaker, we intend to not only discuss the implications of the Bill with the association, but seek some advice from those individuals who may still be practising out in our area as to whether it affects them adversely or whether or not their association has taken the time to adequately consult with them as members of that association. And I trust the minister has in his discussions brought out that fact that they want to know that they're really hearing from the chiropractic association in general, the membership in general, versus just the people who are in direct positions of leadership.

Therefore, Mr. Speaker, at this time, to allow for greater consultation, I move adjournment of debate.

Debate adjourned.

## COMMITTEE OF FINANCE

### General Revenue Fund Social Services Vote 36

#### Item 1

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, welcome back to your staff. When you and I finished up a few questions the other day, there was a couple of things that I would have liked to carry on with you. So I think what I'll do is start there as near as I can remember what we were talking about.

And you and I were going through the numbers of clients and the numbers of people on social assistance. The number I wrote down, I think what you gave me was 78,993 clients. And that is the total people on the welfare rolls. Can you tell me, Mr. Minister, how many of those were Indians and how many were other?

**Hon. Mr. Pringle:** — We will have that — thank you — we will have that in just a minute for you if that's okay. You're not talking about the new cases based on the federal offloading, but just the total case-load numbers of aboriginal background.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, while your staff are looking for those answers, would you then . . . could you tell me how many of your total are designated poor?

**Hon. Mr. Pringle:** — Well if you're going by the official, the three sets of poverty line figures that are

generally accepted in Canada, I think it would be fair to say that all of them are considered poor, would fall below those poverty lines. In addition, a number of people who are working, a number of farm families, would fall below the official poverty line stats.

But to directly answer your question, all of them.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, what criteria are you using then?

**Hon. Mr. Pringle:** — We're talking about the low income cut-off lines of StatsCanada.

**Mr. Britton:** — Thank you, Mr. Chairman, and Mr. Minister. That's what I was wanting to know, if you were using that or whether you were using the StatsCanada.

Then could I ask you this question. If you're using that to designate someone who falls under the category of poor or under the poverty line, do you have a differential if two people, one falls under that designation and someone does not meet that, is there a differential in the remuneration they get from your department, one who is designated poor under your terms and one that you may say is not poor?

**Hon. Mr. Pringle:** — The answer to your question is no. We look at needs versus income, based on the allowances that are determined.

Could I answer your original question about the number of families from aboriginal backgrounds? On our case-load, that is the 39,000 cases, there would be approximately 9,000 treaty Indian families, or it could be individuals in some cases. And then when you include non-status and Metis families or individuals, it comes to about 14,500 of the 39,000.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, the 14,000 is clients — and that's not numbers; that's the cases. Could you tell me then the numbers involved in those 14,000 cases?

**Hon. Mr. Pringle:** — Approximately 30,000 of the 78,000 total beneficiaries.

**Mr. Britton:** — Thank you, Mr. Chairman, Mr. Minister. Then I can just deduct 30,000 from the 78,000 and then I find out who falls under the category of others. I think that's the way it would work. Thank you then.

Mr. Minister, could you tell me how many of the total or what you would designate single employable people?

(1600)

**Hon. Mr. Pringle:** — There would be 21,000 out of the 78,000 who would be single employable.

**Mr. Britton:** — Mr. Minister, could you split that between male and female for me, please?

**Hon. Mr. Pringle:** — Thank you, Mr. Chairman. We do not have the gender breakdown at the moment. We're working at it, and as soon as we can, we will get it to you if that's okay.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, that's quite acceptable. You can pass that over or let me know when you get it. We'll develop that a little further when I get those numbers.

I want to go back to when my colleague was on his feet the other day, just to finish off this social assistance part of this. On Monday, the member from Souris-Cannington asked a number of questions of yourself regarding welfare abuse and made a reference to some abuse going on in his constituency. And at that time you stated, and I quote:

You have a legal obligation to report that under the Act and we would take that very seriously.

And that was on page 1055, *Hansard*, March 21.

Now in fact, members opposite accused my colleague of breaking the law because he did not report that abuse. I want to ask you, Mr. Minister, as a cabinet minister, you supported breaking the law regarding the salaries of judges, yet in this House you warn him about upholding the laws. How can you stand in the Assembly, Mr. Minister, and speak about upholding the law when you supported breaking the law? Are you not kind of speaking out of both sides of your mouth?

**Hon. Mr. Pringle:** — First of all, to come back to the man and the women breakdown, we'll give you the specific numbers, but I'm advised it's approximately 60/40 — 60 per cent men and 40 per cent women from your previous question.

I think if you recall the discussion from the other day between the hon. member from Souris-Cannington, which is my home area, we were sort of jesting a little bit about that. I think that was the context and that's my recollection, that I would never accuse him of that. We were in part joking a bit.

When I said a legal obligation, I really meant a . . . there's no theoretical legal obligation, technically, in the same way that there would be under The Family Services Act. I was meaning more of a moral obligation. If you know that, give us the name and we'll treat that very seriously. So that was the context as I recall.

And I would never accuse the hon. member of breaking the law. I want to make that very, very clear. I've got a lot of respect for that member and he's very well regarded by my family down there. And so I want to put that on the record very clearly.

**Mr. Britton:** — Thank you, Mr. Chairman. Thank you, Mr. Minister. I think my colleague will feel better, having your answer to that.

Mr. Minister, I would like to go from that into another

section, and that is we're going to talk about New Careers and home repairs. Now I understand you amalgamated New Careers with the . . . the Sask Works program is now integrated with New Careers.

Could you tell me — and I realize this does fall a little bit under Education and Training but I think it does come into your department to a certain extent — is this program wrapped up and is it under way?

**Hon. Mr. Pringle:** — Yes, we really don't have any detailed information about the operation of New Careers. As you know, they draw their pool of people requiring training in education and employment from people on assistance. But I would suggest that maybe those questions be raised with the Minister of Education because we just don't have the information. Sorry about that.

**Mr. Britton:** — Well thank you, Mr. Chairman. Mr. Minister, I realize that, and I mentioned that I realize it. But the program I think I'm talking about that does impact on your portfolio I believe is the home repair program under New Careers. Is that program working yet or is it still being developed?

**Hon. Mr. Pringle:** — We do not have specific information here with regard to the home repair program and New Careers. I have some general information about New Careers that I would be happy to try and provide if you want, but I don't have anything specifically related to the detail you're asking for because we don't have anything to do with that program.

**Mr. Britton:** — Thank you, Mr. Minister, and Mr. Chairman. Mr. Minister, one more question in that context then. In this program, what . . . does any of the funding for the home repair come out of your budget, or is it out of another department?

**Hon. Mr. Pringle:** — No, it all comes out of New Careers money.

**Mr. Neudorf:** — Thank you very much, Mr. Chairman, Mr. Minister. I just have one particular aspect that I want to follow up on following my colleague's discussion with you. It's very simple for me to be sitting back here listening and at the appropriate time butting in this way, and I appreciate the member giving me this opportunity.

Legal issues and breaking the law issues are an extremely sensitive point in this House right now, as you are well aware as well, Mr. Minister. But a comment that you made, I want a little bit of clarification on. And I know that you were not accusing the member from Souris-Cannington of breaking the law with the abuse. I'm talking about the abuse that you people were talking about just now, and that prompted me to get up and ask you this question.

You said, and I understood you to say, that just because he had not reported abuse as such, that that would not be breaking the law. In my understanding,

Mr. Minister, of The Family Services Act, is that it is incumbent upon every individual in society when he or she sees or suspects abuse, that it is your, not only as you suggested, moral obligation, but a legally binding obligation on every member of society to immediately report that abuse.

It is my understanding that whether you are a legislator, as we are here, or whether you are a teacher in a classroom or a nurse or a doctor or a policeman, particularly people who are in an authoritative type of position, that we have not just a moral but a legally binding obligation to report that abuse, particularly with the protocol.

And while you're answering that, Mr. Minister, perhaps you could give me an update on the protocol that we have in Regina, and I believe in Saskatoon, as far as reporting of abuse and obligatory notion that we do have that anyone suspecting abuse will report that, and is obligated, legally, to report that. Could you comment on that, Mr. Minister?

**Hon. Mr. Pringle:** — I just want to thank you for your question. I'm glad you raised that, because I want to make sure . . . I hope the record will show that I would make it clear that under the Saskatchewan Assistance Plan, the obligation would be a moral obligation. You're quite right and I fully agree with you, it is very clear that under The Family Services Act, it's a legal obligation. Abuse, financially in the one case; abuse against children in the other, which are very clear legal obligations. So that's what I hope I said and I want to just reiterate that. I think the record will show that. I hope it will.

But the protocol has not changed since the introduction of the Bill when you were minister, in terms of the investigations. It was a very good protocol and is still the protocol. And we evaluate it as best we can, and it is still working and in place, so I compliment you for your efforts in that regard.

**Mrs. Bergman:** — Thank you, Mr. Chairman. Mr. Minister, I'd like to welcome your officials again this afternoon on behalf of the third party. And I have a series of questions as well.

Mr. Minister, these are going to be interesting times for social programs, as I know both levels of government will be working on new horizons for many of the programs we have been dealing with for years. I'm interested in knowing just what interchange has gone on to this stage, and what your government's feelings are towards the approach that is being taken by the federal government with respect to reform of social programs.

(1615)

**Hon. Mr. Pringle:** — Thank you for that question. You're right — there certainly are going to be some challenging times but these are times for opportunities and we certainly were looking at a number of processes, evaluations that we've had underway. So in many ways we welcome, as I've said, we welcome

the opportunity on this federal initiative.

I've had the opportunity to meet with the minister privately and also with the Minister of Education, Training and Employment and our counterparts in Ottawa and we will be meeting again in April and in the fall. We are awaiting some definition of the principles from the federal perspective as the minister foresees them. And we have taken the approach in Ottawa — and with Ottawa — that any income security review, or any social policy review, has got to be done within the broader context of economic development, job creation, fair taxation policy, a good labour legislation, a good day care program, and all of the other support services that are required.

It can't just be focused on UIC (Unemployment Insurance Commission) and social assistance. It's got to be broad based and the time lines are tight. We're a little concerned about that, but we want . . . we need a clearer definition from him as to what scope he sees. So we're in frequent touch with his officials and we will be back discussing specifically our position in April.

**Mrs. Bergman:** — Thank you, Mr. Minister. Could you outline some of the directions your government would like to see happen in this interchange and reform of the system?

**Hon. Mr. Pringle:** — Well I think the things I would say at this point, and I think we've made this clear too, we want to make sure that the most vulnerable people, families in our society, our province, our country, are protected. And we want to make sure that we have a stable and predictable fiscal arrangement with the federal government. We want to make sure — and we're stressing the point — that the reform cannot be just simply an offloading exercise.

We want to make sure that the federal government — and we would invite your assistance here — we want to make sure that the federal government reassumes its responsibility for treaty families, which is what the treaty families want as well. And we want to make sure that the communities are involved in articulating the principles and the values upon which social programs should be built or income support programs should be built. Given those tight time lines, that's going to be a real challenge. But those are some of the principles, as we see them, at this point.

**Mrs. Bergman:** — Thank you. Thank you, Mr. Chairman. There were some changes to federal transfer payments under the past federal government which put some added responsibilities on the province with regard to payment of welfare to Indian people.

Can the minister quantify for the record and for the understanding of our members just exactly what those changes were and how they have impacted on this year's budget for Social Services?

**Hon. Mr. Pringle:** — To answer your question, the offloading that you refer to is results of the UIC

changes in April of 1993. And secondly, the treaty offload, is the terminology we're using, has resulted . . . between those two initiatives have resulted in about just under 10,000 new cases coming on assistance in Saskatchewan.

Now the net cost to the province, the net cost to the province after cost sharing is \$20 million. Now of course we want to reverse that; we will be supporting first nations people to reverse that decision. We need your help to do that.

Now the other concern we have, which is a bigger offload that worries us, is with the federal budget. Because unilaterally with the federal budget, a week after my trip to Ottawa, we've lost \$40 million, \$40 million to Saskatchewan people who are on unemployment insurance, by a reduction in the number of weeks that they qualify for benefits by an average of six to seven weeks, the northern half of the province, Saskatoon north.

Now that is a big concern to us because it takes \$40 million out of the Saskatchewan economy to start with; and secondly, that means that people will be coming on the provincial assistance case-loads earlier because their benefit weeks have been reduced.

So that is twice the amount from the recent federal budget of a month ago than the treaty offload from last year by the previous administration that you referred to. So we need your help as well in dealing with that because that has major implications for the province of Saskatchewan.

**Mrs. Bergman:** — Thank you, Mr. Chairman. Have you been in touch with the federal minister on this particular issue? And if so, what sort of interchange has there been?

**Hon. Mr. Pringle:** — Yes, I did raise this. I raised this with him privately; I raised this with the minister in the forum that we were in. I tried to find out what their changes would be because the federal budget was coming down next week, the following week. And I made it very — as did other provinces, by the way — and we made it very clear that this would create problems for us. And obviously he was not free at that point to tell us what was in the federal budget, but we alerted him that this would be a major concern to us.

And I think the way in which I raised it was that the goodwill that was established at this meeting — that is the federal-provincial meeting, and there was a lot of goodwill there and desire to cooperate and form federal-provincial partnerships in redesigning programs — I did not want the goodwill to be jeopardized by a surprise federal budget. And we were a little bit surprised at the magnitude of the UIC cuts to Saskatchewan, to put it mildly.

**Mrs. Bergman:** — Thank you. I guess what I was asking was: have you spoken with the minister or his department since the budget came down?

**Hon. Mr. Pringle:** — I have not personally spoken to

the minister. Our offices have been in communication with each other though, as we're planning for the upcoming meeting in April, yes.

**Mrs. Bergman:** — Can the minister tell us how much of the increased federal transfer payments that came from Ottawa this year are directed into the Social Services budget? In effect, which of the increases in the budget come as a direct result of increased federal transfers; and which, if any, decreases are the result of changes to federal funding arrangements?

**Hon. Mr. Pringle:** — Just to clarify for the member, the way the system works there really has been no increased federal transfer funding. There's not been an increase. The way the system works is that we put in a cost-sharing claim and then we're reimbursed for 50 cents of that dollar. For example, the treaty offload that we talked about earlier cost the province \$40 million, and we get 20 million of that back. We put in a claim for that, get 20 million of that back.

But overall, overall we've lost. Because where with the cuts to the UIC program where the . . . you know from the UIC program, we're providing all those benefits, we will now have to pick up 50 per cent of whatever benefits that there are by those people coming on assistance earlier, six to seven weeks earlier. So there is in fact a reduction from the federal transfer payments in this area.

**Mrs. Bergman:** — So what you're saying is the \$40 million you were talking about as offloading is really only \$20 million offloading because you get 50 per cent of it back.

But the question I was asking was, as I understand it, the federal government promised \$90 million to maintain and make sure . . . that was the extra transfer payments for this coming year?

**Hon. Mr. Pringle:** — Yes, you're referring to the equalization program financing, and the details of that I think would have to be . . . the question would have to be directed to the Minister of Finance.

We're really referring to the Canada Assistance Plan, which is the money that we're talking about under Social Services here. The money you're talking about is related to health and education.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I just kind of forget where we were when I . . .

**An Hon. Member:** — That's okay. Take your time, John, you'll figure it out.

**Mr. Britton:** — Yes, okay. But what I'm going to do, I have the report that you sent on the *Forging Responsible Partnerships*. That report is finished. It was started by the previous . . . the previous minister announced that the Department of Social Services would participate in the review. *Forging Responsible Partnerships: Human Services in Review* — that's now done? And that report that you gave me is the finished report? Could you tell us how much that cost?

(1630)

**Hon. Mr. Pringle:** — Approximately \$70,000.

**Mr. Britton:** — Well thank you, Mr. Chairman. Mr. Minister, you could have put on a weekend party for your . . . I think that's what it cost the Crop Insurance people, 70,000 for a weekend.

Now I understand, Mr. Minister, that the review is completed. Could you give us a report on that review at this time?

**Hon. Mr. Pringle:** — Yes, just to make a point here. This was part of the social policy reform that we . . . and the evaluation of how we're delivering the services. This was part of that in that, as you know, we contract services with a number of non-government organizations across the province. And we thought it was time for, I guess, some reflection on whether or not the partnership between NGOs (non-governmental organizations) and the government was still appropriate, what the relationship between the various non-governmental organizations should be, and what kind of a process we could engage in that would ensure that we are able to make future programs relevant, responsive, efficient, and effective, and so on.

So it was an act of opportunity to contract so that independently . . . an independent contract, so that communities and NGOs could feel free to reflect on services throughout the province. And basically the review has now been completed. I think all members of the Assembly got a copy. And I got a nice letter back from your leader, appreciating that as well.

The 70,000 includes the distributed copies, right? We distributed a lot of copies and they're included in that cost, distributed to all the agencies and individuals who were part of the review. And I have met with the task force who did the review. We're going to have another meeting in the near future with the deputy minister, myself, and the task force just to kind of debrief from that and just to see where we go from there.

But there are a number of recommendations that we're getting for you that are at the end of the report there. We'll get the summary for you. Although you've got the report there, I guess, do you? I'd be happy to try and answer your questions regarding any of the recommendations if you'd like to, but we're now assessing how we proceed with those recommendations.

**Mr. Britton:** — Thank you, Mr. Chairman, Mr. Minister. I have the report and I appreciate it. I haven't had time to run through it, but there's a difference between running through it and studying it, and I haven't studied it at all. It's quite a thick report and probably quite cohesive.

You mentioned \$70,000; in your opinion, did you get your money's worth for that report?

**Hon. Mr. Pringle:** — The short answer is yes. The number of hours and thought and reflection and so on that went into that was many times more than that.

But the key thing, I think, was that there were meetings around the province. We can get you the numbers on those. We'd be happy to provide you with that information. But involving people across the province and major consultations and research and drafting and we believe that it was money very wisely spent and allows us to sort of plan for the future and make some supportive decisions around the future role for community-based services which is our thrust in the child action plan and our youth plan and our general preventive, early interventive and supportive services in that initiative.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I think I worded my question wrong. I shouldn't have asked if you got your money's worth; I think I should have asked it a little differently. Probably I should have said, did you like the report, more so than that.

Anyway, I want to visit with you a little bit about a news item about social assistance recipients trashing their apartment. I'm sure you're aware of the case in Saskatoon where recipients trashed the apartment they were residing in. Can you tell us what action you're taking assisting the police's attempt to lay charges and handle that sort of thing?

**Hon. Mr. Pringle:** — Just to finish up on the report, yes your last comment there, rephrasing your question the way you did. I think that there are lots of challenges for us in that report and we'll just have to continue the consultations and the partnerships with community groups to try and meet those as best we can. So I think it's a good report but lots of challenges.

And with regard to your referring to the property damage question of people on assistance, I guess what I would say, that is generally speaking, as far as we know, and I think this is our experience, that the relationship between landlords and people on assistance is by and large very positive.

You know, in the few instances like you're talking about, this is very unfortunate, but we believe that this is the exception. We do not condone the behaviour of anyone who damages property and who would do that in any rental property anywhere. So we do not, from a starting point, we do not condone that.

I understand the frustration of landlords when this occurs. I think in situations like this there's always a rental agreement between a landlord and a tenant, whether people are on assistance or whether they're private arrangements in other ways. So there's no difference there for people on assistance. Social assistance clients, like anybody else, are responsible for the obligations that they take on, which includes their leases.

It's the Rentalsman's office that deals with



landlord-tenant disputes. And I would suggest that landlords need to pursue options there. Secondly, they can pursue options with insurance companies, in terms of extra insurance and so on.

So I guess that's kind of my position on this issue, that by and large, it works very well and landlords do have some options, as I've tried to point out.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I guess what I would like to know is, what do you do in a case like this to assist the police when they're faced with this?

**Hon. Mr. Lautermilch:** — Mr. Speaker, leave to introduce guests?

Leave granted.

### INTRODUCTION OF GUESTS

**Hon. Mr. Lautermilch:** — Thank you very much, Mr. Chairman. Mr. Chairman, I would like to introduce to you and to members of the House a friend of mine from the Prince Albert area, as a matter of fact from north of Prince Albert. Gene Kimbley has been a person that I've known for a number of years. He has been involved in forestry in the northern part of our province. He's a great asset to the Prince Albert area and I'd like all members to join with me to welcome Gene to the Assembly.

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

**Mr. Thompson:** — Mr. Chairman, I'd like leave to introduce guests also.

Leave granted.

**Mr. Thompson:** — Thank you, Mr. Chairman. I would also like to welcome Eugene Kimbley to the legislature. He was a constituent of mine, and his family still is. Eugene is a professional forester and also a former Chicago Black Hawk hockey player. So I'd like to welcome him also.

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

### COMMITTEE OF FINANCE

#### General Revenue Fund Social Services Vote 36

#### Item 1

**Hon. Mr. Pringle:** — Thank you, Mr. Chairman. Yes, we would cooperate in any investigation with the police and do so. For example, they could subpoena information related to a name or an address or something like that, and we will cooperate as required.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, would these individuals still be on social assistance?

**Hon. Mr. Pringle:** — Yes, I'm not really — I hope the member would appreciate — I'm not really permitted by law to divulge who is and who isn't individually on assistance. So I can't really answer that question on an individual case basis.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I think you could because this . . . I'm asking for not the name and names here. We're just . . . we're talking about people who trashed other people's property. What I would like you to answer then, is there any penalty on people that do this sort of thing?

**Hon. Mr. Pringle:** — Well we do not determine any penalties under the police charges or the court of law. That isn't our role or responsibility, so we don't . . . It isn't our area of jurisdiction.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I realize that you don't have the authority to levy fines or penalties. But I guess what I'm wanting to know, if a person who is on social assistance trashes someone else's property, would there not . . . wouldn't it be a good lesson, if nothing else, to that person for you to reduce their social assistance benefits so that it doesn't happen again?

**Hon. Mr. Pringle:** — Well it is not our responsibility to administer justice in the province of Saskatchewan. It is not our responsibility, so I can't answer that question. I mean I wouldn't take your suggestion, because I don't have the authority nor the inclination to do that, nor the inclination to do that.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I appreciate your position and I believe that justice is a touchy subject right about now, so we are also wondering about who administers justice in this province.

The question I would like to ask you is, Mr. Minister, how often would these trashings occur?

(1645)

**Hon. Mr. Pringle:** — I tried to say in my opening remarks on this topic, very, very infrequently. The vast majority of people on assistance have a positive relationship with their landlords. The numbers would be no different than any other part of the population.

And I know you're trying to get information here and I'm trying to provide it as best I can, but I'm really a bit anxious about this line of questioning. And you've got a right to ask whatever you want to, but I'm only aware of this one case that you're talking about since I've been minister. I'm sincere about that.

I want to make it clear that I do not think this is a major issue and I hope that we're not sort of promoting that notion here.

**Mr. Britton:** — Thank you, Mr. Minister. If you're telling me that this is the only case you're aware of, could you ask your officials what numbers they are aware of over the years?

**Hon. Mr. Pringle:** — Well my officials have no different perspective on this. We do not keep information on relationships between landlords and tenants; that is not our responsibility. We do not do that. So I don't have the information. I wouldn't want to have the information — it wouldn't be appropriate. So sorry, I can't answer that.

**Mr. Britton:** — Well then could I ask this question, Mr. Minister: can you tell me how much it costs . . . how much does the department lose in these cases? How much damage deposits do you lose in the cases of social assistance trashing the apartments?

**Hon. Mr. Pringle:** — Again, that's really a tenant-landlord relationship, and that is between the two of them. Now presumably this individual you're talking about would lose his or her damage deposit. So that would be \$125. So I assume that that would be lost, but we don't get involved in that.

**Mr. Britton:** — Thank you, Mr. Minister. Am I to believe then that out of the amount of money that the recipient gets, he pays the damage deposit? That doesn't reflect on his remuneration, or do you pay that over and above what the recipient gets? And then when something like this occurs he loses that or he pays it out of his social assistance cheque? How does that work?

**Hon. Mr. Pringle:** — Well initially we would pay that, yes; the 125 over and above the normal allowance rates. Now that's a one-time grant, a one-time damage deposit. If that were to happen once or twice, that would be an overpayment; the person would have to pay that money back which would be granted in order to get another suite. But that would have to be paid back.

If that happened two or three times, there is a possibility that the person would have to go in trusteeship. But by and large, it's not a problem. This is not a problem as far as I know and am concerned, and we do not continue to pay damage deposits for people to do that. That just is something we don't do.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I'm glad to hear that. So what you're telling me really is that the taxpayer is on the hook for only the one damage deposit that each of the clients make and after that . . . I guess from what you've told me, there hasn't been an after that, because you say there's only been one.

So I guess I feel comforted when you're telling me that you'll only do it once and then there is some sort of a penalty for the recipient if he does it the second or, as you said, the third time. Is that the way it is?

**Hon. Mr. Pringle:** — Well what I was trying to say is that I personally am only aware of the one situation, and my officials are as well. That's all that have come to our attention.

Just to clarify — and I need to make a clarification here

— an individual would be eligible for a damage deposit within two years, if necessary. So 24 months later you would be eligible, if necessary, for another \$125 damage deposit. Beyond that you may be required to go on trusteeship or something like that if it was required again.

**Mr. Britton:** — Thank you, Mr. Minister. Then am I to understand that if a person is on social services, you will pay a damage deposit for that person? It has nothing to do with his normal remuneration. That person gets a job, they move away. They collect that damage deposit back and keep it, and then they lose their job down the road a year or two and they go back on assistance, then you'll pay it again. Is that the way that works?

**Hon. Mr. Pringle:** — Well that's a rule that your administration brought in and we have not changed it. You're right. We have not changed that.

**Mr. Britton:** — Thank you, Mr. Chairman. Mr. Minister, I wasn't concerned as to whose rule it was. I was just trying to find out what the system is, because I did not know that. And it would seem to me, it would seem to me that the taxpayer is on the hook for the first one. And I think that you could maybe look at, in a case of this, and it must happen a lot of times because I'm sure there's people going on and off welfare as jobs become available, and I was wondering if you would take a look at maybe reclaiming that first deposit instead of allowing the recipient to put that in his pocket.

**Hon. Mr. Pringle:** — Well let me remind you it's \$125. If the person gets it back, the 125, that means the person has looked after his or her property well, so it's an incentive to do that. Then if the individual moves and just starts a job, the presumption is that you need an apartment or a house somewhere else and you'll have to pay it there.

It's always been the case that sometimes people need a little upfront seed money to get by till the first cheque or support for a move or something like that. So you may get the damage deposit back from house A as you start your job and move, but you need to make a damage deposit on house B to wherever you move to. So in a sense you really transfer it from there to there. You still need a damage deposit elsewhere.

So I think that's the way it would usually work.

**Mr. Britton:** — Thank you, Mr. Chairman, Mr. Minister. I understand that. But the point I think I'm trying to make is the original \$125 belongs to the taxpayers of Saskatchewan. You didn't take it out of his normal remuneration. So then he went and got a job and he goes off social assistance but he's still got the \$125.

Now you're telling me that it's fair and right and generous and all those good things that he puts it down on an apartment. But he's got a job. Other people that don't have a job or don't have assistance and have a job, they pay it out of their pocket.

So I guess all I'm saying is that seems a little unfair to the guy that's working full time and year round.

**Hon. Mr. Pringle:** — Well first of all I don't think the scenario you presented would happen very often, okay. But I think that the rules of the program are, under the Canada Assistance Plan, that if you're in need you have a right to the allowances that meet that need. It could be your damage deposit; it could be clothing. If you get a job, you don't have to give your clothing back.

So basically you . . . This is not a loan program where you pay back once you get back to work. You basically . . . The allowances are not great. They're not that great; you get what you need. We've already talked about these levels all being below the poverty line. We want to encourage and provide incentives and supports to become employed. And the scenario you talked about, going from house A to house B, I think would be viewed by the average taxpayer as a supportive measure to the person becoming employed.

**Mr. Britton:** — Well thank you, Mr. Chairman. Mr. Minister, it certainly makes me feel good to hear you say you're not going to take their clothes away. At 40 below zero it would be a little bit cruel and inhuman.

And I don't want to appear to be nit-picking, Mr. Minister. I think I'm more trying to make a point rather than talking about the dollars, okay. So we'll just leave that, and there's several things we can be doing.

I want to develop . . .

**Hon. Mr. Shillington:** — I wonder, does the members want to take a couple of minutes and finish this, or no?

**An Hon. Member:** — Report progress.

**Hon. Mr. Shillington:** — Okay. I think I will do that then. Unless there's some objection, I'll do that right now. I move the committee rise, report progress, and ask for leave to sit again.

The committee reported progress.

The Assembly adjourned at 4:56 p.m.