

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**April 6, 1995**

The Assembly met at 1:30 p.m.

**INTRODUCTION OF GUESTS**

Prayers

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mr. Goohsen:** — Thank you, Mr. Speaker. I'm happy today to present petitions that have been delivered to us from the area of Gull Lake. We have one from Calgary and a few other places along No. 1 Highway.

I'll read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to allocate adequate funding dedicated towards the double-laning of No. Highway 1; and further, that the Government of Saskatchewan direct any monies available from the federal infrastructure program towards double-laning Highway No. 1, rather than allocating these funds towards capital construction projections in the province.

And as in duty bound, your petitioners will ever pray.

I'm happy to table these on behalf of the people from Saskatchewan today.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. I have also petitions to present today from the Salvation Army in Maple Creek, that read:

Wherefore your petitioners humbly pray that you Hon. Assembly may be pleased to unequivocally oppose changes to present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, and urge the federal government to recognize that gun control and crime control are not synonymous.

And as in duty bound, your petitioners will ever pray.

These petitions comes from Maple Creek, Mr. Speaker.

**READING AND RECEIVING PETITIONS**

**Clerk:** — According to order the following petitions have been reviewed, and pursuant to rule 11(7) they are hereby read and received.

Of citizens of the province petitioning the Assembly to oppose changes to federal legislation regarding firearm ownership.

And of citizens petitioning the Assembly to allocate funding toward the double-laning of Highway No. 1.

**Ms. Hamilton:** — Thank you, Mr. Speaker. On this Tartan Day and with the celebration that echoed in our halls, it's my pleasure to introduce to you and through you to all members of the Assembly, special guests that are gathered with us today in your gallery.

I would begin with the worthy grand chief of Canada, Gord Gardiner, and his wife Marjorie, who is also a past chief of Camp Balmoral.

We have with them the present chief, Wanda Matheson, and her husband Bill, and another past chief and sister, Wilma.

And with the dancers we have — they are also gathered in your gallery, Mr. Speaker — Marieka Barrie, Karen Prior with mom Wendy; Andrea and Carman Bruce and mom Jean; Erica Parker with mom Judy; Lindsay Keith with father Ross; Amanda, Chelsea, Brian Delparte with mom Jackie; Catherine and Caroline Hart with parents Carol and Paul.

I would ask all members to join with me in a warm welcome. If any can stay, I'm arranging that we could meet about 1:45 on the steps for a picture to commemorate today. Thank you very much, Mr. Speaker.

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

**Mr. D'Autremont:** — Thank you, Mr. Speaker. To you and through you to the Assembly, sitting in your gallery, I'd like to introduce Zena Putnam. Zena is the spokesman for the Saskatchewan Association of Responsible Firearm Owners and has done a very good job in twice debating Wendy Cukier of Gun Control and defeating her both times.

I'll ask everyone to welcome her here today.

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

**Ms. Haverstock:** — Thank you very much, Mr. Speaker. To you and through you to the Assembly, I would like to add my congratulations to Zena for the job that she's done, a very good job. She's been a friend for some time and it's a pleasure to see her in the Assembly today.

I also want to extend a personal welcome to Ross Keith, who is a well-known Regina developer and noted for his preservation of heritage sites, as well as a special hello to his daughter, Lindsay. If everyone would join with me in welcoming our guest today.

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

**Mr. Van Mulligen:** — Thank you, Mr. Speaker. I want to add my words of welcome to those of the previous speakers to Ross Keith who I've known and worked with for a number of years in my capacity at city council. He doesn't live in the

constituency of Regina Victoria — I believe he now lives in Regina South — but it's a pleasure to see him here today. Thank you very much.

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

**Hon. Ms Atkinson:** — Thank you very much, Mr. Speaker. Mr. Speaker, I'd like to introduce to you, and to all members of the legislature, the group from the Re-Entry Roads Consulting Network, teacher Zena Putnam, and seven students who are accompanying her this afternoon.

So I would ask all members in welcoming this group to the legislature this afternoon.

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

**Hon. Ms Atkinson:** — As well, Mr. Speaker, I would like to introduce to you, and through you to all members of the legislature, Fred Herron, general secretary of the Saskatchewan Teachers' Federation. I note that Fred has been around the building at lunch and into the afternoon, and I'm sure that he'll enjoy the proceedings this afternoon, given that we'll be dealing with some topics that he's interested in. Thank you very much.

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

**Ms. Bradley:** — Thank you, Mr. Speaker. I wish to introduce to you, and to the members of the legislature, a constituent of mine who's sitting in the west gallery, Craig Sorenson, young farmer from just north of Ogema. And I'm sure he'll enjoy question period today, and I look forward to meeting with Craig after that. I would have all members join me in a warm welcome for Craig.

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

## STATEMENTS BY MEMBERS

### Tartan Day

**Ms. Hamilton:** — Thank you, Mr. Speaker. Last year on this day I was privileged to recognize Tartan Day in this Assembly. As a Scot by marriage, I am pleased to speak for all those who are or wish they were Scottish on this day which honours the contributions of Scottish people to our Canadian life.

Also, Mr. Speaker, this year on Robbie Burns Day at the Sons of Scotland banquet, I proposed the toast to Robbie, so I think it entirely appropriate that once again I have the honour of welcoming the Sons of Scotland to the Assembly, of thanking the highland dancers, and piper Danny Matheson, for the entertaining of us over the noon hour and of saying a few words about this day.

Tartan Day was declared in Saskatchewan in 1992 to publicly acknowledge the notable Scots of Saskatchewan and their more notable accomplishments. For the sake of brevity, let me say two words: Tommy Douglas. Geographically, Balgonie and

Weyburn — or wee burn — are a few of the towns that find their counterparts in Scottish soil.

The Sons of Scotland have been in existence since the 1880s. It was originally founded as a benevolent society, but now concentrates on preserving and furthering Scottish culture in Canada. I welcome them. I congratulate them. And in the words of Robbie Burns, may we all be blessed with health and peace and sweet content. Thank you, Mr. Speaker.

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

**Mr. Devine:** — Thank you, Mr. Speaker. I'll join with my legislative colleague to make note of appreciation for Tartan Day and the Scottish clans here in Canada. April 6 is Tartan Day across Canada and I am pleased to extend the official opposition's best wishes to people of Scottish descent across the province.

In the 1992 legislative session, the official opposition had the privilege of introducing the legislation that allowed for a day of appreciation for Scottish clans in Canada. We were pleased to have the cooperation of all members of this Assembly on the passage of that Bill — a rare occurrence for Bills presented by the official opposition. We would appreciate that same courtesy for the Bills that we currently have on the order paper, Mr. Speaker.

Tartan Day allows those of Scottish descent an opportunity to acknowledge their heritage and the role it played in building our province and our country. On behalf of the official opposition, I wish all those of Scottish descent a memorable day. Thank you.

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

**Mr. Draper:** — Mr. Speaker, sir, I would like to add a few words in commemoration of Tartan Day. It was a pleasant surprise for me today as I came into the building to hear the skirl of the pipes in the rotunda, there. I really wasn't expecting it.

Although I am a Celt, I have no highland blood in my veins. Nevertheless, I have a Celtic blood group, which is O positive if anybody's interested, and I have fond memories of Glasgow, Scotland, where I spent 12 years, studied medicine, I met my wife, and my two older children were born.

I've swum in Loch Lomond. I've climbed Ben Nevis several times. I'm addicted to the pipes and Scottish music as an art form, and of course the kilt, the filibeg, and the tartan.

We at home celebrate St. Andrew's Day on November 30 and Robbie Burns Day on January 25 with a dram or two of Glen Fiddich, and as a Welshman, I acknowledge the contribution of my Celtic cousins to Canada and I give you the Highland toast, Slange Va — good health.

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

### Saskatchewan Tartan

**Mr. McPherson:** — Thank you, Mr. Speaker. Well as a Scot by blood, I too would like to say a few words on Tartan Day. And I'd like to use this opportunity to comment on Saskatchewan's own tartan, since few in our province know that we even have one.

Saskatchewan's tartan was unveiled at a news conference on October 6, 1961. It was designed by Mrs. Frank Bastedo, the wife of the province's lieutenant governor, and was the second provincial tartan in Canada. Nova Scotia had the first provincial tartan.

At the news conference, Ms. Bastedo explained that the tartan was recorded by the Court of Lord Lyon, King of Arms of Scotland, as the Saskatchewan district tartan. According to tartan etiquette, Ms. Bastedo said, a tartan design must be recorded so it may be called a tartan, otherwise it remains a plaid.

Ms. Bastedo, a former fashion designer, began to work on the tartan in 1958. The seven-shaded tartan has gold blocks to represent prairie wheat, brown for summerfallow, green for our forests, red for the province's lily, yellow for rapeseed flower and sunflowers, white for snow, and black for oil and coal.

The two-block tartan alternates across the width of the material and follows the same sequence of the length. The tartan is available to residents of the province with no hereditary or traditional claim to a clan or a family tartan, but does not supersede traditional tartans.

The Saskatchewan tartan is a very proud part of our provincial heritage and is on display at the Athabasca Gallery on the main floor along with our other provincial symbols.

Given the fact that my last name and the fact that the Leader of the Third Party's grandfather's name was a McCaskill, and her newest granddaughter's name was McKenna . . .

**The Speaker:** — Sorry, but the member's time has elapsed.

### Saskatoon YWCA Women of Distinction Named

**Mrs. Teichrob:** — Thank you, Mr. Speaker. Last night the Saskatoon YWCA held its Women of Distinction awards banquet. The Saskatoon Y is one of 14 in the country to hold this dinner. Others include Regina and Prince Albert. The objective of the dinners is to honour women in several categories who make a distinctive and recognizable contribution to their community.

Last night there were 23 nominees in 6 categories. I should stress, Mr. Speaker, that the banquet was held in honour of the 23 not just the 6 winners. However, for their outstanding contribution to the betterment of Saskatoon, I want to mention those who were given the awards — 90 seconds is insufficient time to list their achievements.

Tina Bertoncini was given the youth award. In the community enhancement category, Mildred Kerr was named. Audrey Atchison received the fitness and lifestyles award. Susan Lamb was honoured in the business and professions category. Miriam Hills was given the arts and culture award, and Linda McCann won the leadership in the workplace award.

Mr. Speaker, I was honoured to receive one of these awards a number of years ago, so I understand the feelings of these women, just as we all appreciate the appropriateness of their recognition. Thank you, Mr. Speaker.

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

### Rural Living Conference

**Mr. Upshall:** — Mr. Speaker, the ninth annual rural living conference is taking place today in Young, my hometown. This conference is focused on farm couples, rural and urban individuals.

Several speakers will present information including on a variety of topics. These include Bruce Elke, an ADD (agriculture development and diversification district) board technician, who will talk about used oil recycling projects sponsored under the green plan and how farmers can access it.

As well, Mr. Speaker, Roberta Windrum, of the Saskatchewan Pesticide Container Management Association, will talk about her association and its work with the RMs (rural municipalities) on the proper disposal, collection, and recycling of used pesticide containers.

Two new videos would also be viewed and promoted. These are farm safety videos and the children safety videos.

Finally, Mr. Speaker, Bill Cudmore and Ted Schisler of Crop Insurance will present a panel entitled "People Under Pressure." This panel will help people to analyse their own personalities and the way they deal with other people.

Mr. Speaker, the rural living conferences have been very successful and serve well to educate and improve the quality of life in rural Saskatchewan. I want to commend the Watrous Rural Service Centre, the town of Young, and all those who are making presentations, for what will surely be an excellent event.

Thank you very much.

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

### Tribute Paid to Southey First Responders

**Mr. Flavel:** — Thank you, Mr. Speaker. Mr. Speaker, today I would like to pay tribute to two first responders in the Southey region. The value of having first responders provide the first link in an emergency was demonstrated recently in my riding. These two first responders are being credited with saving the

life of a 78-year-old man from Southey on March 25.

The man collapsed at a drug store in Southey, and when first responder Shirley Gerrard arrived on the scene, she discovered that the man had no pulse. Immediately she began cardiopulmonary resuscitation. Another first responder, Mark Ollinger, arrived to assist Gerrard. They monitored the man's vital signs and administered oxygen until Cupar Ambulance service arrived. Mr. Ollinger called ahead to Regina EMS (emergency medical services) to ask for a paramedic unit to meet the ambulance because of the man's serious condition. The paramedic unit joined the first responders near Southey and treated the man until he was taken to hospital in Regina. He was stabilized and then was moved out to cardiac care unit of the hospital.

Mr. Speaker, this example demonstrates how the first responders program is working in Saskatchewan, and I congratulate all the people who gave this man the care that he needed to save his life.

Thank you.

## ORAL QUESTIONS

### Firearms Legislation

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, my questions this afternoon are directed at the Minister of Justice. Mr. Minister, I've heard your comments about how you're going to resume your opposition to the Liberal gun registry. That's a very curious comment because I haven't seen any opposition from you so far, other than a few speeches.

Mr. Minister, very simply, what exactly have you done? Other than making statements in Ottawa, what are you planning on doing, Mr. Minister?

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

**Hon. Mr. Mitchell:** — This is an incredible statement for that member to be making. This government, this government, has opposed the federal provisions, particularly the registration provisions, from before the time that they were announced.

More than any other government in Canada, we have taken a lead role in drawing to the attention of the public the defects with the federal proposals. We have fought this battle at every level, including at the level of federal-provincial Justice ministers. And at every opportunity we have highlighted this issue, not only provincially, but nationally.

Now this is an initiative, Mr. Speaker, of the federal parliament, and therefore this matter has to be fought out at the federal level. We have to unite all of our forces in Saskatchewan and put all the pressure on the federal government that we can, not to proceed with these matters.

And that's what we're trying to do, that's what we've done

consistently, and that's what we'll continue to do, and the member knows that.

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

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Minister, indeed you've paid a great deal of lip service to this, but you have done nothing in terms of legislation in this hall, Mr. Minister, and you know that. We, on the other hand, have done a lot more than just talk. We have acted with petitions and legislation which protects the rights of gun owners.

You, sir, have done nothing, and you know that. In fact you've done worse than nothing. You've duped some people in this province into thinking that you're their friend and that you are helping. You remind me, Mr. Minister, you remind me of the rain-maker who goes around promising rain to all the farmers only to come forward with nothing but a bunch of wind.

Mr. Minister, we are already starting to receive dozens of cards of support from Saskatchewan citizens who are calling on you, calling on you to act instead of talk. They want legislation that will protect their rights, Mr. Minister. Will you do that today? Will you protect the rights of the Saskatchewan gun owners of this province today, Mr. Minister?

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

**Hon. Mr. Mitchell:** — Mr. Speaker, I and the government of which I'm a part, have done everything and continue to do everything we can to . . .

**The Speaker:** — Order, order. Order. Order. I ask members on both sides of the House to please calm down. I'm not going to have a repeat of yesterday's question period. I want to hear the questioner, and I also want to hear the minister answering the question.

**Hon. Mr. Mitchell:** — Now, Mr. Speaker, as to whether or not my performance in trying to lead the fight against Allan Rock's provisions has been effective or not, I just challenge that member to go out and talk to the groups in Saskatchewan who are opposed to this legislation and find out from them what their opinion, what their opinion is, of the fight that I've put up.

I could care less, Mr. Speaker, what the Leader of the Opposition thinks of my performance. I do care about what the lawful gun owners, the hunters and the shooters in Saskatchewan, believe about my performance and I challenge the member to go out and do that.

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

**Hon. Mr. Mitchell:** — Now as to the legislation that the opposition has put before this House, Mr. Speaker, I don't want to be unkind, but the only adequate characterization I can give for that effort is silly and childish. Silly and childish.

Talk about windbags, Mr. Speaker . . .

**The Speaker:** — Order, order, order. Order. I ask members to please refrain from language that has really no bearing on the calibre of the debate, on both sides of the House. I don't think that that term referring to any minister or any member of the House is necessary.

Next question.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. To the same minister, I find it very disturbing that he would refer to the Law Clerk's opinions as silly and childish, Mr. Speaker.

Mr. Speaker, the people of . . .

**The Speaker:** — Order. Order, order. Order. Order. I think the member from Souris-Cannington knows that that is not in order to bring an official of the Legislative Assembly into the debate, and I wish he would refrain from doing so.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. Mr. Speaker, the public of Saskatchewan are calling for action on this, not just hot air. But we're getting nothing but cheap talk from the members opposite, from the minister opposite, and that's true to form.

The member from Regina Churchill Downs, now the former Justice minister, said that it was a stay-the-course episode on firearms legislation for this government. He did nothing; the former minister, when he was in there, did nothing and he continues to do exactly the same thing.

Mr. Minister, it's obvious that you intend to do nothing but pay lip service to the Liberal gun laws. You have no real interest in protecting Saskatchewan people. You intend to sit there and let this Bill pass.

I'd like to know what you're planning to do once the gun registry is in place. Your own polls show that the majority of people don't want gun registry. What will you do with respect to prosecutions in this province? Is it your intention to fully prosecute all those who do not register their rifles and shotguns?

**Hon. Mr. Mitchell:** — Mr. Speaker. Mr. Speaker, we are focusing our efforts in trying to prevent this law from being passed. We are making no plans at all as to what we will do down the line. We'll have to cross that bridge if and when we come to it. But we want to view our efforts here as positively as we can. And we want to go with all of the groups in Saskatchewan to fight this battle until it is won. Now if it is lost, we'll face that problem when we come to it.

Mr. Speaker, what I regret about these questions and some of the debate over the last few weeks is that we're fighting each other on this issue. We should be united. We have gone to extraordinary lengths, we have gone to extraordinary lengths, along with the various groups who have such an interest in this matter, to keep a united front in Saskatchewan.

The member and I, and the Leader of the Opposition and I, have appeared on common platforms with other political leaders, and we have joined forces and we have fought this as hard as we can. And we should continue to do that and not let this descend into some kind of partisan bickering like the members opposite are trying to introduce.

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

**Mr. D'Autremont:** — Mr. Speaker, if the minister wishes some joint action out of this House, then join us in supporting some legislation, not just talking about it.

Mr. Minister, you are the chief legal official in this province. You're the Minister of Justice and the Attorney General. Prosecutors seem to believe that they have enough latitude to refuse to prosecute individuals because it's not in the public interest. That's how you were excused, Mr. Minister.

I'd like to table a Department of Justice document in . . .

**The Speaker:** — Order. Order. Will the member from Humboldt please come to order. Order.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. I'd like to table a Department of Justice document entitled "Practise and Policy Directive" on prosecutions and laying of charges. The document lists 18 factors that may be used to waive prosecutions due to the fact that they're not in the public interest.

In addition to wondering which of these you fell under, Mr. Minister, I'm wondering if you would give us your opinion as to whether it would be in the public interest to prosecute those who haven't registered a hunting rifle. Because the prosecutor most takes into account, factor:

12. Whether the alleged offence is of considerable public concern;"

Can you give us your learned opinion, Mr. Minister?

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

**Hon. Mr. Mitchell:** — As I have just said, Mr. Speaker, we are concentrating our efforts on fighting these provisions of the . . . proposals of the federal government. And we're going to continue to fight them with all of our energy. We're not giving up the battle now. We're not giving up the battle and starting to publicly announce what we're going to do when this legislation is passed, because we're trying to prevent it from being passed. And that will continue to be our provision.

Now I characterized as kindly as I could the efforts of the members opposite as silly and childish when they come with the provisions they come with. That's not going to help at all. That just plays into Rock's hands. That gets us fighting each other instead of standing shoulder to shoulder, as we tried to do, to fight these gun laws with the united effort of the people, the

parties in this Assembly, and all of Saskatchewan, and try and head off this law and stop it in its tracks, and not try to gain cheap political advantage in the way the member is trying to do.

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

### Government Polling

**Mr. Swenson:** — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Deputy Premier, the minister in charge of pension and polling. Mr. Minister, an election must soon be upon on because you're taxpayer-funded polling is getting more and more political. You ask the same set of questions just one month apart, just before and just after the budget, Mr. Minister. Mr. Minister, that's nothing more than political tracking and you know it, and it is paid for by the Saskatchewan taxpayer.

Mr. Minister, do you think taxpayers should be paying to do the NDP's (New Democratic Party) pre-election polling? Do you think they should be doing that, Minister?

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

**Hon. Mr. Tchorzewski:** — Thank you, Mr. Speaker. I want to respond to the member for Thunder Creek and tell him that this is something that's been going on for just about four years. It's nothing new or nothing different.

If the member knows anything about surveys and polling, is that if you want to get a true sampling of public opinion — and from the point of view of any government acting responsibly, I think it's important for government to know what people think about the issues that affect them — then you have to do polling which has some consistency to it. Otherwise it is a useless expenditure of money.

Unlike the members opposite, this government is not interested in making useless expenditures of money. We want to get value for the dollar that we spend and that's what we're doing with the polling today.

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

**Mr. Swenson:** — Mr. Speaker, the minister knows full well that it is a useless expenditure of the taxpayers' money when the respondents on both of those polls tell the minister the same thing they've told him for years and that is on job creation you're doing a lousy job; 55 per cent say no. So what happens? Your government starts to trot out the taxpayers' money in announcement after announcement after announcement, to try and make up for the lack of job creation which the polls are pointing out to you, Minister.

Now you've created a lot of work for pollsters. You've asked questions about the overall approval rating of the federal government. Mr. Minister, why do you need to know what the overall approval rating of the federal and provincial governments is so that you can set public policy? Give me a break, Mr. Minister. What you're doing is spending the

taxpayers' money on political polling. Why don't you just admit it?

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

**Hon. Mr. Tchorzewski:** — Mr. Speaker, with regard to the things that the member from Thunder Creek is talking about, surely it is important for the government to know — and I think the people of Saskatchewan to know — what their view is of the federal government with respect to the kind of devastating budget which they brought in. And I mean devastating from the point of view of how it affects Saskatchewan unfairly.

I know that the Liberal members of the House don't agree with that because they claim that the federal government is very fair.

Now I want to talk also to something else the member raises. He raises about expenditures. I want to remind the member from Thunder Creek that when they were in government, they didn't release any polling. All of their polling was political, and they made it for the Conservative Party, which is something we don't do in this government.

And in the last year of their administration, 1991, they spent \$939,000 on polling, mostly political. This government, in 1994-95, spent \$331,000 in polling — one-third as much and none of it is for political purposes, because we have said to the party, you do your own polling; the government will do the polling it needs in order to decide on good policy.

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

**Mr. Swenson:** — Mr. Speaker, the Deputy Premier is up to his hips in it, and it's squishing around, and the taxpayers don't like it any more.

Believe this, Mr. Speaker. They ask a number of questions, they ask a number of questions about the Saskatchewan Pension Plan in the polling, but no questions about the Deputy Premier's pension plan, no questions about the \$65,000-a-year pension that the Deputy Premier is going to get when he retires, and yet they've got the gall to ask questions in here about the Saskatchewan Pension Plan. It's an interesting theory, Mr. Deputy Premier. Why don't you test it out?

Next month, when you're doing your political polling at the taxpayers' expense, just ask a question to the taxpayers and see if your pension is fair or not. Will you do that? Prove to us it ain't political. Next month, ask that question, Minister.

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

**Hon. Mr. Tchorzewski:** — Mr. Speaker, this is an open and accountable government . . . (inaudible interjection) . . . Well the member from Estevan says hah! Well he is the last one who should be talking about open and accountable government because he used to run a government which is anything but open and accountable.

And that's why, Mr. Speaker, for the first time in probably the history of Saskatchewan, any polling that is done by departments under this omnibus polling is released quarterly so that the members opposite can know what the questions were and the answers were; so that the media who reports from the Legislative Assembly . . . so the public can know what has been reported in the media. I make no apologies for that.

In fact I'm rather proud of the fact, Mr. Speaker, that we have done that and that we have provided the kind of government which has made people of Saskatchewan feel positive and optimistic, not only about themselves and about their province and — I might add — about their government. Their only disappointment is the lack of appropriate opposition in this Legislative Assembly during this session.

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

### Firearms Legislation

**Ms. Haverstock:** — Mr. Speaker, I simply have a supplementary for the Minister of Justice this afternoon. Mr. Minister, you've indicated in the media that you are more than willing to take a delegation to Ottawa early in May to put forward our united opposition on gun control to the federal government. Is this indeed a formal offer, and if so, Mr. Minister, will you agree that we should work to arrange for a meeting as soon as possible before this Bill progresses any further?

**Hon. Mr. Mitchell:** — Mr. Speaker, I want to thank the member for the question. I want to say first of all that it was a great disappointment that the standing committee is not coming here, and I wonder if the Leader of the Third Party will use her influence with her colleagues in Ottawa to get them to come out from under the insulation of Ottawa and get out in the country where the real people are and hear the real people's opinion as to what this legislation is.

I have spoken to a member of your caucus just before question period, talking about having a meeting later today to get this committee idea rolling, and I will do that. I think it's very important that we try and maintain a united front here and stop picking at each other over a provision that we all detest and we all want to oppose and not try to get any advantage from it. So I want to say that we'll follow through on that today.

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

### Crown Construction Tendering Agreement

**Mr. McPherson:** — Thank you, Mr. Speaker. Mr. Speaker, there are growing concerns about the new Crown tendering policy that requires companies to use union workers or pay union rates. Today one more significant employer in our province is on record opposing this policy. I table a letter from the Saskatchewan Wheat Pool today that states that while they do not tender their jobs to government, the Saskatchewan Wheat Pool expects the cost of construction for all projects in

Saskatchewan would rise.

My question is to the Minister of Labour. Given the growing number of employers that this policy is going to hurt and the fact that it will increase construction costs in Saskatchewan, will the minister agree to end this Crown tendering policy?

**Hon. Mr. Anguish:** — Well I thank the hon. member for his question. I take exception to his allegation that this will hurt all construction in the province. It will not hurt all construction.

What the Crown tendering policy does is only affects Crown corporations under certain conditions. I wish the member would sit down and study the document. It's a public document. We feel it levels the playing-field for all of those companies in Saskatchewan who bid on construction contracts that are put out by the Crown corporations in Saskatchewan.

In terms of the question he asked — will we withdraw the Crown construction tendering policy? — the answer to that is a distinct no.

**Mr. McPherson:** — Well, Mr. Speaker, that's not my allegation. That's the Saskatchewan Wheat Pool alleging that point. Mr. Speaker, this new Crown Tendering Agreement is just one more example of how this NDP government leaps before it looks.

We have seen hospitals closed with no plan. Gambling has been expanded with no plan. And now we see union preference agreements with — you guessed it — no plan again. They must not have put much thought into the policy that would cost more, interfere with current legislation, and worst of all, cost local workers valuable jobs, Mr. Speaker.

My question again to the Minister of Labour. Why would you want to implement a program that will cost taxpayers more and penalize local workers in this province?

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

**Hon. Mr. Anguish:** — Well in answer to that, I would answer the question with a question. Why do you continue to spread negative information which is unfounded in a case where Saskatchewan is doing quite well? Working people are doing quite well in Saskatchewan. The construction industry is doing quite well in Saskatchewan.

I pointed out to the member opposite that the first contract has just been awarded under the new Crown construction tendering policy. And to show that this is a level playing-field, it's a SaskTel contract. The contract was awarded to Westridge Construction of Regina, a non-union company, and they were low bid in the contract.

I don't know why the members of both opposition parties in this House spread information for their own political gain but to the demise of the people of Saskatchewan. I don't know why they do that. We have Cargill coming in. We have Bourgault

Industries expanding. There's a long list of examples about the Saskatchewan economy recovering after 10 long, lean years under the Tory administration. I ask members opposite to join with us and help spread the positive news within this province.

**Mr. McPherson:** — Well, Mr. Speaker, the opposition party is not looking for political gain. We're raising the concerns of the businesses in Saskatchewan — Saskatchewan Wheat Pool that you disagree with. Mr. Speaker, there is no plan but I think there is a motive. It is no accident that this policy caters to the NDP's labour support just weeks before an election.

My question again to the Minister of Labour: the Wheat Pool has nothing to gain by expressing their concerns — will you finally admit your tendering policy is purely political and will come at a great expense to taxpayers and Saskatchewan workers?

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

**Hon. Mr. Anguish:** — We've always appreciated concern expressed by those in the business community of Saskatchewan, those in the cooperative community of Saskatchewan. And the Wheat Pool are in fact one of those groups.

I would say that the concerns of the Saskatchewan Wheat Pool are unfounded. First off, the Saskatchewan Wheat Pool is not affected by this particular policy. The only companies that are affected are those companies who do business in terms of bidding on contracts for the Crown corporations who are signatories to the agreement.

The companies who have signed on to the agreement in Saskatchewan are represented through their employer association. It is an agreement that has been put into place that will serve all Saskatchewan people well.

And I'm not questioning anyone's motives, other than the opposition party who continue to preach doom and gloom on policies that have been worked out in consultation with a broad cross-section of Saskatchewan's population, whether it's the working people of this province or the companies that create the jobs and make the economy of this province run under the guidance of a government who has brought Saskatchewan's economy back and put our government's financial house in order.

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

### Employment Discrimination

**Mr. Goohsen:** — Thank you, Mr. Speaker. My question, Mr. Speaker, is for the Minister of Justice. Mr. Minister, do you believe that it would be discriminatory to refuse employment or to refuse to rent an apartment to someone because they carry a union card?

**Hon. Mr. Mitchell:** — I sort of had prepared myself for

question period as carefully as I could, Mr. Speaker, but I didn't think I was going to be questioned in detail about my knowledge of human rights legislation. I'm going to have to take notice of that question, Mr. Speaker, and bring the answer to the House for the member.

**Mr. Goohsen:** — Thank you, Mr. Speaker. Well, Minister, you have taken notice and that's fine, and we'll be happy to receive your information on what you think later. But maybe I can put this another way in order for you to be able to grasp it.

Would you agree that it would also be then perhaps discriminatory to refuse employment or to refuse to rent an apartment to someone on the basis that they do not carry a union card?

**Hon. Mr. Mitchell:** — Mr. Speaker, I believe that's the same question, so I'll get back to the member.

### MINISTERIAL STATEMENTS

#### Massload Technologies Expansion

**Hon. Mr. Lingenfelter:** — Mr. Speaker, I want to say how pleased I am to announce the expansion of a rapidly growing company in Saskatoon. Mr. Speaker, the company is Massload Technologies.

Mr. Speaker, this company started as Prairie Systems & Equipment and was in the business of repairing and assembling truck scales. Massload has greatly expanded its horizons since then.

Mr. Speaker, the company has developed the capability to manufacture load cells which are the weighing sensing devices in electronic scales. It now designs and manufactures a full line of electronic weighing equipment for commercial vehicles including a legal-for-trade, on-board weighing system.

Mr. Speaker, Massload is a good example of what a Saskatchewan-based company can do with a little ingenuity. Solid research and development have led to the production of products that are in demand around the world. Massload has used an aggressive marketing plan to capture a major portion of the western Canadian marketing for the non-electronic assembly products like truck platform and cattle scales.

Mr. Speaker, Massload's president, Bill Elliott, also sees great prospects for international sales, particularly in the United States and China. Massload is in the process of obtaining approval in the United States for its legal-for-trade load cells.

Mr. Speaker, Mr. Elliott is also part or was part, of the team Canada trade mission to Asia Pacific last year. He credits that trip and our Premier's support for helping the company win contracts there, including an agreement to have Massload's weighing equipment distributed throughout China.

(1415)



Mr. Speaker, this ingenuity and hard work have resulted in the company's doubling of sales over the past year. It's expanding to meet that growth and the demand for the product.

This morning the Premier attended, Mr. Speaker, the opening of the company's new facility in Saskatoon, which is about double in size what the previous building had been. Massload has also modernized and upgraded some of its equipment.

This expansion and modernization will allow Massload to further increase its export sales. That's very good news for Saskatchewan and Saskatoon because increased exports are vital to our economic growth and to our expansion of job creation.

Mr. Speaker, Massload now employs 22 people and it's already predicting that it will hire 10 more during the coming year, and likely more as its business grows throughout the world.

Mr. Speaker, these high-tech jobs are essential for our manufacturing industry and we must nurture the climate here to make it possible for private sector to create such jobs.

Mr. Speaker, we've helped Massload indirectly by recently announcing that we will provide \$175,000 toward the cost of Canadian load-cell testing facility which is being established in Humboldt. This facility will allow companies like Massload to test their products in Canada to attain Canadian and international standards.

Accessibility to this facility means a great deal to Massload. Its products will gain the credibility needed for increased sales into the larger markets such as United States, Europe, and China. That could also lead to more jobs at Massload in the near future.

Mr. Speaker, on behalf of the Government of Saskatchewan, I want to congratulate Massload Technologies of Saskatoon for this expansion. And we all wish them every success.

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

**Mr. Neudorf:** — Thank you very much, Mr. Speaker. I'm pleased to be able to respond to the minister's remarks, and I'm very, very pleased that there are some extra jobs being created in this province. And I certainly would say to Massload: congratulations and continue on the good work, and we certainly need you.

Now we have 10 jobs being created, Mr. Speaker. Because we have had a net loss of 1,000 jobs since 1991 because of the policies of this government, we only have 990 more left to go, Mr. Speaker, in order to get back to the starting point.

It's interesting to note how selective this member is, Mr. Speaker, in terms of ministerial statements. When he made the ministerial statement . . . or when the announcement was made of Cargill canola crushing plant east of Saskatoon, of course we were very pleased with that, Mr. Speaker. And we commend

Cargill on its innovativeness and its ability to hang in there.

But did you notice, Mr. Speaker, the member . . . the minister did not get up? He did not get up at that time because he was too embarrassed to because their words and their terminology used prior to 1991 is coming back to haunt them. All those evil things that the former administration did, and most of them, Mr. Speaker, are the very same ones that they are piggy-backing on now. You are piggy-backing on Cargill that we established back in the late '80s, Mr. Minister.

Now what you're doing is you're talking about Massload as if this is something wonderful that your government has done. Mr. Minister, Massload was in my constituency in the town of Rosthern while we were still in government.

These load cells that you're talking about are nothing new. We have a situation in Rosthern where load cells are being manufactured right now. Admittedly there were two jobs being created — that was all at that time in Rosthern — but the people of Rosthern are very appreciative of that fact that the company decided to move in.

Mr. Speaker, the minister also talks about the fact that we must nurture a climate in this province that is conducive to business. Well I wish their actions would not belie their words, because if you talk about a nurturing climate for business, Mr. Speaker, I would question very much whether that is indeed the fact.

Now granted, we have had Crown Life come in and we're very pleased for that. We've had the . . . what was the other company that moved in? The telephone . . .

**An Hon. Member:** — CIBC (Canadian Imperial Bank of Commerce).

**Mr. Neudorf:** — CIBC moving in, and we're very appreciative of that. But those jobs, Mr. Speaker, are here because they are aloof of the laws of Saskatchewan. They're under federal legislation or CIBC wouldn't be in here. There is not a nurturing climate in this province, Mr. Speaker. The tax loads of this province are turning many, many potential businesses away.

Mr. Minister, I welcome your announcement; the people of Saskatoon welcome your announcements. I'm proud of Massload doing what they're doing. But again I question you, Mr. Minister, what if — what if — you did not have such a negative atmosphere in this province towards business? What would we have been able to accomplish? We would not be 999 jobs short, I assure you, Mr. Speaker. Thank you for your indulgence.

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

**Ms. Haverstock:** — Thank you very much, Mr. Speaker. The Liberal caucus is absolutely delighted with the expansion of Massload Technologies and want to extend our congratulations to them this afternoon. This is not new to anyone in this Assembly who listens to members' statements, Mr. Speaker. In

fact the member from Humboldt some time ago, several days or perhaps even a couple of weeks ago, made a member's statement precisely about Massload Technologies.

The Liberal Party is fully supportive, fully supportive of the entrepreneurs of our province, and they are indeed the job creators and would have a much, much easier time in creating jobs for the people of our province if they would be able to do what they do best without interference. In other words, if they didn't have to deal with the unpredictability of their bottom line changing, whether it's because of increased utility rates, changes to their costs of workers' compensation, and all the hours and hours that people of this province had to spend in trying to determine what impact in fact the labour standards amendments would mean to their particular businesses.

If in fact this government understood about free enterprise, Mr. Speaker, and understood what small-business people have to do in the ways they should be spending their time, what they would do would be to make it far, far easier for them to do what they do best.

All of that having been said, Mr. Speaker, we again reiterate our great pleasure with the expansion of Massload Technologies and wish them even greater success in the future.

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

**Hon. Mr. Lingenfelter:** — Mr. Speaker, on a point of order. I'm sure the Liberal leader didn't mean to mislead the House, but what the member from Humboldt announced last . . .

**The Speaker:** — Order, order. Order. I think the Government House Leader knows that that's not a point of order. That's a point of debate. Order.

## ORDERS OF THE DAY

## GOVERNMENT ORDERS

## ADJOURNED DEBATES

## SECOND READINGS

### Bill No. 27

The Assembly resumed the adjourned debate on the proposed motion by Hon. Ms. Carson that **Bill No. 27 — An Act to amend The Urban Municipality Act, 1984** be now read a second time.

**Mr. Swenson:** — Thank you, Mr. Speaker. Today we're going to discuss a series of three Bills that deal with municipal government and some of the changes that have been proposed for them. Most of the amendments that the minister's proposed are technical and non-controversial.

Some of the things, though, that are uniform through these three municipal Acts, Mr. Speaker, cause a fair bit of concern with

various business groups, and indeed with the very councillors and mayors that make up both SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities). And it's those concerns, Mr. Speaker, that are causing us some degree of consternation when dealing with the changes proposed in Bill 27, Bill 28, and Bill 29.

For instance, you're going to now see property assessment changes phased in rather than brought on at one period in time. You're going to see the use of user fees far more prevalent by municipalities if this legislation goes through.

So rather than being restricted to just a few narrow areas as they have been in the past, Mr. Speaker, municipal government under this legislation could use a whole host of user fees. And that causes some people a great deal of consternation. Because as we've known recently, Mr. Speaker, the provincial government have raised every conceivable fee and service, almost, known to man — everything from marriage licences and you can go on and on and on. And recently there was a whole list of them that were raised again.

So when you extend that same power to municipal government, Mr. Speaker, where you can now go in and put a user fee on all manner of things which we in the past have not paid municipal fees for, you can understand why people have some consternation about what is going on.

And I guess the final area, Mr. Speaker, that should require I think a lot of debate and a lot of thought before we jump into this, is the minister is proposing, the minister is proposing that municipal government have the ability now to become involved as shareholders in business. Okay, Mr. Speaker? That municipal government not have the restrictions of the municipal government board, okay, in the way that they raise money and the way that they participate. They can now get directly into the share ownership, and ownership directly, of business ventures.

And, Mr. Speaker, that poses some problems because, are we going to then have one city competing against another more than they already do? And we all know the lobbying that takes place between Regina and Saskatoon over various business ventures. You know, they both try and stake out some turf.

In Regina's case they've said, we are going to be the electronic, technological centre for the province and that Saskatoon will become the agricultural bio-diversity, those types of initiatives. And they're both trying to carve up spheres of influence in direct competition many times with other centres who have universities attached to them or whatever.

This proposal, Mr. Speaker, takes this a whole lot further. It means that municipal councillors could in effect use the taxpayers' money in their jurisdictions to get into active bidding wars with one another; take share ownership in concerns. And I think that is something, Mr. Speaker, that a lot of people would like more thought about. And I know at the recent . . . (inaudible interjection) . . . No. The minister over across the

way says, let it go.

But at the recent SUMA convention, the very people who this Act, this change, was aimed at, voted it down. They voted it down. And it has been voted down also on the rural side. The Canadian Federation of Independent Business have polled their members in all of our urban jurisdictions and it has come back emphatically — over 80 per cent — all people who pay business tax, who pay property tax, and who are taxpayers have said no, we do not want urban and rural government as shareholders in business in direct competition to the entrepreneurs of this province.

So, Mr. Speaker, I reread the minister's comments on this Bill very carefully because I would have thought that the minister responsible for Municipal Affairs in this province would have done enough consultation, and would have listened to the votes of the organizations she is supposed to represent, before bringing in legislation, to see if this particular matter meant anything to her.

And after rereading those comments, Mr. Speaker, it is glossed over, it is passed over. The minister does not key in on it at all as being a concern of the very interest groups she represents. That's simply inexcusable, Mr. Speaker, inexcusable for the minister responsible to not know that SUMA voted against it, that the city of Regina led the debate against it. And the minister knows it's true. And in her remarks, no mention of it at all.

Now, Mr. Speaker, until this issue . . . until the government, I think, can prove to the people of this province and particularly to municipal government, can prove to the people that pay the taxes in our cities and our towns and our villages, that this move is a wise move, I think it would be inappropriate for us to go any further down the road with this, Mr. Speaker.

I'm in active consultation with a number of business groups and also with members of both urban and rural government on this particular issue, because it is absolutely fundamental to the way that they will do business in the future. And if they move beyond being simply the regulatory and the taxation agent to being an active, shareholding participant in business ventures, then we have diametrically changed the role of urban government.

And I don't think it would be appropriate for this Legislative Assembly to make that diametric change until there has been more discussion on this issue. And that's why, Mr. Speaker, I move adjournment on this debate.

Debate adjourned.

(1430)

# **Bill No. 28**

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Carson that **Bill No. 28 — An Act to amend The Northern Municipalities Act** be now read a

second time.

**Mr. Swenson:** — Thank you, Mr. Speaker. Mr. Speaker, I'm sure that the comments being directed at me from members of the government will be increasingly shrill in the days to come because they seem to have an agenda that precludes, Mr. Speaker, us having an honest and thorough debate in this House on certain issues that are before it. And I understand, I understand the anxiety, Mr. Speaker, that members of the government exhibit because they get closer and closer to the day when the Premier will read his entrails and decide to call an election or not.

But the fact is, Mr. Speaker, that we cannot, because of our political wishes, simply dismiss the issues that are before the people of this province, Mr. Speaker, and therefore municipal government is something that we should take time to discuss. And I think members opposite, instead of ignoring those wishes, should be more than willing to listen to the remarks of members of this Assembly, whether they be government or opposition, in regards to the level of government that by the way I would remind members has been the most prudent through the years — the most prudent in setting its budgets and probably the most prudent when it comes to being responsible for the taxpayers' money.

They do not run deficit budgets. And I think it's incumbent upon all of us, Mr. Speaker, when we're debating issues dealing with municipal government, be cognizant of the fact that if we tinker, if we tinker with a situation which has proven itself, a system of government which has proven itself through 90 years in this province, then we should do so at our peril because the record of the senior levels of government has not been good when adhering to the principles of fiscal responsibility and passing legislation — passing legislation, Mr. Speaker, which has gotten government into business instead of out of business.

And, Mr. Speaker, in this province there has been a long history of government interference in the business place, a long history of it; pieces of legislation in this very Assembly which in fact legislated expropriation, which saw whole sectors of our economy expropriated and legislated for government, senior levels of government, to interfere in.

Mr. Speaker, you have never seen that at the municipal level. You have never seen municipal councillors, aldermen, mayors, in this province get into that type of game. And it's incumbent upon us, Mr. Speaker, that we tread very carefully before we pass legislation that would allow that.

Now as far as Bill 28 goes, Mr. Speaker, I'd like to say that I commend the minister. I commend the minister for recognizing the advancements made in northern Saskatchewan in northern municipal councils since they were allowed to become self-governing entities in 1983.

Since that time we've seen tremendous changes. We have seen the treaty land entitlement process, Mr. Speaker, move forward that has allowed northern municipal government to have at its

disposal many of the things which we in the other parts of the province have taken for granted ever since our inception as a province.

And the minister did point out in her speech that these northern municipalities are now brought into line with The Urban Municipality Act with many of the recent changes afforded to them as a matter of course.

Mr. Speaker, all of us who have had the opportunity to serve in this Legislative Assembly have always understood the uniqueness of some of our northern communities. And I really look with fondness upon those days and those months and weeks, Mr. Speaker, when I had the opportunity as minister responsible for Indian and Metis Affairs in this province to travel in northern Saskatchewan and discuss with them the changes that were coming where they would assume control of hospitals, where they would assume control of schools; that there was the transfer from the province to the federal government, from the federal government to the Indian bands; to go and visit the various communities in the Peter Ballantyne Band and discuss with them the changes that the Northern Lights School Division would be making.

And everyone, Mr. Speaker, who has travelled in northern Saskatchewan in the last few years understands that that process is rapidly moving ahead.

I always listened with great fondness to the words of the former lieutenant governor, Sylvia Fedoruk, who travelled extensively in that part of the world and always talked about how at the local level, at the local municipal level, there was so much advancement being made.

And I'm glad to see that some of the things that the minister has brought in in Bill 28 will in fact recognize that uniqueness and not impede it.

Now some of the concerns I have, Mr. Speaker, in Bill 27 are legitimate to northern Saskatchewan, but the circumstances, I don't believe, Mr. Speaker, from asking the various interests groups, mean that Bill 28 at this point in time cannot move on to the next stage of debate, to the committee stage.

So, Mr. Speaker, at this time I would recommend that we move to that stage and those questions which pertain to the specific areas can then be discussed in Bill 28 when the minister comes in with her officials in that area.

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

### Bill No. 29

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Carson that **Bill No. 29 — An Act to amend The Rural Municipality Act, 1989** be now read a second time.

**Mr. Swenson:** — Thank you very much, Mr. Speaker. As I mentioned before, this series of Bills — 27, 28, and 29 — they all have some similarities. They also deal with some things that are very unique to their own particular area.

One thing that was very evident in Bill 29 — this deals with rural government, rural municipal government, Mr. Speaker — is the area of emergency services, if you will, emergency responses that, because of distance and size, naturally differ from what we would find in urban areas, Mr. Speaker.

And I commend the fact that the minister and her officials have done enough consultation to ascertain that in rural Saskatchewan you have to have, in fire protection, a different set of rules than you do in an urban area.

Now urban government mostly has the ability, either through paid or volunteer fire departments, to have most of the requirements of occupational health and safety, labour standards — those types of issues — wrapped up in contractual arrangements.

The problem, Mr. Speaker, with the rural areas, was that volunteer fire-fighters who may be hooked up through a telephone system to each other — they may or may not have much in the way of equipment — were not covered with adequate protection for the service that they were offering to their fellow ratepayers.

So what the minister has done — and we wholeheartedly agree with . . . is that the protection from liability that these people now have was absolutely fundamental for people to volunteer and in some cases risk their own lives in the protection of their fellow citizens. Very inappropriate for someone to go out and do everything they could — to take their own equipment, their tractor, their disc and other things — and then all of a sudden have a lawsuit thrown on them because they happened to cultivate up some part of a neighbour's field that he didn't like. And the fact is they were doing the job that was assigned to them as a volunteer fire-fighter.

However, Mr. Speaker, like Bill 27, there are a number of areas in this Bill that seem to have caught the attention of rural councillors and of business groups who increasingly, Mr. Speaker, increasingly are doing value added and value added processing in rural areas of the province.

Because what this Bill does, Mr. Speaker, it extends the assessment powers of municipalities, particularly when it comes to the improvements on property. Mr. Speaker, if one takes this the wrong way — and some already are — what it amounts to is a blank cheque for municipalities to squeeze further tax dollars out of rural Saskatchewan.

What you often have, Mr. Speaker, in the case of a family farming operation who decide to go into the seed cleaning business — they're going to clean lentils, different things like that — it's very easy to invest a half a million in infrastructure costs. Very easy these days, Mr. Speaker, in a lot of farming

operations, to have that much tied up in capital assets besides the tractors and combines and everything else you might have.

If a blank cheque is extended to the way that assessment is done, you will soon see those who have proven to be extremely successful, Mr. Speaker, being looked upon as perhaps — and I say perhaps because the vast majority of rural councillors in this province, I think, respect initiative, Mr. Speaker . . . but you could possibly have the opportunity where you had an unfair assessment being done on improvements. And I don't think that's something we want to take lightly, Mr. Speaker. We don't want to take that lightly.

Any time that we pass these amendments to one of these municipal Acts, we have to understand that what is applicable in one RM is just as applicable in 390-some other ones, okay. It's not one province; it's 3 or 400 other jurisdictions, Mr. Speaker, all with elected councils, all responsible to the ratepayers, but a whole host of jurisdictions, Mr. Speaker, who may or may not apply these changes uniformly.

And that, Mr. Speaker, is something that we have to think about very carefully, that we do not pit one part of this province against another; we do not pit one RM against another; that we do not have RMs in the business of competing more than they are at present for business and business ventures.

Mr. Speaker, those things should be on a level playing-field, as level as possible, given the natural attributes that may be in one place or another. And by doing that, Mr. Speaker, we will have the opportunity to rejuvenate rural Saskatchewan.

Heaven knows what the population loss and some of the changes that have been hoisted upon rural Saskatchewan by government, both federally and provincially, and particularly in the last three or four years provincially, Mr. Speaker. The ability to keep ratepayers in place and keep our populations in place is very much incumbent upon us having municipal legislation which does not create inequity more than what we have today.

And the same provisions go with home businesses, Mr. Speaker. These are areas where you get government red tape, you get taxation applied unevenly, and you get senior levels of government meddling in municipal affairs way beyond what is absolutely necessary.

And you review the minister's speech, as I did again, Mr. Speaker, because I wanted to clearly understand if she had keyed on these particular areas. If there are areas of concern that are brought to the official opposition, if business groups, RM councillors and others, business agents, recognize these areas, then I would think that the officials in the department and the minister would also recognize them.

(1445)

And because these things are concerns that people like, once again, the CFIB (Canadian Federation of Independent

Business), who in my own area, within a five or six mile radius of my farm, have 12 farm members signed up — all farmers who are into value adding and doing new things — when those members are polled and asked questions pertaining to this legislation, they have concerns.

And I think until we clearly understand, Mr. Speaker, and have done our consultation, any member of a senior government who would change municipal law without a lot of thought, and not simply concentrating on whether we're going to have a provincial election or not, should do so at their peril. Because I believe people should clearly understand the changes that are presented to them.

And I don't think that's apparent yet, Mr. Speaker. At least the RM councillors I've talked to don't really know what is happening with what the minister is proposing. And I think it's prudent that this Legislative Assembly take the time, Mr. Speaker, to debate these issues in a way that will give that time and understanding to the people we affect most, and that's the ratepayers of municipal government in this province.

And therefore, Mr. Speaker, I would adjourn debate on Bill 29.

Debate adjourned.

## COMMITTEE OF THE WHOLE

### Bill No. 10 — An Act respecting Private Vocational Schools

**The Chair:** — Before we proceed to clause 1, I would ask the Minister of Education, Training and Employment to please introduce to us the officials who have joined us here today.

**Hon. Ms. Atkinson:** — Mr. Chair, beside me is Lily Stonehouse, assistant deputy minister of advanced education and employment services. Behind Ms. Stonehouse is John Biss, director of institutional liaison unit; and directly behind me, Darlene Heska-Willard, private vocational school liaison.

### Clause 1

**Mr. D'Autremont:** — Thank you, Mr. Chairman, I'd like to welcome the minister and her officials in today. This is a very important Bill in my belief. There has been a number of problems over the last few years with the vocational schools.

A number of people have been hurt, in particular those that have been hurt have been the students. They've either lost part of their educational term and have had to then turn around and try and find the location someplace else, or they may have lost that portion of the year and then still had to try and find another institution to go into. Or the other manner in which they've been hurt is the loss of their monies that they have put into that education — their tuition fees that they have paid up front and then received no benefit for.

So while that is what I see the main purpose for this Bill, I wonder if, Madam Minister, you could give us an outline of the

reasons behind this Bill and what you hope to accomplish with it.

**Hon. Ms. Atkinson:** — The intent of the new Bill is to provide the legislative framework for translating into practice a number of the key recommendations that came out of the Private Vocational Review Committee's work in 1993.

The new legislation and the regulatory changes that will result — regulations come out of the legislation — will improve consumer protection, will place greater emphasis on program quality, and will share responsibility and accountability through partnerships between the government, the private vocational school industry, for the development and administration of private vocational schools.

**Mr. D'Autremont:** — Okay, thank you, Madam Minister. Before we get on to the consumer protection, I wondered if you could give us a run down on what you see happening in the program quality.

**Hon. Ms. Atkinson:** — In order to deal with program quality — and obviously this is an issue that came out of the private vocational school review process — there will be an industry advisory committee struck whose job it will be to review all private vocational school programs existing every five years and to approve of all new private vocational school programs. So the industry, along with the department . . . and when I say industry, I'm not just talking about the private vocational school industry, but I'm talking about the industry that private vocational schools train people for. Employers and industries, they will be involved in the process of approving and monitoring program quality in private vocational schools.

**Mr. D'Autremont:** — Well thank you, Madam Minister. This committee that you're talking about, will it be a standing committee, an ongoing committee, or will it be a committee that's struck every five years with new people on it? What experience and qualifications is necessary for these people to have that would sit on the committee?

**Hon. Ms. Atkinson:** — This will be an ongoing committee. There will be representation from the department. There will be representation from the private vocational school industry, as well there will be some revolving seats that will represent industry where we will have industry experts that can guide us in approving and looking at programs that are being offered by private vocational schools.

**Mr. D'Autremont:** — This committee, Madam Minister, who will choose the representatives on the committee? Will they be chosen by the Department of Education? Will they be chosen by the vocational schools? By the industry that they're serving? Who will make the choices as to who will sit on these committees?

**Hon. Ms. Atkinson:** — It will be a minister's committee, which means that the appointments will be made by OC (order in council). It means that there will be recommendations made

from the private vocational school industry. There will be recommendations made from industry, and of course recommendations from the department as to who should sit on the committee from the department.

But it will be a committee that is not . . . that represents industry and represents the private vocational school industry and also represents the Department of Education, Training and Employment.

**Mr. D'Autremont:** — How large of a committee do you envision, Madam Minister? What length of terms would the people sit on there for? Would they sit from review to review so they'd be on for five or more years, or are they on there just for a review that would take place, say, for six months to a year at that five-year point? How would the committee structure work?

**Hon. Ms. Atkinson:** — This committee will come through the regulations. As I said, the Act is the legislative framework, but then of course there will be regulations that are drafted to help us administer and implement the Act. And those kinds of details that you're asking us for will come in the regulation process and we are now just reviewing that with industry.

**Mr. D'Autremont:** — Well, Madam Minister, I think it's very good that the vocational schools would have someone on the committee, that industry whom they're serving would have someone on the committee, and the Department of Education. But there's one group here that's being missed out, Madam Minister, and that's the students. Should the students not have someone who can sit on this committee?

When I've received phone calls from students dealing both with the consumer protection side but also from the program side, they have made a number of recommendations that students should be allowed some input into the system because they are the ones who are going through it. Your department people are in there observing at times, but they're not living it. The students are living what's happening within the vocational education system.

And so I think, Madam Minister, that they should have an opportunity to also be represented on these committees.

**Hon. Ms. Atkinson:** — I don't disagree with the member. The point I would make is that often private vocational students are only attending private vocational schools for eight months, ten months a year, maybe six months. So there would be some difficulty in terms of an ongoing five-year appointment for a particular student to sit on a committee, the advisory committee. But what I can commit myself to do is to take a look at how we might involve student representation on program quality advisory committee to the minister.

**Mr. D'Autremont:** — Well, Madam Minister, perhaps a means of doing that would be in consultation with the student councils. I'm not sure that the vocational schools have a student council, but I'm sure that they have some form of organization for students within their structure. And perhaps they could

make the recommendations as to who would be an appropriate person or an appropriate structure for them to have some input into it.

Quite often you'll have a student who may have been through the system for a year and is graduating, and they might be the type of person that would do well to sit on this kind of a committee for a certain period of time — a one-year or two-year term or something along that line — depending on how intensive this review would be.

And I'm not sure if you're talking about having a committee that would be sitting eight hours a day five days a week, or if it's sort of a thing where they would meet once a month, you know, Madam Minister. But I think there is an opportunity there for the students to have some input and I think that input would have a considerable amount of value to the system.

**Hon. Ms. Atkinson:** — As I said earlier, that certainly is something that we could consider. I know that at SIAST (Saskatchewan Institute of Applied Science and Technology) on the board of governors there are past students that sit on the board of governors, and that might be one route to go — that we could have graduates from private vocational schools sitting as advisers to the government when it comes to program quality. So I certainly will take the member's comments, recommendation, into consideration when we're drafting the regulations.

**Mr. D'Autremont:** — Thank you, Madam Minister. Madam Minister, you mentioned that this Bill comes out of the study on the vocational schools, and that study cost I believe \$69,000. Was this cost directed to the people who did the study, or was it in accommodations and touring and travel and those types of things? What was the \$69,000 spent on, Madam Minister, that was part of the study that brought forward this legislation?

**Hon. Ms. Atkinson:** — I would ask the member to ask me that question when the Department of Education, Training and Employment estimates are being done. I don't have the appropriate officials to help me answer that question.

(1500)

**Mr. D'Autremont:** — Well perhaps, Madam Minister, later this day we'll get to this. Madam Minister, part of this legislation deals with an annual return of financial statements from the schools. Now what kind of a financial statement will the department be looking at? Is it the financial statement as provided by the auditors of that institution or does the department somehow monitor that financial statement?

**Hon. Ms. Atkinson:** — I'm told that there's two ways that the financial information can come. It can come via an audited financial statement, or it can come by an unaudited financial statement but certified by an accountant.

And I am advised by my officials that for some of the very small private vocational schools, an audited financial statement

would be cost-prohibitive. So in that case, what we do is we take an unaudited financial statement but certified by a certified accountant.

**Mr. D'Autremont:** — Thank you, Madam Minister. From your understanding of the audited financial statements or the certified ones, if that had been in place in the past three or four years, what impact would that have had on the losses that were incurred by the vocational schools with the result of some of them closing? Would you have been able to monitor that and determine that there was a problem there?

**Hon. Ms. Atkinson:** — The answer is that yes, this will help us because we will become aware of the issue ahead of time. And I should tell you that after the private vocational schools review process was completed and the report was given to the previous minister, that the department did move to put some of these checks in place. But we didn't have the legislative authority to do this, and so now we will have the legislative authority.

**Mr. D'Autremont:** — Do you think though, Madam Minister, that it will have a significant impact on the determination as to whether institutions are getting themselves in trouble and that you would be able to prevent that in some means by having advanced warning of it?

**Hon. Ms. Atkinson:** — It will enable us to have earlier intervention.

**Mr. D'Autremont:** — Okay, Madam Minister. If you determined that a school is reaching a crisis circumstance, what kind of intervention are you talking about?

**Hon. Ms. Atkinson:** — Basically what we will be able to do is put a school on probation. So we'll be able to work with them in terms of the terms and conditions that we will allow them to continue. We can get them to work with a financial consultant to assist them — those kinds of things. With this particular piece of legislation we'll be given advanced warning and we'll be in a better position to work with private vocational schools to work their way through the plan or to look for some alternatives for students.

**Mr. D'Autremont:** — Thank you, Madam Minister. When you're examining their audits, what kind of markers or measures would you be using to determine whether or not they're entering into a crisis?

**Hon. Ms. Atkinson:** — Peat Marwick Thorne has developed a standardized test instrument for the department to use when assessing financial statements from private vocational schools. And this test instrument gives us some indicators based on the financial information that's provided to us as to the financial health of the private vocational school.

**Mr. D'Autremont:** — Thank you, Madam Minister, once a school has been placed on probation what kind of restrictions would they be facing? Would there be restrictions on new students entering the system? Would there be a necessity to

monitor their ongoing programs to determine that students are receiving the proper course curriculum, that in the prescribed time that they would have purchased their tuition, their program, that they would have completed it within that sort of time? What kind of a probationary system do you envision?

**Hon. Ms. Atkinson:** — Obviously it would be dependent upon the issues, but all of the comments that you've just made might apply depending upon the issues that that private vocational school is facing.

**Mr. D'Autremont:** — Well, Madam Minister, I would suspect that a school would have to be in a very serious critical position to not allow new students in.

It's my understanding that these vocational schools sort of have an ongoing entrance time; that a program doesn't start in September and finish in April, it starts in September 1, October 1, November 1 and so forth. If you were to put a probation on the school that they were not going to be allowed any more students, say, as of January 1, I would almost think that would tell the rest of the students it's time to abandon ship, that this school is in serious trouble and to get out.

If that was the circumstance, Madam Minister, I think it would be very incumbent on the government then to be finding alternatives for those students and to basically be telling the school that it's time to wind it up. If the students are no longer going to be allowed to participate in their courses, I think that's going to send out a very powerful message to the other students that are already in the institution.

I think it would be very important that the department ensure that that is the message that they want to send out. Or that some other message is sent, that it's very clear that — say, students who are not going to be brought into the system for the next three months — we got a problem here, we're going to straighten it out in that period of time and then new entrants will be allowed in.

So do you see it working something like that, Madam Minister? Or are you prepared to say that if we cut off new students coming in that we are basically winding the school down.

**Hon. Ms. Atkinson:** — Certainly with this legislation, we will now have the option to close a school if the school is not solvent or if the quality of the program is no longer there because of the financial difficulty that the private vocational school operator is experiencing.

As well we will have a training completion plan for each private vocational school with the . . . I believe it will be the regulations so that there will be a . . . we will have a quick response if we deem that a private vocational school is no longer capable of functioning because of its financial instability.

**Mr. D'Autremont:** — Well, Madam Minister, if you were to cut off new students entering the system, are you saying then

though that the school is going to be wound down, or is there some other message to be taken from a disallowance of new students entering the system?

**Hon. Ms. Atkinson:** — With this legislation we would hope that we would be able to intervene early enough that we could help a private vocational school get back on its feet before we would have to make the decision to stop further enrolment into the school.

As well, as I said earlier, it is our intention through the regulations to have training completion plans for each private vocational school so that if you were in a situation where you had to stop enrolment . . . And you're right, that does send a pretty significant message to students who are there, but those students would then have the option to have their training completed elsewhere, and that's why we will have training completion plans for each private vocational school.

**Mr. D'Autremont:** — Thank you. Madam Minister, when you're talking about training completion plans, are you talking within that institution, or are you talking about finding some other institution who would pick up those students and provide that completion?

**Hon. Ms. Atkinson:** — Each institution will have to have a training completion plan, which means that they would have to be able to show the department that there is a place, another institution, that these students can go to should circumstances arise that they can no longer receive their training at that particular private vocational school.

So that's one of the strengths of the legislation, so that we don't find ourselves in a situation where all of a sudden a private vocational school closes its door and we all scurry around trying to find places for students to go. The purpose behind the training completion plan is to have a plan in place and we would know where students would go to complete their training.

**Mr. D'Autremont:** — Thank you, Madam Minister. One of the other good parts of the Bill, other than the financial returns from the schools, which I believe is good, there are the student contracts. I wonder if you could give an outline of how the student contracts will work and what kind of requirements are placed on that student. And what kind of requirements are placed on the institution in meeting that contract?

**Hon. Ms. Atkinson:** — The contract will outline for the student his or her obligations and his or her rights. As well, the contract will indicate that there is a dispute mechanism, which is referred to in legislation, that students can undergo if they get into a dispute with the private vocational school operator or administration.

**Mr. D'Autremont:** — Thank you, Madam Minister. I wonder if you'd mind outlining, within that contract, what are the students' rights.



**Hon. Ms. Atkinson:** — This is a part of the regulatory process so it will be in the regulations. So we don't have the contract here. We're just dealing with the legislative framework and we will shortly be working on the regulations that accompany the legislation.

(1515)

**Mr. D'Autremont:** — Well, Madam Minister, I see that as a problem. I like the contract, but I see not having something a little more concrete than we're looking at it as a problem.

I think it's very important that students, when they enter into this contract, and even right now while it's being written, have an opportunity to know what they can expect to receive as a right.

And I like the other part that you put in there too, Madam Minister, where you said obligations; I would call them responsibilities. But I think with every right that we receive, we receive a corresponding responsibility. And I think it's very important that these be included in this. But I think it's also even more important that they be defined so that the students know exactly what they're entering into.

If it's put in regulations, Madam Minister, it's very easy to shift and change. The government changes regulations all the time. And they change them and make them retroactive all the time. So I think it's very important, Madam Minister, that some of these rights and some of these responsibilities be spelled out in the legislation so that the students have at least an opportunity to appeal if these rights and obligations are changed after they have taken out their contract.

Madam Minister, we have seen it happen within this House with the GRIP (gross revenue insurance program). Every farmer believed he had a contract and that the government would honour that contract. The government had opportunities to change the contract within certain criteria; but when it changed outside of that criteria the contract was broken but the farmers had no appeal mechanism.

I think it's very important, Madam Minister, in the case of these students, that both their rights and their responsibilities, their obligations, be at least broadly outlined within the legislation. And that an appeal mechanism be put in place that if the regulations change after they have signed their contract, that they have some alternative mechanism for redress if they believe there's a problem there.

**Hon. Ms. Atkinson:** — Well right now we do have 15 components that must be included in an enrolment contract for a private vocational school. And the components are, the name and address of school, title of student information, program information, program outline, resource materials, program costs — these kinds of things.

Now the legislation is quite clear: no operator shall use any form that doesn't receive the approval of the minister. This

legislation is the legislative framework for how we're going to have private vocational schools in the province.

Then we will have a set of regulations. In the regulations, we will outline in more detail what will be needed in the student contracts. Private vocational schools will not be able to change those student contracts without the approval of the minister.

So I would suggest that, in my view, students will be protected in that they will know their rights and responsibilities or obligations, because it will be stated very clearly in their student contract with the private vocational school operator. And the private vocational school operator will be informed as to the kinds of rights and responsibilities students will have, and those rights and responsibilities will be outlined more clearly in the regulations.

**Mr. D'Autremont:** — Well thank you, Madam Minister. I have to admit I have less concerns and less worry about the vocational school changing the contract than I do about the department changing the contracts.

Madam Minister, when you talk about name, phone number, address, etc., I don't believe that is either a right or a responsibility; that's simply information that you would place within any agreement to determine who was entering the agreement. So I think you need to . . . we need to do a little more discovery on what you're thinking about when you talk of rights and obligations. So can you give something more definitive, Madam Minister?

**Hon. Ms. Atkinson:** — What I would like to say is that the Department of Education, Training and Employment, the minister, is not a party to the contract. The contract is between the student and the private vocational school operator.

The role of the department is to insure that included in that contract is some information — information on refunds, for instance; information on student appeals, for instance; information on school policies as it affects students; information on the fact that there is an Act and there is regulations so students have some sense of where they go if they need to get further information as to what Act governs private vocational schools and what regulations govern private vocational schools.

I think so often people think that private vocational schools are like SIAST and like the universities. They're not. Private vocational schools are private businesses that provide vocational education or a technical education to persons who wish to attend private vocational schools. I guess the point I do want to make is that this is a contract between the student and the private vocational school, not a contract between the student and the Department of Education, Training and Employment.

Our job is to ensure that there is appropriate legislation, appropriate regulations, and to ensure that there is proper student consumer protection, proper monitoring of program so that we in fact know that the programs students are receiving is

appropriate in today's economy.

And our other job is to ensure that the school is financially viable in order to protect students from private vocational schools going under.

**Mr. D'Autremont:** — Thank you, Madam Minister. I may have been operating under the delusion that you were indeed going to be a party to this contract. From your explanation, I gather that you are going to monitor it and ensure that nothing untoward is in the contract that might harm either party. Would that be a safe explanation?

**Hon. Ms. Atkinson:** — Yes, it would be.

**Mr. D'Autremont:** — Thank you, Madam Minister.

When the contract has been signed by both parties, how is the department going to monitor the terms of the contract and to ensure that there's compliance to the terms of the contract?

**Hon. Ms. Atkinson:** — The department visits the private vocational school at least once a year. The department will have knowledge as to the kinds of programs that are being offered in the private vocational schools because they will be sitting on the advisory committee on program quality.

The department will certainly . . . The student will be made aware of the department's involvement should they wish to launch some form of student appeal or if they have an inquiry, because in the contract it has to be stated that inquiries will be directed to the Department of Education, Training and Employment so that students know that the department does have a role to play in monitoring private vocational schools in the province.

**Mr. D'Autremont:** — Thank you, Madam Minister. I'm glad you brought up the last part because that's what I had written down as a note for myself. Would there be an ongoing contact for students within the department if they had a complaint or a concern.

I know that in the past there has been someone within your department who has been responsible basically for the administration and compliance with the regulations of the vocational schools. I've received complaints from students that when they complained to this person within your department that very little seemed to happen — that they were sloughed off, that there wasn't a positive response towards the student who had a concern. And I think that that area, Madam Minister, needs to be somehow strengthened; that whoever in your department is in charge of looking after these contacts does do so in a positive manner and investigates any concerns that may come forward.

Some of them will be valid and some of them won't be. I mean if the student gets an F on a course, some of them will complain that the vocational school was treating them wrong. And I suspect that that happens from time to time. But there are some

complaints that do come forward that are legitimate, and we've brought some of those concerns to you, Madam Minister.

So I think there needs to be within your department someone who can be held responsible for the complaints. And not responsible in the sense that they will be punished if there is a problem, but somebody who can be held responsible if nothing is looked at; if the complaint isn't taken seriously and isn't investigated — someone who is responsible to do that investigation to determine whether or not the complaint is valid. Madam Minister, would you care to respond on that?

**Hon. Ms. Atkinson:** — Well in the department we think it important to follow due process. What we want is a complaint in written form. It's very difficult to deal with complaints over the telephone when you may not have all the nuances of the case or of the complaint, so we ask people to put their concerns in writing.

And having had some experience myself with constituents who have concerns and contact the constituency office — and you have lots of them — it is . . . you think you might have their problem if you take it over the phone, but when you get into it you really haven't caught the essence of the problem, or you go back and they said, you didn't get it at all. And so sometimes it's very helpful to get these complaints in writing.

And then what you have to do is you have to go and talk to the private vocational school operator or the administration and work through some of the detail and get a response from them. And I know that people are often frustrated by the length of time it takes government to respond, but it is important, particularly when the department plays a monitoring, regulatory role, that we get both sides of the story and to be even-handed. Not to be an advocate for one, you know, set of concerns over another set of concerns.

So I would say that with this legislation, what we have done is strengthened our ability to respond to the private vocational school industry who are very concerned about the numbers of private vocational schools that have gone under in the province in the last several years; and also to respond to students who have been the victims of some of those private vocational schools that have gone under.

I can say, I think with some strength and some conviction, that I have met private vocational school operators that want to provide a good quality of education and they become extremely concerned and extremely upset when we have complaints about private vocational schools, because they think it reflects on their school. And they think that they're doing a good job, and they are.

And so I guess I would say to the member that I think it important that the department, because now we have this legislation, will be in a better position to act quicker and to address some of those student concerns. But they also will have the partnering with the private vocational school industry that will assist the department in addressing student concerns.

**Mr. D'Autremont:** — Well thank you, Madam Minister. And I can understand the concern that the industry has whenever a complaint comes forward. I don't know the operators within the system, but I would suspect that most of them are very good operators, have a great deal of concern for their students.

But what seems to happen is when you have one or so bad apples, they float to the surface and are the ones that are visible. And so the public sees those, whereas they don't see the others that are doing their job properly.

One of the concerns that has been brought forward to me is when a student may have an interest in bringing forward a complaint. And you've said that you really need to have something in writing, that you need a name.

Some students, Madam Minister, it's been brought to our attention, are being threatened by either the operator or the administrator or someone within the institution system, that if they bring forward a complaint, they could face either course penalties — they could face financial penalties — or they could even face lawsuits.

So if there is a problem out there, Madam Minister, that a student wants to bring forward, can they do so with anonymity?

(1530)

**Hon. Ms. Atkinson:** — I'm advised by my officials that students are never identified. They are not identified when they go and meet with the various private vocational school operators.

The one thing I want to say is that on the contract they will have to outline the internal dispute mechanism, and if that doesn't work, then there's a mediation process. And if that doesn't work, included in the legislation is advisory committees, and through regulation we are going to have a complaints and ethics committee to deal with the whole issue of student concerns or private vocational school operator concerns that can't be resolved through the dispute mechanism or mediation.

**Mr. D'Autremont:** — Madam Minister, it sounds like you're building a whole new bureaucracy here.

Madam Minister, some place within this new structure that you have just outlined, if a student has a concern about the official within your department that the complaint may be going to, is there some other course that they could take? Is there another official within your structure that they could go to as sort of a safety-valve outlet?

Now perhaps within the mediation process or the advisory committee or the complaints and ethics — I had to write these very fast and I don't know shorthand — perhaps there is someone within there who could take this as a safety valve system. Because I know it is a concern with some students that have had a problem, both with their vocational institution and then in trying to deal with an individual within your

department. They would prefer to have had the opportunity to deal with someone else.

**Hon. Ms. Atkinson:** — The chairman of the ethics and complaints committee could certainly serve that role.

I just want to be clear: the internal dispute mechanism is contained in the student contract of the private vocational school, and the private vocational school has to outline how they plan on resolving internal disputes.

If it can't be resolved there, and the student still isn't happy or the private vocational school operator isn't happy, there can be a mediation process, where there's a third party that tries to mediate the complaint.

If it doesn't work there, then there is an advisory committee which is part of the advisory committee to the minister, where there would be an ethics and complaints committee that would deal with these conflicts that arise between students and operators, or conflicts that could arise in some other way that involves private vocational school operators and students.

**Mr. D'Autremont:** — Well thank you, Madam Minister. My whole experience with the vocational schools deals with complaints with one institution. And I don't know how many institutions there are in the province, but they all deal with one institution. And I know you're aware of it, Madam Minister.

And so when you have the contract in place . . . And I'm thinking of this particular institution. I don't think going through the complaint mechanism that would be outlined internally would have solved the problems that these students felt were there. So you need something else outside of that, so the mediation process, the advisory committee . . . But the students in this particular case had gone to your department and felt that there was a concern that they had with the individual they were dealing with, and this is why I was inquiring about some sort of a safety valve for them.

Would it be possible to put a contact number both for the mediation services, if they couldn't get a settlement through the internal mechanism with the school, plus the number of a secondary safety outlet? And I don't know when that would be necessary to do that, whether it would be necessary to put it into the contract. If you put it into the contract, students are apt to phone it first, and I think that would be circumventing. And I don't have a problem with going to mediation services on it or a mediation process. I believe in most cases that would probably solve the problem, and some perhaps not. But I think there's still a need for the student to somehow gain the information that there is a safety outlet for them in there.

**Hon. Ms. Atkinson:** — We certainly could include the ethics and complaints part in the student contract. We'd have no difficulty doing that.

**Mr. D'Autremont:** — Thank you, Madam Minister. Perhaps that would handle the majority of the problems.

One of the other . . . I've got three good parts written down here for this legislation. The other one was that no operator of a school shall engage in false advertising. I'm just wondering how you're going to monitor that, Madam Minister.

**Hon. Ms. Atkinson:** — We have to approve the advertisements, and we have guidelines for the advertisements. As well the ethics and complaints committee will be able to deal with, you know, faulty advertising. And the reason for this is because there appeared to be some marketing that had gone on in the past where they were marketing a program that really was questionable, and so now we will have these guidelines. We'll have to approve the ads. And if there's still a problem, it'll go to the ethics and complaints committee.

**Mr. D'Autremont:** — Thank you, Madam Minister. Will you also be carrying out any monitoring of the local advertising mediums to ensure that all of the ads have come to you?

**Hon. Ms. Atkinson:** — Yes.

**Mr. D'Autremont:** — Madam Minister, if an ad has been placed that doesn't meet your approval, what kind of sanctions can you take against the institution that has done such a thing?

**Hon. Ms. Atkinson:** — The private vocational school would jeopardize their licence.

**Mr. D'Autremont:** — So the only sanction you could take against them would be to revoke their licence. And that would put a considerable strain then on the students that would be there. Surely there must be some other mechanisms other than simply yanking their licence.

**Hon. Ms. Atkinson:** — We could put them . . . I was talking about the ultimate action the department could take. But certainly they could be put on probation, they could be given a warning — maybe they made a mistake — they could be fined, they could go to the ethics and complaints committee.

There is going to be more involvement of the industry in this whole process. And I think that industry involvement will assist the department in ensuring that private vocational school operators are operating in an appropriate and legal manner.

**Mr. D'Autremont:** — Well thank you, Madam Minister. I'm sure that any industrial partner with a vocational school is not going to want to have their name besmirched because an operator of a school was not doing it properly. Neither would they want the students coming out of that institution not being properly prepared to enter their workplace.

So it . . . there would be some safeguards there. But I have some lack of faith in one or two school operators, Madam Minister, that they may somehow try to circumvent the safety measures that are in place.

Madam Minister, it's still a concern though for some of the students . . . Well I'll come back to that. The mediation process,

the advisory committee, and the complaints and ethics committee, who would make up these committees, Madam Minister?

**Hon. Ms. Atkinson:** — This will come by way of regulation. But I can assure you that we could look at the involvement of students on this committee as well.

**Mr. D'Autremont:** — Okay thank you, Madam Minister. Would that also include the same groups as the previous one where you would have the department, the school, and industrial representatives?

**Hon. Ms. Atkinson:** — Not necessarily industrial representatives. Industrial representatives would be employers who are hiring students and we would have those folks represented on the program committee. Complaints and ethics, we would have the industry, private vocational school industry, represented on that committee along with the department and perhaps some other experts like a lawyer, an ethicist, students. I mean there are some possibilities there.

But this will be framed in our discussions with the private vocational school industry and will be framed through regulation.

**Mr. D'Autremont:** — Thank you, Madam Minister. How soon do you envision the regulations coming into play should this piece of legislation pass the legislature?

**Hon. Ms. Atkinson:** — The regulations have to be in place when the Act is proclaimed. We'll assent to it, but then it has to be proclaimed.

So what will now happen once the Act is passed, the department will begin to work with the Department of Justice and the private vocational school industry in drafting the regulations that will accompany the Act when it's proclaimed. And I can't give you a time line as to when the Act will be proclaimed because we have to draft the regulations.

**Mr. D'Autremont:** — Thank you, Madam Minister. I'm wondering what kind of input the public could have on the drafting of those regulations, what kind of input the students could have on this particular sections that are dealing with the committees in which they could be a part of — would there be any opportunities for them to have any input?

**Hon. Ms. Atkinson:** — We're working on the regulations, I understand, and we have had meetings with students and other people. There is input. We're not going to be sending the draft regulations to everyone in the province, but certainly all of the interest groups. The draft regulations will be shared with them and they will have input into the final regulations.

**Mr. D'Autremont:** — Well thank you, Madam Minister. One of the students that I brought to your attention last session, Ross Joorisity, I know has talked to your department and to you about some of his ideas that could be incorporated into this Bill.

Would it be possible for him to have some input into that? Because he has indeed volunteered to do that as of, you know, his own time because he understands some of the problems that he went through and some of the other students have gone through, and he has volunteered to be available as a resource if it would be possible to be used that way.

**Hon. Ms. Atkinson:** — I'm advised by the officials that he was involved in the process last week. The department has consulted with Mr. Joorisity, along with others, and they were involved in the consultation last week, and the department appreciates his input into the process.

**Mr. D'Autremont:** — Okay, thank you, Madam Minister. Within the Bill, you've talked about the training continuation of the students' enrolment. How much of a disruption do you envision having in place if the school gets into trouble and closes. Now they've got a continuation plan in place, so that's fine if the school continues on. There's some mechanism for them to carry on for a period of time perhaps as the school reorganizes their finances or as they wind down.

But if the school closes abruptly, what kind of considerations are going to be given to getting students into another program? And what kind of a time frame are you looking at as being acceptable for that student to be outside of their program?

**Hon. Ms. Atkinson:** — Our experience with Reliance was that within two days, students were in alternative programs, or alternate programs. With the training completion plan that will be in the legislation, and all private vocational schools will have to have them, hopefully we'll be able to have students placed the next day — the day after we know that the school has gone down. But we worked very quickly with the private vocational school that went down some months ago and got those students, within two days, into alternate training arrangements.

**Mr. D'Autremont:** — Well under this new Bill, Madam Minister, do you foresee reciprocal agreements between schools that if my school gets into trouble, then the member from Shaunavon school will pick up the slack and vice versa? Is that the kind of arrangements that will be coming into play?

**Hon. Ms. Atkinson:** — Where that's possible, I think that will happen. With the students that were left in the lurch after the last school went down, the private vocational school operators who were providing training in that particular field moved very quickly to accommodate those students.

**Mr. D'Autremont:** — Thank you, Madam Minister. Part of the legislation deals with a training completion fund. Now what is the training completion fund about?

(1545)

**Hon. Ms. Atkinson:** — The training completion fund is about paying for students to complete their training as quickly as possible.

**Mr. D'Autremont:** — Well who provides this fund, Madam Minister? How is it administered? Where does the money come from?

**Hon. Ms. Atkinson:** — The money will come from the operators. And we're still working with the operators through regulations to determine how that is going to be done, but the money will come from the operators.

**Mr. D'Autremont:** — What extent of a fund do you envision here, Madam Minister? Are you looking at a fixed, flat fee per student with a maximum cap perhaps? What is this fund? How large is it going to be, and who is going to administer it? Will it be the department that administers it? How is it allocated out after that?

**Hon. Ms. Atkinson:** — The department will administer the fund. The fund was suggested by the private vocational school operators. And the department is working with the private vocational school operators to determine exactly how we're going to realize the fund. So that is presently in process.

**Mr. D'Autremont:** — Well, Madam Minister, you must have at least a ballpark figure that you're looking at when it comes to how large you want this fund to be. Perhaps you can answer how many vocational schools there are in the province and how many students are there at any one time within the vocational school system.

**Hon. Ms. Atkinson:** — There are 36 schools. Last year's figures, approximately 2,500 students. And we're anticipating — but this is just anticipating — that the maximum fund would be about 1 per cent of tuition.

**Mr. D'Autremont:** — Okay, thank you, Madam Minister. I missed the number of schools . . . (inaudible interjection) . . . 36, the minister says.

Okay, 1 per cent of tuition, what kind of dollars would we be looking at there?

**Hon. Ms. Atkinson:** — Okay, we anticipate that there will be an annual contribution of about \$35,000. It's going to take a number of years to get to where we want the fund to be. But at this stage, there is nothing available to do training completions. And we anticipate that within some years we would be in a position where we would have the fund where we'd want it to be.

**Mr. D'Autremont:** — Well thank you, Madam Minister. The \$35,000 represents the 1 per cent. Now how large do you want the fund to be? You say it could take a number of years to reach that point.

So are you looking at 10 years' worth, which would be \$350,000 of principal plus any accumulated interest. What volume of dollars are you looking at as having in this fund as a protection for students?

**Hon. Ms. Atkinson:** — It's our intention that we work with the private vocational school operators to work through the process of what would be an appropriate level for the fund. We have not yet worked through that detail, so I can't tell you with any precision what the cap should be on the fund.

But we do believe that it will be about \$35,000 for a number of years.

**Mr. D'Autremont:** — Thank you, Madam Minister. You must have at least some ballpark figure in mind of a million dollars or less, or a million dollars or more. You must have something. I mean this thing just can't keep growing like Topsy. I think there has to be sort of an upper limit to it.

Is it going to be . . . And how is it going to be judged when it reaches that magic cap level?

**Hon. Ms. Atkinson:** — I'm advised by the officials that one school closing could cost up to \$130,000. Obviously we want to work with industry to determine what an appropriate cap on the fund would be. If you had two or three schools go down in one year you could be looking at \$400,000. That's why the officials are reluctant to put a cap on it because they're still negotiating or working and cooperating with the industry to determine what would be an appropriate level of fund for the numbers of students and the numbers of schools in the province of Saskatchewan.

**Mr. D'Autremont:** — Well thank you, Madam Minister. I do have a concern with this one that it's adding a 1 per cent fee onto all the tuitions of students. And what happens to the money? Does it simply sink into that big, black pit known as the Consolidated Fund, never to be seen again? And that at the end of the day when you're supposed to have 400,000 or a million dollars sitting in there, all you actually have at the end of the day is an unfunded liability.

Is this money going to be dedicated to that purpose, going to be left within a trust account to accumulate any interest for the purposes of the students?

**Hon. Ms. Atkinson:** — Well the fund will be left in a trust account for the purposes as described in the legislation.

**Mr. D'Autremont:** — Thank you, Madam Minister. Will the department or will the minister have any access to those funds other than for the purposes of training completions?

**Hon. Ms. Atkinson:** — In the Act, the training completion fund is established to pay for any mediation pursuant to section 14, to compensate students who've entered into a student contract with an operator, to pay for the expenses of administering the fund, and to do any other thing as prescribed in the regulations.

**Mr. D'Autremont:** — Well, Madam Minister, I'm not sure that a training completion fund should actually be paying for the mediation costs. I mean that's an ongoing argument between an

operator that currently is in operation and the student. The training completion fund is in place for when the students no longer have an institution to attend, and I believe that's what it's there for. It's not for ongoing complaints as the school progresses down the road.

So, Madam Minister, I think right there there is a problem. But that's not the largest problem. The other items as determined by regulation leaves it wide open to anything you want to do, Madam Minister, anything that you want to do.

I think those funds need to be tied up so that they're there for the training completion. Now you can work within that criteria to provide that, but it's not for the training — let's say — of department people to do evaluations. It's there for training completions only, Madam Minister.

**Hon. Ms. Atkinson:** — You can have that view. We don't believe that there will be many cases of mediation that will go to the minister. We don't believe that there will be that many cases. We think that within the internal dispute mechanism, that a lot of the disputes, most of the disputes, will be settled at the local level.

It is not the intention of government to pay for mediation. The fund will assist operators and students in resolving concerns that can't be resolved at the local level. And it will be there to assist students who require training out as a result of a school becoming insolvent.

**Mr. D'Autremont:** — Well, Madam Minister, I think the last one is what it should be there for: for the training of students whose schools are no longer operating, and they have to go to another institution.

If they paid their tuition fees to a school that becomes insolvent, those monies are gone. So now they have no education. If they wish to carry on, now they have to provide new tuition fees. So that's what those funds should be there for, is to provide those tuition fees or to provide for perhaps more educators within the system at the new school that they may go to, to provide that education.

I don't understand or see any reason why it should be to do any other thing that is prescribed in the regulations. That just leaves it totally wide open for anything that any minister of Education or any Department of Education wishes to utilize that money for. It could be pulled out to balance the Education budget one year. And if a school goes under at that time, where's the money gone?

I think, Madam Minister, that section (d) needs to be removed from the Act on clause no. 18.

**Hon. Ms. Atkinson:** — Because this is a new piece of legislation and because we're doing some things differently than we have done in the past, we can't anticipate what may occur. And this allows us a little flexibility to anticipate the unexpected. It is not our intention to misuse this fund. This

fund is going to be used for what is set out in the Act — it's to assist students and operators. And we still have some discussions that are ongoing with private vocational school operators.

**Mr. D'Autremont:** — Well, Madam Minister, if that section, part of clause 18(4)(d), were removed, it would not prevent you from carrying out the duties for the fund as outlined. It would prevent you from doing any things that aren't included in here without coming to the House. You can still change the Act and still the change the regulations, but first you would have to come here to do it. That's the only difference, Madam Minister. You would now have to do it in the public view and explain why it's necessary to do something else with these funds that have been paid in by the students of the vocational schools.

So, Madam Minister, I believe that this section should be removed. All it does is give you as the minister, or your department, the discretion of how to use those funds. The funds should be dedicated to the students who paid the money in.

I would even go further, Madam Minister, and say that only the interest off of the funds paid in should be used to cover any of the administration expenses or any of the mediation. I don't believe the mediation should be part of it, but if it has to be, then it should only come out of the interest on those funds, not out of the capital, the principal, that's put into it, Madam Minister.

But clearly section (d) in there serves no purpose other than to allow you somehow to gain access to those funds without having to come to the public to explain why.

**Hon. Ms. Atkinson:** — I'm advised by the officials that the private vocational schools are going to be involved in how the fund . . . they're going to be involved in administering the fund, that there will be a training completion advisory committee, along with the ethics and complaints committee, along with the program quality committee. There will be three advisory committees to this legislation. Well the member shakes his head. But what we're try to do is partner with people. We're trying to partner with the industry. What we had before didn't work very well, Member. It's not our legislation. It did not work well.

What we have is a partnership between the department and industry to ensure a few things. We want to ensure that students have access to quality, private vocational school programing. We want to make sure that students have access to a training completion plan and fund because they don't have now. This is your legislation, not ours. And we want to make sure that students have access to a dispute mechanism where real problems can be resolved, and that's why we have the ethics and complaints committee.

There's three committees to deal with three problems. And we found in our three and a half years in government that often times you solve problems when government and industry sit down and work in a collaborative way. And that is the purpose

behind the advisory committees.

(1600)

**Mr. D'Autremont:** — Well, Madam Minister, if we keep discussing this Bill pretty soon we're going to have more committees than we have students. We've already got the mediation process committee. We've got the advisory committee. We've got the complaints and ethics committee. And we got the training completion committee. Well, Madam Minister, says that there's three committees. Where does this training completion committee fit in?

**Hon. Ms. Atkinson:** — There's a program approval advisory committee. There's an ethics and complaints advisory committee. And there's a training completion advisory committee. There are three committees, and they will be described in regulation.

**Mr. D'Autremont:** — Well what about the mediation committee, Madam Minister? Who are they? Somebody is in there for mediation. Who is it?

**Hon. Ms. Atkinson:** — It's a service; it's not a committee. A mediator . . . I don't know if you know about third-party dispute resolution, that's mediation . . . (inaudible interjection) . . . right.

**Mr. D'Autremont:** — Well, Madam Minister, while the committees may have an opportunity for some oversight in these funds, where is it going to be stated that these committees cannot use the funds for anything other than what they were designated training completion funds, under section (d), to do any other thing than is prescribed in regulations? So, Madam Minister, who is going to write the regulations? Is it the advisory committee? Is it the program development committee? Or is it the training completion committee? Who's going to write the regulations?

**Hon. Ms. Atkinson:** — We are presently in the process of drafting regulations, and we consulted with one of the students that you brought to our attention. We're consulting with the industry. We're consulting with other interested parties. The department is working with the interested parties and the Department of Justice in drafting the regulations.

**Mr. D'Autremont:** — Madam Minister, when you say we, who is we? I mean we always hear about the mythical we or the mythical they: they did this, and they did that; we did this, and we did that. So who is we? Is we the vocational schools: the students and industry as well as the department. Or is the we that is drafting regulations the department?

**Hon. Ms. Atkinson:** — Well let me explain the regulation process to you. We have a piece of legislation that we're debating, some framework for how we are going to handle private vocational schools in the province of Saskatchewan, the legal framework.

Along with the legislation go regulations. Regulations describe

how the Act is going to be administered or implemented. Regulations are drafted by the Department of Justice. The Department of Education consults with the various interest groups on the regulations, and the Department of Justice works with the Department of Education based on the feedback they get on the regulations, the draft regulations to draft and frame the regulations. Regulations are public documents once they have been approved by Executive Council.

**Mr. D'Autremont:** — Well, Madam Minister, at the end of the day then, it comes down to cabinet making the decisions as to the regulations; therefore cabinet is now being given access to the training completion funds. So, Madam Minister, I just have to say that that is not acceptable. There is no reason why anyone other than the students . . . to complete their training should have access to these monies. You shouldn't have access to them. Your department shouldn't have access to them. The cabinet shouldn't have access to them and neither should the vocational schools.

I know Madam Minister is not happy with this train of questioning, but nevertheless that money has to be dedicated to the education of the students and not to any other purpose.

**Hon. Ms. Atkinson:** — Well let me say this. When you talk about executive government or cabinet ministers interested in this fund, I have to tell you once you get here, Member, once you become a cabinet minister, this will be the furthest thing from your mind. You have department officials to work with industry on training completion funds and training completion plans. You simply do not have time to mess around in how the training completion fund is going to be administered. You don't have time. You rely on your officials to help you. So I think I can assure you, with a great deal of precision, that the cabinet is not interested in the training completion fund.

What we are interested in is having a piece of legislation that properly protects students. We want to ensure that the department has access to sound financial information, so we know the financial status of private vocational schools. We want to make sure that each private vocational school has a training completion fund in case that private vocational school is insolvent. We want to make sure that students can actually resolve complaints because right now we have no authority to resolve complaints, *à la* the frustration of your students, the frustration of constituents that have come to me.

So this piece of legislation is about financial accountability, financial information. It's about a training completion fund to ensure that students are protected so that they're not left holding their student loan — no money, no place to go. And that happened before. We don't want that to happen anymore.

This is about program quality because a lot of students feel that they attended private vocational schools, some of them, and they didn't get the kind of program that they needed in order to get an adequate job. We want to have program quality.

So I guess I would say to the member that I think that this is an

appropriate piece of legislation. It's sound, and it's going to give the department the tools that it needs to work with industry in order to make sure that we have private vocational schools that are sound financially, deliver a quality program, and we can resolve disputes between students and private vocational school operators.

**Mr. D'Autremont:** — Well, Madam Minister, I'm sure that the people within your department have the best interests, as you do, of the students. I'm sure that's the case. But I don't feel that comfortable with the member from Saskatoon, who looks after the Finance department and her officials.

They are always looking for another penny to get their mitts on from someplace. We've already seen what happened with the farmers. They just sucked up \$188 million out of the farmers' program because it just happened to be sitting there. If there's \$400,000 or a million dollars sitting here that the Minister of Finance can get her mittens on, she'll suck it up like a great big Hoover, and you'll never see it again.

So, Madam Minister, I think it's very important within this legislation that nothing interferes with that money being available for students. And when it says that it could be taken out of there as prescribed by regulation, the money can disappear as if it was sucked into a black hole which is the Finance department.

**Hon. Ms. Atkinson:** — We will put into regulation the tabling of the trust account to this Legislative Assembly so that legislators will know how the trust fund is spent, so you will know whether or not this will . . . you will know how that fund is being spent. You will know what's being spent on administration, what's being spent on completion of training, what's being spent on mediation, and what's being spent in other areas.

So you will have access to that information. I can assure the member of that. I make that commitment.

**Mr. D'Autremont:** — Thank you, Madam Minister. Will it show up then in the Finance department books under Education as some form of a revolving fund?

**Hon. Ms. Atkinson:** — In clause by clause, 18, it talks about the Provincial Auditor or any other auditor or firm of auditors; at (6), they may appoint . . . shall audit the records, accounts of each fiscal year of the department in accordance with The Tabling of Documents Act, 1991; shall prepare and submit to the minister a financial statement; the financial statement will be in the form required by treasury; and in accordance with The Tabling of Documents Act the minister shall lay before the Legislative Assembly each financial statement received by the minister.

So it will be tabled.

**Mr. D'Autremont:** — Well thank you, Madam Minister. I believe that there's also tabling of documents regulations



dealing with the teachers' pension fund, and yet there seems to be . . . that's another one of these big black holes where there's no money sitting, with a big debt, \$3 billion of unfunded liability.

It shows up in the books. It's there — plain, black and white. You know we've got that much money. Only thing is, there ain't no money there.

The same thing can happen here, Madam Minister. You'll still carry 400,000 or whatever the number might be on the books, as having been deposited into the fund, but there's a loan gone off some place.

So that's why, Madam Minister, I think it's very important that it just be dedicated for training completion. And I'd like to see something happen with that to ensure that that is indeed what the funds are for.

Madam Minister, we'll keep going. I think I've beat that one to death long enough.

Madam Minister, in your second reading speech you stressed how much more protection students are going to receive under this legislation. Yet I'm wondering, in the case where a school does become bankrupt, insolvent, ceases to exist, and there are debts outstanding — there could be debts to suppliers, debts to mortgage holders, debts to employees, debts to students — who will receive priority, and what will be the order of those priorities, to receive compensations back? And will that money come out of the training completion fund or out of a bond posted by the vocational school, and how large would that bond be?

**Hon. Ms. Atkinson:** — The bond will only be for students. That will not come out of the training completion fund. It comes out of the bond; it's for students.

**Mr. D'Autremont:** — Thank you, Madam Minister. How large will this bond be?

**Hon. Ms. Atkinson:** — Depending upon the size of the vocational school, it could be between 10 to \$50,000. Because we have the training completion fund, we're not going to be increasing the bond.

**Mr. D'Autremont:** — Thank you, Madam Minister. What impact on this particular bond would legislation dealing with preferred payments, where an institution or an individual may decide to make a payment to a creditor at the expense of a different creditor . . . Here you have a fund set up that is owned by the school who are going to pay it out to what could be considered a preferred clientele. Now what are the legalities involved?

I know that within industry, if you do this kind of thing, if a farmer goes ahead and pays his fuel dealer, and you happen to have a bank loan or you have a vehicle loan or some other form of mortgage, that mortgage holder can go back after that person

who received the money and have it brought back into the receivership, and then it's distributed out to the preferred creditors.

**Hon. Ms. Atkinson:** — In order for a private vocational school to be registered, you have to have a bond. And the bond is for students. You couldn't get registered without the bond. So I'm advised by the officials that some other creditor could not go after the bond because that bond is for students. The bond is for students; otherwise that school would not have been registered. They have to put up a bond in order to be registered.

**Mr. D'Autremont:** — Has that bond been challenged in the court by any creditors?

**Hon. Ms. Atkinson:** — We have paid out the bond in the form of student fees in the past, I'm advised by the officials. And to their knowledge, the bond as we've structured it has never been challenged in court by other creditors.

(1615)

**Mr. D'Autremont:** — Well thank you, Madam Minister. I wonder if you would have any legal opinions on that bond position. And I'm reluctant to suggest the Justice department after listening to their constitutional arguments. But perhaps the Department of Education has a legal entity that could . . . (inaudible interjection) . . . not Justice. My faith is shaken in their abilities with constitutional arguments.

But, Madam Minister, do you have any legal opinions that could be tabled to deal with the bond?

**Hon. Ms. Atkinson:** — No, we have no legal opinions.

**Mr. D'Autremont:** — Thank you, Madam Minister. What other types of financial commitments would a vocational school have in place to ensure that employees perhaps would receive some form of compensation if they were to become insolvent?

**Hon. Ms. Atkinson:** — That has nothing to do with the Department of Education, Training and Employment. Our job is to deal with students. We do not deal with employees. If they had a problem, they would go to the Department of Labour.

**Mr. D'Autremont:** — Thank you, Madam Minister. What's the process of accessing this bond if a student has a concern about lost tuitions or student loans?

**Hon. Ms. Atkinson:** — If there's a closure, what the department does is send to the insurer a claim against the bond, and then we gather all the information on the students who would have access to that bond. I'm advised by the department that it could take up to a year, and in fact does take up to a year for students to get payment from the bond.

**Mr. D'Autremont:** — Thank you, Madam Minister. I mentioned Ross Joorisity earlier, and Petria Racette were two students that came forward because of Reliance, and then they

went on to Avant-Garde and had problems there. They still have not received their money for their student loans, Madam Minister.

As it was explained to us, and as we talked to you about it both in question period and outside of that, that the student loans that they had paid in initially would be the Canada student loans, were to be returned to their financial institution by the institution when they were no longer part of that institution.

And it didn't happen, Madam Minister, and those student loans are still outstanding. They're still being pressured by their institutions to make payments on monies that they actually do not owe. They owe part of it, but not the entire amount. Part of that should have been returned to them by the vocational institution, and that still has not happened.

Been informed that Ross Joorisity is expecting to receive his money shortly but this has been over two years, Madam Minister, that he has been in the process of . . . September of '92 is actually when he started. And I believe he attended the school until some time in October — so for about perhaps six weeks — and he dropped out. But his student loan has still been hanging there, still building interest against him on a portion that should have been returned by the vocational school.

So in those kind of cases, Madam Minister, a year is going to be a long time in the life of that student when they're trying to pay back a student loan. Because the financial institution doesn't have any pity for them because it's owed to the financial institution. They don't care who pays it; it's got to be somebody. And if the school isn't doing it, then the student is stuck with the bag.

**Hon. Ms. Atkinson:** — First of all I understand that the case that you're dealing with, that he had left the private vocational school before the vocational school went under. And the bond . . . you cannot make a claim against the bond until the school goes under. So that's what we're dealing with at this stage.

I guess the other thing, not in terms of this case but just to make the point to the member and to anyone who is listening, that these are in fact private businesses. They're called private vocational schools and it's the old adage, buyer beware.

If you want to get . . . if you want to go to a private vocational school then you need to check it out. You need to know who the owners are, the primary shareholders are. You need to know about their track record. You need to do all of those kinds of things that you would do if you were buying a house.

You know, if you're buying a house you go through the process of ensuring that the house is structurally sound — the shingles on the roof, the plumbing is good, the furnace is good, electricity is good. You go through all of that process. You're buying a piece of property. In this case, these folks are buying an education that will lead to — hopefully — a job. And it's a private vocational school, and you need to go through the same kind of processes that you go through if you were going to buy

a car, buy a house, purchase a consumer item, because this is a private business. This is not a public institution.

**Mr. D'Autremont:** — Well thank you, Madam Minister. If, in the vocational school world, it is *caveat emptor*, then why are you even becoming involved in it? Surely within the system, because you as the minister license that institution, you bear some responsibility to make sure that the car the student is going to buy has tires and a seat and a steering wheel and an engine that is going to carry him through the entire course.

So, Madam Minister, I think that you as the Minister of Education, and your department bear a considerable amount of responsibility when you issue a licence to the ABC vocation school — and hopefully there isn't an ABC vocational school. Madam Minister, you're the one responsible. You have allowed that institution to set up in Saskatchewan and have validated it by giving it that licence that you talked about pulling a while back.

So, Madam Minister, while the student should investigate that the school can provide them with the necessary accreditation if they complete the course, it's up to you as the minister to ensure that that is a viable and proper school, or else it shouldn't have a licence. And that's where your responsibility lies, Madam Minister, and you cannot avoid that.

**Hon. Ms. Atkinson:** — I guess in response to the member I would say this, that, you know, people are licensed to sell cars. Businesses are licensed to sell cars; they receive a licence from the state. Businesses are licensed to sell clothing. Businesses are licensed to sell houses. These folks are receiving a licence.

Now just in terms of your comments, Member, it was not this administration that brought in the previous piece of legislation that did not do the trick. Your government's previous legislation was a problem -- hard to administer, hard to enforce — a problem.

This administration is bringing in a piece of legislation based on the Private Vocational Schools Review Committee's recommendations. We don't know if we've solved all the problems. I doubt it. But we think we've gone some way to solving some of the problems. And I just would like to reiterate, it's true the state, through the Department of Education, Training and Employment, will register private vocational schools. And we will do everything to ensure program quality. We'll know whether or not that institution is financially viable, based on the financial statement, and we have a dispute mechanism now in the legislation.

But if you're asking the state to guarantee the world to these students, that's not going to happen. What students have to do is look very carefully at the program, very carefully. Look at who owns the private vocational school. Look at what kind of record that private vocational school has in terms of ensuring that students get jobs once they complete their training.

That's what I would suggest to students that are contemplating

training in a private vocational school. And if they're not prepared to take the adage, buyer beware, then they need to look to other institutions where they are offered more protection.

**Mr. D'Autremont:** — Thank you, Madam Minister. Well if you go and buy a car and it turns out to be a lemon, there's legislation in place to protect you. But it seems under your description that what we have here for students in the vocational system is, as the minister in charge of gambling and sin calls it, a difficult learning experience.

Well, Madam Minister, I think it needs to be something a little better than a difficult learning experience.

Madam Minister, were there any vocational schools in this province prior to April 26, 1982?

**Hon. Ms. Atkinson:** — There were private vocational schools in this province prior to April 26, 1982. I remember that fateful day with vivid . . . whatever. Places like Saskatoon business school, Robertson business school, Reliance business school — old, old established business schools with a long history of family involvement . . . yes, there were.

We're not aware of any having gone down before April 26, 1982. I can tell you, in the late '80s lots went down. And your government brought in a piece of legislation that was supposed to solve the problem; it didn't. And now we're trying to bring in a piece of legislation that we hope will solve most of the problems. But there's no guarantees it's going to solve all of the problems.

What you have to do is ensure that people who are involved in private vocational institutions have sound financial footing. And we'll see, based on financial reports that the government will have to receive every year from these schools.

**Mr. D'Autremont:** — Well thank you, Madam Minister. The reason I brought that up, because you made it sound like as if there were no private vocational schools in the province prior to 1982 when the former administration brought in some legislation dealing with it.

There was indeed, Madam Minister, private vocational schools here. My wife attended one of those that you named, and I believe it did her very well.

But, Madam Minister, I look at the legislation that's coming forward in this House every session. And last time we had Bills dealing with particular subjects, and they come back again this time — same subject, same clauses.

So, Madam Minister, legislation is always being changed and upgraded, and there are always points that are missed. And in your particular piece of legislation, somebody will change it sometime.

So, Madam Minister, simply to say that the previous

administration legislation was totally flawed is incorrect, Madam Minister. It would have been an improvement on the legislation previous to that, as your legislation is an improvement on the piece that's there now. So, Madam Minister, it's an ongoing building process.

Madam Minister, we've talked about Ross and Petria. How is this current legislation going to affect those that are in the system now and drop out, where they have a problem in having their student loans paid back by the institution, the institution is reluctant today to pay them, and perhaps at some point down the road they become insolvent?

**Hon. Ms. Atkinson:** — Your question is, is this retroactive legislation? No, it's not. Okay. So Ross and Petria are under the old piece of legislation.

I just want to make one point for the member. I followed private vocational school legislation with some interest in the '80s. I'm familiar with the history of what happened in this province. I was in opposition in '86 to '91 — Education critic. Your government in the early '80s changed the legislation; it opened it up. We had huge growth of private vocational schools — topsy-turvy, unbelievable. Unbelievable number of private vocational schools.

And then you got yourself into some trouble and you tried to fix it — I believe it was in about 1988. It didn't work. And what we're trying to do is fix as many problems as we can. Will it work? I think we've gone some ways in solving a lot of the problems. We've tightened it up. You can't just be a fly-by-nighter and put a shingle up and say I'm a private vocational school operator. You can't do that.

So I just want to remind the member that if he's going to quote history in the legislature, he needs to have a bit of a long memory.

(1630)

**Mr. D'Autremont:** — Well the minister has a bit of an advantage on me in that, that she was elected in '86 and I was only elected in '91. So she had, as one of my colleagues pointed out, she was a lot more ruthless in this kind of questioning than I am.

But, Madam Minister, you didn't answer my question as to what happens to the student who drops out of the system today — let's back up — under this legislation, drops out of the system today, their student loan is not returned to them by the institution. Can they get access to some money some place?

**Hon. Ms. Atkinson:** — Okay. First of all, I just wanted to say to the member that I think he's a very good questioner, very good. I think you're one of the best in the legislature. And I know a little bit about questioning and I think you're good. So a compliment to the critic.

Number one, in terms of refund, in the contract, student

contract, there will have to be some indication of the process that students go about in order to get refunds. So it will be put into the student contract.

If the private vocational school operator does not meet the deadline, they can come to the department. And through this dispute mechanism if they can't resolve the problem internally, through the dispute mechanism mediation we'll be able to assist them in solving their problem.

**Mr. D'Autremont:** — Okay, thank you, Madam Minister. I was looking through my questions here; I found an interesting one that relates back to our topic we were discussing about earlier when you were in opposition.

Madam Minister, my notes here say that when you were the opposition critic you said that it was government's responsibility to reimburse students who were owed funds as a result of a closed private vocational school. Do you still share that opinion, Madam Minister, or has it changed since you're now sitting in that side of the House rather than this chair over here?

**Hon. Ms. Atkinson:** — Well I can't remember what I said. It's possible I said that. But I would want . . . do you actually have *Hansard* or some one just doing some research? Do you actually have a real quote there? . . . (inaudible interjection) . . . Okay, I'd love to see *Hansard* on that one.

That's why we have the fund now, the training completion fund. There was nothing in those days. I sound as though I'm a bit long in the tooth, I'm not that long in the tooth. But in those days there was nothing. And with this legislation there will be the training completion fund which will help students who are caught when a school goes down. That's the whole purpose behind the training completion fund, so that students aren't left holding the bag.

**Mr. D'Autremont:** — But, Madam Minister, that doesn't answer the question though where the operator of a school doesn't want to return the money, where the student loan has . . . the student has paid their student loan to the institution, they've dropped out of the course after a certain period of time and they're eligible to receive a certain portion of those monies back but the school refuses to return the money that is owed to the financial institution. How do those students get that money back?

**Hon. Ms. Atkinson:** — Under the new Act, the department will have more ability to put pressure on the school to pay. So there will be . . . through regulation and the legislation, the department will have more power to intervene and assist that student getting the refund.

**Mr. D'Autremont:** — Well is there some way for the government to actually get their hands on the money, or is it simply going to be moral persuasion that, you know, you really shouldn't ought to do this and if you carry on this way, we're going to have to review your licence or something. Or is there

some mechanism to actually access the monies from that institution?

**Hon. Ms. Atkinson:** — Well there's fines for violating the legislation. There's the whole issue of relicensing the school, putting the school on probation. There are some measures I think that we can take with the legislation, and the regulations that are going to accompany the legislation, to assist the department in being more able . . . or enable the department to intervene on behalf of students that aren't being reimbursed for legitimate reasons or being . . . getting reimbursed for legitimate expenses.

**Mr. D'Autremont:** — Okay, thank you, Madam Minister, because there are some circumstances where that seems to be happening at the present time. Some students are having a great deal of difficulty under the current legislation — not under the new legislation but under the current legislation — are having a great deal of difficulty accessing the monies that were paid out on student loans.

When an operator has been operating a school that has run into these financial difficulties, has become insolvent, are they allowed to be involved in another school? Are there some requirements there and some form of a watch put on them?

**Hon. Ms. Atkinson:** — If you look to 5(1), decision to issue or refuse certificate, it indicates that, under (b)(ii), the minister or the department can:

refuse to issue or renew a certificate of registration where the minister is not satisfied that:

. . . it is in the public interest to issue or renew a certificate of registration because of the past conduct of the applicant or, if the applicant is a corporation, the past conduct of any of the directors or officers of the applicant.

So we think that covers off the concerns that we've had collectively about people who've gone under and then started up again.

**Mr. D'Autremont:** — If those circumstances were to occur or be presently occurring, how would this legislation affect those that might be involved?

What I'm wondering is, is there a grandfathering clause here, that if a person had been involved with a school that has become insolvent, or there has been some other conduct that may have been questionable, would they be allowed to carry on with a school that they might be involved with at present?

**Hon. Ms. Atkinson:** — I'm advised by the officials that because they have to be relicensed every year, that yes, we could.

**Mr. D'Autremont:** — Sorry, Madam Minister, I was thinking about something else. I wonder if you could repeat that, please?

**Hon. Ms. Atkinson:** — I'm advised by the officials that because private vocational schools are relicensed every year that we could in fact look at a person's past conduct if they are presently licensed.

**Mr. D'Autremont:** — Thank you, Madam Minister. When you're talking about the officers, whom exactly are you referring to? Are you talking about the, say, a president of an institution or the manager, or just how broad is the definition of officer?

**Hon. Ms. Atkinson:** — When we talk directors and officers, we're talking about the owners; people who would show up on the certificate of registration . . . corporation, under the corporations Act; those people who are there as officers of the corporation or directors of the corporation.

**Mr. D'Autremont:** — Thank you, Madam Minister. What about other employees perhaps of the institution, or someone who may have been involved with an institution at some time which became insolvent but is not at arm's length from a current owner-director?

**Hon. Ms. Atkinson:** — I think that this, as I understand from the officials, this would just apply to people who have the . . . that own the company and have the financial responsibility of the company. Those people we could certainly not . . . or make a decision not to renew a certificate if there was some conduct problem.

**Mr. D'Autremont:** — Thank you, Madam Minister. So if someone who was not at arm's length, so they have an intimate relationship with an owner-director, could still be operating or managing the school — let's say. They would not fall under these regulations?

**Hon. Ms. Atkinson:** — You're correct.

**Mr. D'Autremont:** — I think that causes a bit of a problem, Madam Minister. The circumstances that we were both alluding to earlier, I think, applies in this situation where we have someone who has been involved with a vocational school that did run into difficulties and is now very involved with a current vocational school which . . . while that name does not appear as an owner-director, someone who is an intimate relation to them, their name does appear as an owner or director on that school. So is it possible, Madam Minister, that some place within these regulations there could be some connections here that could be reviewed?

**Hon. Ms. Atkinson:** — I think what we should do is probably talk about this privately, and we could have a private discussion about what you're trying to get at. Okay?

**Mr. D'Autremont:** — Well, Madam Minister, I have to go back to the compliment you paid me earlier, and I was wondering what it was going to cost me.

Madam Minister, we talked earlier about the students that could

be involved in this, and the student had suggested that a panel of vocational school students be organized to evaluate . . . and advise the minister. Would that perhaps have more value to you than an individual student that could be a part of one of your committees?

**Hon. Ms. Atkinson:** — As I indicated, we're just in the process of drafting the regulations. That's something that we certainly could consider.

I know that as the Minister of Education, Training and Employment, I meet with the Kelsey Students' Association or the Wascana Students' Association, Moose Jaw, Palliser; Woodland, U of S (University of Saskatchewan), U of R (University of Regina). So there are, through their student councils, avenues for students to meet with the minister, and perhaps private vocational schools could form some association that would make it possible for the minister to have input from students that are in private vocational school settings.

**Mr. D'Autremont:** — Okay, thank you, Madam Minister, we're almost to the end of my questions here.

When it comes to dealing specifically with industry and their partnership, just how do you see this involvement, Madam Minister? What real inputs will industry have into the administration of the vocational schools and their programing?

**Hon. Ms. Atkinson:** — As I said, we're intending on having three committees. We're intending on having a program quality committee; an ethics and complaints committee; and a training completion fund committee. So we think that the industry will have real involvement.

As well, I should mention to the member that the industry has been involved in . . . or certainly has been consulted in the drafting of this legislation. And I'm advised by the officials that they think this legislation goes a long ways to assisting the industry in improving its image, because we're addressing some issues that have come about in the last several years.

**Mr. D'Autremont:** — Okay thank you, Madam Minister.

Madam Minister, you had the \$60,000 committee that we were going to talk about in estimates; what other monies were spent on advice or acquiring advice on the changes to the vocational school Act? And who else did you consult with?

(1645)

**Hon. Ms. Atkinson:** — I guess the only other cost would be the time the department spent on it, the time that the Justice department spent on drafting the legislation. There's no other cost like the privatize . . . or the committee that looked at private vocational schools.

**Mr. D'Autremont:** — Okay thank you, Madam Minister. I think I have exhausted my questions here and probably yourself. Now if we can only get the attention of the committee

chairman, we can perhaps proceed.

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

Clause 1 agreed to.

The Assembly adjourned at 4:54 p.m.

Clauses 2 to 17 inclusive agreed to.

### Clause 18

**Mr. D'Autremont:** — Thank you, Mr. Chairman. This amendment deals with what we were discussing earlier about the removal of "to do any other thing that is prescribed in regulations" when it comes to dealing with the training completion funds.

Madam Minister, I think we have been over all of the arguments and I believe it is a valid and worthwhile amendment to the Act. While not changing the Act substantially in any way or form, I believe it would be of benefit to the students to have this amendment put in place to ensure that those funds would remain in place and available to students.

Therefore, Mr. Chairman, I would move that we:

Amend clause 18 of the printed Bill:

(a) by adding "and" after "who has become insolvent;" in clause (4)(b);

(b) by striking out "; and" after "administering the fund" in clause (4)(c);

and

(c) by deleting clause (4)(d).

**The Chair:** — Can we take the amendment as read?

Amendment negatived.

Clause 18 agreed to.

Clauses 19 to 32 inclusive agreed to.

The committee agreed to report the Bill.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. I would like to thank the minister and her officials for coming in today and for providing some very good answers and one compliment. Thank you.

**Hon. Ms. Atkinson:** — Mr. Chair, I want to also thank the officials and I also want to thank the critic for a series of very good questions.

## THIRD READINGS

### Bill No. 10 — An Act respecting Private Vocational Schools

**Hon. Ms. Atkinson:** — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.