

The Assembly met at 10 a.m.

Prayers

The Speaker: — Why is the member on his feet?

Mr. Flavel: — Mr. Speaker, with leave, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Flavel: — Thank you, Mr. Speaker. Mr. Speaker, and members of the Legislative Assembly, it gives me great pleasure this morning to introduce to you a group of eight young ladies that are seated in the Speaker's gallery. These women are a group of eight women graduated 50 years ago from the College of Home Economics in the University of Saskatchewan and they now live all over North America and are travelling through our Saskatchewan and they got together on a reunion.

And I understand they're also touring the Motherwell Homestead, that you have a connection with that, graduated with one of the Motherwells or something. I've been there; it's a wonderful place. On the way out there you will go through Qu'Appelle Valley and see some of Saskatchewan. We certainly welcome you here. Have a great reunion. I'm sure there's been lots of talking, the jaws are likely getting a little sore. But do enjoy it and enjoy Saskatchewan and God bless each and every one of you.

Hon. Members: Hear, hear!

The Speaker: — Why is the member on his feet?

Mr. Thomson: — With leave, to introduce guests, Mr. Speaker.

Leave granted.

Mr. Thomson: — Thank you, Mr. Speaker. I too take great pleasure this morning in introducing a group of students who are joining us. They are seated in the west gallery, filling up almost all of it by the looks of it.

This is a group of grade 2 and grade 3 students, 58 of them, from St. Matthew School in my riding. Members of the Assembly will likely remember that St. Matthew is the school that is doing the innovative environmental project on their school grounds to help re-naturalize it and these students are playing an important part in that.

So I'm very happy to have them here today and I hope to be able to get away to get a photo with them later.

Thank you.

Hon. Members: Hear, hear!

The Speaker: — Why is the member on his feet?

Mr. Aldridge: — With leave, to introduce guests, Mr. Speaker.

Leave granted.

Mr. Aldridge: — Thank you, Mr. Speaker. Also to you and through you to the members here, I'd also like to join in expressing hello to the grade 2 and 3 students of St. Matthew School here this morning, as did the member from Regina South. Seated in the west gallery is a number of children that I recognize, as they wander through my household in fact. And one of them in fact I had breakfast with this morning — my daughter Joelle, in grade 3. So I'd just like to join, and have you join with me, in welcoming them here today.

Hon. Members: Hear, hear!

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill No. 92 — An Act respecting Elections

Clause 1

Mr. Osika: — Thank you, Mr. Chairman. Mr. Chairman, we obviously have a great deal more to talk about when it comes to this particular Bill and to this particular Election Act.

Up to about two or three weeks ago, Mr. Chairman, I thought that the most contentious issue contained in the Act had to deal with Crown corporations advertising during election campaigns. But given the revelations of the past two or three weeks regarding secret political funds and funds held by both the Conservatives and the NDP (New Democratic Party) whose main purpose is to skirt the law when it comes to full disclosure of political contributions, I truly believe that this requires a little more in-depth discussion and review before this particular Bill is passed.

And I'll refer to some previous suggestions that I've made, given that there is no urgency for this particular Bill to be passed through this House during this session.

I have maintained, Mr. Chairman, and I continue to maintain, that what these parties have done contravenes the current Election Act. And I stand by that. And I stand by my call for an independent inquiry into this entire matter before any of this legislation does go through.

After these revelations came to light, the minister proposed — only after these revelations came to light — the minister proposed amendments to the Act. These amendments did not seek to put an end to what has been going on with these secret funds and anonymous donations. Rather, these amendments seek to make these questionable practices legal.

Mr. Chairman, that's wrong. It's wrong for us as members of this House to twist and manipulate the laws we pass so they

better suit our own political interest. And I think the members opposite know that it's wrong.

I think the members opposite do know what has been going on is wrong and in contravention of the Act, and their so-called solution is wrong.

They need only look at the words of the Premier to know that their secret funds are not within the spirit of the law. The Premier himself stated in the '70s that politicians and political parties should not try to circumvent the law because such actions would defeat the very purpose of the law. Again, that's according to our own Premier.

Well, Mr. Chairman, I think that the other two parties have . . . what they have done is precisely what the Premier said they should not do. By their own admissions, this whole issue isn't a question of fixing a flawed law; this is a question of simply following a good law. That's all. There's nothing more.

Now the minister vehemently disagrees with our interpretation of the Act. He says his lawyers are better than our lawyers, his accountants are better than our accountants. Of course he'd take that view, and of course I would disagree with his view. But, Mr. Chairman, I don't think that's for either of us to decide. In the face of the completely polarized views of the government and the opposition hold on this, we must have an independent interpretation of the Act as it stands now.

That's why we've called for an independent inquiry. That's the only way we can effectively get to the bottom of all this. Let's find out once and for all who's right. I'm positive we are. The minister says he's positive he is. Fine. Let's find out once and for all.

Let's see if we can get someone in — an independent. Let's get an umpire to break this tie. Let's find out if their secret funds are legal. Let's find out if any party — any party — is guilty of filtering money through their constituency associations with the purpose of escaping the disclosure laws as they exist in the current legislation.

What's wrong with finding out for sure, Mr. Chairman? That's what I don't understand. What concerns exist that will not allow and not support an independent — an umpire — to come in and review all sides of this situation?

Well I suspect that the government just doesn't want to, mainly because they know what the answer is. They are liable to get an answer that they do not want. Mr. Chairman, I already went through this in private member's debate. But I don't think it hurts to put our case in one more time.

Section 207 of the current Act states that all monies provided by a person for the use of a registered political party shall be paid to a registered agent of the party. And then section B states that "no payment shall be made by or on behalf of a registered party other than by or through a registered agent of the party."

Mr. Chairman, it's clear once again this section prohibits the payment of political contributions to a trust or to any other

agency created by them to receive them on behalf of a registered party. Only the registered agent can receive those funds and only a registered agent can make payment by or on behalf of a party.

More succinctly, Mr. Chairman, it is our determination that the Act simply does not allow for anonymous donations over \$100. And clearly, the vehicle the NDP and the Tories have used to do just this is not allowed. Disclosure must be made. And if such disclosure is not made, donations to these trust funds cannot be used for the political use of registered parties.

That is our interpretation, Mr. Chairman. And the minister says it all comes down to a matter of interpretation. While he has consistently stated he feels his party or the Tory Party have followed the law, I'd still like to hear his legal interpretation. He's a lawyer and I am not. I'm just an old cop who used to catch people who broke our laws.

And, Mr. Chairman, if this government sees there are problems with the law in terms of clarity, I ask again: why don't they bring in an amendment that absolutely makes it clear that what's been going on in terms of hiding donations is clearly spelled out as against the law? Why go the other way?

Mr. Chairman, we've called for someone to look at this, to determine if we are right. The government says it's not necessary. But we think enough questions have been raised over this issue that we do indeed need someone to look at this and we will not rest until that happens.

And we feel it's vital that we have a mechanism in place . . . there is a mechanism in place; that we allow the opportunity for it to be handled in the appropriate manner. We have the Chief Electoral Officer with in fact his authority to call an inquiry. And I will be tabling, or at least presenting, some letters, Mr. Minister, that have already indicated there is a concern by officials who will be looking into the aspects and the perspectives of that particular statute.

(1015)

Mr. Chairman, the investigation by the Chief Electoral Officer that's being proposed, inquiries . . . and I would like to just point out that we have received a letter from the Chief Electoral Officer asking numerous questions with respect to the funding, the donations, the transfer of funds.

And I would like to pass this letter over to you, which is already an indication that this is not going to just be a matter that will take a week or two or a month or two, Mr. Deputy Chair — those questions and that detailed inquiry. And I am assuming that the same letter has been sent to each of the parties.

And until all those questions are answered, until the Chief Electoral Officer has an opportunity to review what's been going on over the past six years — and that's the content of the letter; I don't believe there's any need for me to read it into the record; it's quite lengthy, as are the number of questions that are being asked — we cannot just ram through legislation without these types of questions being answered.

I'd like to also send over a copy of a letter from the Provincial Auditor of Saskatchewan, Mr. Deputy Chair, who also has indicated:

When we audit the Department of the Executive Council for the year ended March 31, 1996, we will take into consideration the perspectives that have caused recent controversy. We will report our audit findings in our 1996 fall report or our 1997 spring report to the Legislative Assembly.

What is wrong with waiting for these reports, for waiting for the results of the answers to the questions, serious questions that are being asked by the Chief Electoral Officer, who now finds himself in a position that he must, he should, carry out an investigation? There are some serious allegations and we believe there are some serious violations of The Election Act as it exists.

Mr. Deputy Chair, the government is always telling the official opposition to look into matters and look into problems that are raised. Well we have. We've brought it to the attention of the Provincial Auditor and we know now that the Chief Electoral Officer has the authority to call an inquiry when he sees fit, and that's what he has initiated by virtue of the letters that he has sent to our party. I'm not aware of whether or not the other two parties have received a similar inquiry; I trust that they have.

We've had good consultations on this Bill up to the point in time of the secret . . . of the revelations of the secret trust funds. Those secret trust funds are a grave concern. We've hit a rocky patch as a result of those secret trust funds. And, Mr. Deputy Chair, as I told the Premier last week, I don't see why, given the controversy that's arisen over the Act, that we have to rush this Bill through at this time.

I believe we're probably fairly close to the ending of the session. I think . . . I believe that the problems that have arisen need time for a great deal of further consideration. There's no election in the offing, unless the minister has a secret he'd like to share.

He said the other day this Bill won't affect the upcoming by-election in North Battleford. So then why the hurry to get this Bill passed? There is nothing wrong with the law the way it sits; there's no need for amending it. Let's see it through until the next session, when we have answers from independent people with the responsibility to determine whether you're right, Mr. Minister, or whether we are right, with all due respect.

So I am asking once again — I'm pleading; I'm imploring on behalf of the electorate, on behalf of the people of this province — that we simply hold on to this Bill until we have a further chance to study these issues. It would be fair to you, it would be fair to the third party, and it would be fair to us. And it would be, most of all, fair to the people of Saskatchewan, to know that they can in fact trust politicians once again. Let's bring some integrity back into this institution.

A lot of work has gone into this Bill. I realize that; I know that.

And I appreciate and I commend the people that have worked on it. But that work will not be lost simply by delaying this Bill until the next session for the very reasons that I mention.

I believe that if, Mr. Deputy Chair, that if the minister takes time to consider all of these aspects and all of these proposals that we have talked about, I'm sure that he will agree that given the time, there will be some very productive responses; there will be some definitions. And there will be the interpretations that he and I are disagreeing upon and, that's the way it works.

I go back to what I said before — if there's been a law broken, don't just change it so that you can circumvent not having to pay the penalty for breaking that law. Let's review all the details. Let's wait till the Provincial Auditor gives us his perspective. Let's wait till the Chief Electoral Officer gets all the answers from each of these political parties involved in this province for over the last six years; where that money has come from and how these secret trust funds have been set up; and who's been benefiting from them and how they, in fact, in our opinion, in our very strong opinion, have very definitely circumvented a law that's been in existence, that's a good law and should continue.

That's what I ask, Mr. Chairman. Those are my opening comments and there will be some other questions that I will have of the minister after he's responded to my opening comments.

Hon. Mr. Mitchell: — Mr. Chair, I appreciate that the member has in a very comprehensive way laid out his position as it has developed over the past couple of weeks in the media and during question period.

I take a very sharp exception on behalf of the New Democratic Party to the characterization of the Tommy Douglas House fund as being a secret trust fund. It is not a secret. It is a fund that is brought into existence primarily for the purpose of initially building and then maintaining Tommy Douglas House. Was not in any sense a secret fund or a trust fund, whatever the member has in mind when he uses that term. And I take strong, strong exception to his characterization of that. I take even stronger exception to the Leader of the Opposition describing that fund as having as its main purpose to skirt the elections law.

The member knows that that is not the case. The member knows, Mr. Chair, that that is not the case and I take exception to him so characterizing that fund in those terms in this committee this morning. Having dealt . . . having addressed those remarks, let me now move on to the substance of the member's opening statement, stripped of that unnecessary and unbecoming rhetoric.

The member will remember that it was the government headed by Allan Blakeney that passed this law in 1974 over the objection and over the opposition of the Liberal Party of the day. So I think we can probably strip this discussion of any sanctimony also, because if it were up to the Liberal Party of the day, these provisions wouldn't be in the law at all. And that there would be in effect no provisions respecting election expenses in the Saskatchewan election law. So lets just get our

feet on the ground with respect to this issue and discuss it in rational terms.

The member has pressed consistently for an inquiry, Mr. Chair, from the very beginning, and the purpose of the inquiry, as I understand it, as I understand his representations, is to determine whether or not there has been any breach of the election law. Put another way, whether the opposition, the official opposition's, interpretation of the law is correct or whether the government's interpretation of the law is correct; it comes right down to a question of statutory interpretation.

I know of no case in the history of this country where an inquiry has been constituted in order to determine a question of statutory interpretation. And the facts are not in dispute here; the question is the proper interpretation of the Act. And to repeat myself, I know of no case in the history of this country where an inquiry has been set up in order to answer the question, what does the Act mean?

Now the member mentions that he's a former police officer — that wasn't exactly his words — a very distinguished career with the RCMP (Royal Canadian Mounted Police). And he knows that the court system in this province and in this country is set up to determine exactly that kind of a question.

So if the member is so all-fired excited about whether or not these sections have been breached, there is one remedy that is available to him. Now I'm not an expert in election law but I would assume that the courts would be available in order to answer the question that the member puts forward. There may be other ways of doing it. It may be possible that the matter will be dealt with by the inquiry from the chief electoral office which the member has sent across to me and which I haven't yet had the opportunity to read.

I had a note sent in to me to say that this letter was also received by the New Democratic Party. So I assume that something is going on there. The member has also provided me with a copy of a letter from the Provincial Auditor dated June 17 and it may be that something will be going on there.

All of those are concerned with the Act as it now stands and the question is whether or not there has been any violation of that Act. We obviously have a serious question of interpretation between the government and the official opposition, and the purpose for the proposed amendments to Bill 92, that has been in front of the member for some ten days or two weeks now, is to clarify what the law should be.

Now the member suggests that we just leave the law as it is for another year while we go through another by-election, and not address this question of the argument about the interpretation until a year has passed. Presumably during that time it will have been determined whether there has been any violation of the law as it now exists. And I think that's just a wrong-headed approach. I say that with respect. That's just the wrong approach to this question.

The proper thing for this Assembly to do, seized as we are of this controversy about the proper interpretation, is to clarify the

Act. We have it right here on the Table in front of us now and it would be irresponsible of us not to deal with that question at this opportunity. We all know, I think, what the law ought to be. At least I have had no argument from either opposition party about the substance of the proposed amendment. The controversy we have is what does the 1974 law mean. And I see no reason why we should have to delay this Bill in order to decide that question before we proceed.

The logical course is for us to clarify the law so that from this time forward there is no question about the reporting responsibilities with respect to political donations. We can duke it out somewhere else, in the courts or before the electoral office . . . Chief Electoral Officer or before the auditor, in order to determine whether in the past the law has been breached. But that's no excuse for us not moving now to clarify the law, fix it up, get it into proper shape, so it will apply in the North Battleford by-election, and it will apply in the future.

We're quite prepared to do that. After all, we're the people who first brought election expense law into this province, into the laws of this province. We take the position, and I want to say this again with all of the clarity that I can, we are advised by all of our advisers, that we are in compliance with the law. We have always been in compliance with the law, and we will continue to be in compliance with the law.

We want now to make it tougher. And as I say, we can duke it out in some appropriate forum as to whether or not the law, as it was passed in 1974, has been breached. But that is no excuse for holding up this Bill. There's no reason to hold up this Bill.

(1030)

This Bill has been the product of dozens — hundreds of hours of work, including work by the official opposition, including the member from Wood River, and including the third party. A lot of people put a lot of work into this and we had a document which was, in practically all respects, a consensus document — in practically all respects, a consensus document with a couple of issues tagged as being unable to agree.

Now with this, we're now into our fifth or sixth hour of debate over the Bill that we've all agreed to. And there are, you know . . . comments could be made about that. But the committee will do what the committee will do. I mean this process has integrity and will play itself out.

But it's not a question of ramming this Bill through. It's not a question of being in a hurry. It's a question of taking advantage of all of the work that we've done, and the consensus that exists, I believe, around the proposed amendment as to what the law should be, that drives the government to want to complete this thing now rather than to delay it for another day.

Mr. Osika: — Thank you, Mr. Chairman, and to the minister. I guess then for our own comfort, I would like to ask some very direct questions with respect to your view on some of those recent revelations.

If I may, I would once again like to recall what the Premier, as

attorney general in 1978, during an amendment to that law, stated:

All contributions to, and payments on behalf of political parties and candidates must be handled through registered agents or the business manager.

That's perfectly clear in the legislation.

I would like to ask then, why, in the minister's view, have provisions been put into place that simply do not allow anonymous donations to political parties over a certain amount?

Hon. Mr. Mitchell: — I'm not certain, Mr. Chair, that I understand the member's question clearly. Under the Act as it exists now, which we'll call the old Act, an anonymous contribution that exceeded \$100 was prohibited. And under the Bill that is before us now, section 241, the anonymous contribution level is \$250. Now I'm not sure whether that's responsive to the member's question or not.

Mr. Osika: — In your view, Mr. Minister, I guess my question was, it was... The Act required for donors over \$100 to be identified. Now that's being changed to donors \$250 and over. I was just wondering, in your view, Mr. Minister, why that provision is in the Act, why there is that restriction.

Hon. Mr. Mitchell: — As to why the limit was raised from 100 to \$250, the proposal was made on account of the fact that \$100 back then is probably worth about \$250 right now, having regard to inflation and that sort of thing, so that it seemed like a natural thing to do. It was also more or less in line with provinces in the prairie basin. So that we had no deeper purpose in mind and simply carried forward the law.

And I think that, if I may presume to say so, I think that you agreed with that and the third party agreed with that. At least I can't recall any discussion around this.

Mr. Osika: — Thank you. I'm sorry if I... I apologize for my unclarity if you wish.

Why do we have those provisions? Why do you, sir, in your view, feel that these restrictions are in place, that you must be identified if you give over a certain amount of money to political parties?

Hon. Mr. Mitchell: — Mr. Chair, I think it was the then leader of the Liberal Party, Davey Stuart, that put the case during the debate during the 1970s, that there are, out there among our citizens, people who don't want to be identified with a particular political party and yet wish to make a contribution to the party whose program they support. So that the setting of a limit, whether it's \$100 or \$250, allowed them the opportunity to make a contribution without disclosing their support for that political party.

There's a lot of merit in that, you know. There is, as I have pointed out, a debate that has gone on in our country for generations about the principle of transparent political donations, that is to say, disclosing political donations. And I

think it the case that none of the jurisdictions in Canada can hold themselves out as having the perfect law.

The problem is the balancing of interests in our society. That's a problem with respect to many issues that we have encountered in the past and will encounter in the future, where different interests are at play with respect to a question of public policy, and it falls to people like us to balance those interests and determine where we're going to come down. And so we move from a system in which there was no disclosure at all and nobody knew where money was coming from and how much money was coming and that sort of thing, to a system where we started to say, these donations must be reported.

Of course the arguments are well-known. I've given the one on behalf of the... of allowing people to make contributions at least up to a certain level without disclosing to the world that they're making those contributions. On the other hand, it is a strong argument in the public interest that the source of political funding become public.

Those are both valid principles. So we find ourselves at the junction of them, at the intersection, and asking ourselves whether that's an appropriate intersection or whether we've misplaced it, whether we ought to place it differently. And we're certainly prepared to have that discussion.

It's a hard and a question requiring a lot of thought, and we've given a lot of thought to it. We've given a great deal of thought to it, as no doubt the official opposition has. We have had our officials examine the laws of other jurisdictions and try and understand where they're coming from and where they're going to. We do that because there ought in this country to be some consistency across the piece, I think — not perfect consistency but relative consistency, and you like to know that you're headed in about the same direction on these kinds of issues as other provinces.

We are quite prepared to examine it, to make the law more transparent. And that's really what our amendment is all about.

Mr. Osika: — Thank you, Mr. Chairman, to the minister. I'd just like to... It came as quite a shock when we learned about the PC (Progressive Conservative) metro trust fund. It came as quite a shock to everybody. My question to you, sir, is, do you believe that that fund is morally and legally right?

Hon. Mr. Mitchell: — I don't know. I mean it does not fall to me to pronounce on that, and it's probably inappropriate for me to make any pronouncement on it, considering the documents that you have provided this morning, and the investigation and inquiries that are obviously going on.

So it would be not appropriate for me to start pronouncing whether or not it is moral or immoral or legal or illegal. I just have to allow that to emerge from the various processes that are under way.

Mr. Osika: — Thank you. I guess that was... Some of the reasons for, I believe, the intent of the Act from some time previous very well had to do with what's going on in the United

States. And any time you turn on American news broadcasts you see where their system has been so bastardized by the power of money — and it's something that we certainly not want to have happen here — down there it's almost turned into legal bribery.

We constantly hear this government going on and on about the American health care system, which they clearly don't want, and neither do we. So then why would they want to put our province in a position where our political system could potentially become as badly twisted as the Americans' — open to the highest bidders. And I believe that was the intent of the . . . not allowing anonymity to donations to various funds or different political parties by trade unions, by major corporations or companies.

Because in fact that was allowed, then no one would be wiser because of the anonymity, particularly of such kind of trust funds. I guess, and you've clarified, or at least you've indicted, that you do not . . . you distinguish the Tommy Douglas House from the PC metro trust fund. The intent for each, as you've indicated, is not the same — to filter money through a corporation.

But is it in your view though that the donors, through that fund, that if there are political donations made through that Tommy Douglas House, or from that incorporated entity to constituencies, is that in your view within the intent of the current legislation?

(1045)

Hon. Mr. Mitchell: — Well, Mr. Chair, I want to say that I agree with the member totally when he warns of the danger of slipping into an American kind of situation here. I think that it's very sad to see what's happening down there in the elections and in nominations as well, where the depth of pockets play such an important role, where a candidate can come from nowhere without a program that enjoys any broad consensus at all and simply buy his or her way into the process and almost win it. And it is something that we have to avoid here, and certainly election spending laws are an important element of that.

We have tried in our proposed House amendment to deal in a straightforward, clear way with this question of the reporting of contributions. And I think the member will agree that it goes a considerable distance towards making those donations more transparent.

I have an idea the member's question is sort of addressed to the existing state of the law, and there we have a controversy. But I think — I'm being a bit presumptuous when I say this — but I think we have no controversy about the fact that this proposed amendment would move us a considerable distance in the direction that the hon. member wants us to go, judging by what he says about his interpretation of the existing law. So I think we — again I'm being presumptuous — I think we have a common approach to this thing.

Where our disagreement exists is whether under the law of the

1970s the political parties have or have not complied. And fair enough. I mean those things happen every day with respect to laws passed by this legislature. And it's just almost to be expected they'll pop up somewhere, usually where you least expect them. And they have to be dealt with. Not an attempt to sweep them under the rug or anything like that, but let's take this opportunity to try and clarify what the law will be. And if we can make it better and tougher and clearer, let's do that too.

Mr. Osika: — I couldn't agree with you more, Mr. Minister, and I appreciate that view. But before we change it, let's deal with some of the questions that have been raised. What, in your view, might be the intent of the PC metro trust fund? Those are the issues that have raised very serious concerns about where did that money come from and how do you amass that amount of money. And it's there and it's been admitted to. The PC Party executive has said, hey, we don't know about it.

I think it's important, and why deal with having to change the legislation until we find out perhaps, after a thorough review, once again there will be other areas and other issues that will need to be dealt with. There may need to be other amendments. It would give us more of a global opportunity than . . . once again, with all the hard work that I know that your people have done and good, hard work, and it's muchly appreciated; that will not be lost.

However, what the opportunity to go through the exercises that I've proposed, the ones that have already been initiated by the good people who have taken the responsibility to say yes, we will take a look at your perspective of what's been going on . . . And that may then allow, once we get the reports, once we get some of those answers that are being asked, the opportunity once again with your good people, Mr. Minister, to sit down and for them perhaps also to identify, by golly, that's something we didn't think of. Since we just proposed these amendments a couple of weeks ago or whatever, we never thought of that. And that's a good one.

Maybe we can include that without then next session having to reopen the Act or reopen the Bill again — it can be all inclusive — and coming back to the session, next session and saying, now we have the entire package. We have the answers to the questions that were raised. We have the concerns of the folks about where all these monies have been amassed. Those have been answered. People have been dealt with. Those funds have been clearly identified as either appropriate or inappropriate, and whomever, whether it's party, whether it's individuals responsible, have been dealt with and things are going to be tightened up and perhaps beyond the amendments that we have here before us.

Again, and I'm going to continue until we finish with this, Mr. Minister, plead for putting this Bill over to the next session because of the very serious nature of the questions that have arisen and our concerns for our political system not to get embroiled in a similar situation that exists across the line. We don't want that here and you don't want that here. You stated that.

So it just concerns me that if there's no problem as you see

from your interpretation, from the government's perspective, from the NDP Party's perspective, then what's the concern about leaving it over to the next session? Having the questions answered, having a mini-investigation if you wish, not a judicial inquiry. . . . That's not what's under way right now, although that might be the more appropriate, the most independent. However, still there is an investigation initiated. Let's wait till we see the outcome of that, and then perhaps we can deal with this properly.

Hon. Mr. Mitchell: — But, Mr. Chair, I don't understand why. I mean the logic, with respect, falls apart. The fact of the matter is that there is controversy about the present sections. There is controversy . . . and I agree with that, not only because you and I say it, but because people like Emmet Reidy and Dick Proctor and Tom Lukiwski say it. And those are people who work elections all the time and who know. Not neophytes like us that maybe have been through one, two, four elections, something like that, as candidates, knowing very little about how the minutia, the details of the organization, work themselves out. And that's why we have campaign managers and business managers.

But when people like Emmet Reidy come forward with an interpretation of the Act that is different than Dick Proctor's, that is different than Tom Lukiwski, then it's time we, as legislators, got our act together and, rather than wait to see how that quarrel ends up, fix the law — fix the law.

We can't rewrite history. We're not about to pass amendments to this law now that will be retroactive to 1974 or 1978. We're going to pass laws that are going to go into effect probably January 1, 1997. And we will know then, that from that time forward the law will be clear. We can't do anything about the past. We can't rewrite it.

As I said earlier — and pardon my choice of words — perhaps we've got to duke this out somewhere and find out who's right and who's wrong. And we'll have Emmet Reidy and Dick Proctor and Tom Lukiwski take whatever path they consider appropriate in order to sort out these questions. Let that be.

We've got all kinds of ways in this society to resolve those sorts of legal disputes. We've had them for years. It's one of the strengths of our system. We can bring finality to these things.

But you and I don't have to sit around this House waiting for five or six years for some court to . . . for some case to work its way through to the Supreme Court of Canada, for example, if that's the route that is taken, and certainly it is one of the routes that is available.

We can move right now to fix the law and it won't affect those cases at all. Nothing is swept under the rug; nothing has changed. It is simply that a new formulation of the law has been agreed to by this legislature and, from the time of proclamation on, will form the law of this part of this land.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, I find this somewhat interesting, when you're answering some of the questions on interpretation of a law, that in fact it was the New

Democrat government that brought in the amendments to this Act in 1974, and as the Leader of the Opposition quoted from some of the 1974 *Hansards*, it was very clear what the interpretation was then and remains to be now.

Now I know that you would like this to be a more confusing picture show in talking about some Tom Lukiwski, or whatever his name is, and Dick Proctor, and Emmet Reidy. And even they have differences of opinion on the interpretation of the Act. But one thing has been clear from the outset, is that Mr. Reidy finds the Act to be very straightforward, very clear, and in fact follows the Act the way it's set out, follows that very clear and transparent Act. It just so happens it's the other two that are, I guess, executive directors of parties that have secret funds that seem to have a concern with interpretation.

Following up on some of the comments that the Leader of the Opposition had made mention, and in fact I think has made a very good point as to why this Bill should not go forward at this time. If we have investigations on the go . . . and who knows where this . . . I mean you yourself stated a few moments ago that this is going to proceed, it's going to progress, go somewhere else. So why then, Mr. Minister, would you want to bring in changes to an Act before you know even what all the problems are? If you think there's problems to the Act, why wouldn't . . . for the life of me, I can't see why you would want to have these changes brought forward until you know that everything has been uncovered.

Now you've made mention that you had officials look at other jurisdictions when you're looking at the Act. Can you tell me, Mr. Minister, what examples perhaps were in Alberta's legislation that would perhaps take care of some of the problems that a few parties in this province ran into. Tell us what Alberta did to solve it.

Hon. Mr. Mitchell: — Thank you, Mr. Chair, and to the member. Alberta has very little law at all covering this and has no system of the refund of political expenses, and they don't have any law on their books that are helpful to us.

Mr. McPherson: — Well, Mr. Minister, I don't think you're right on that because I looked into a little bit of the Alberta disclosure law and . . . Mr. Chair, if you could bring some of your own members . . . calm them down a little bit. It's hard to hear in the House today.

Mr. Minister, in Alberta, constituency associations have to be registered with the Chief Electoral Officer there, and yet it's only the party in Saskatchewan that has to be registered. So if you're having to register the constituency associations, that would go a long way in the reporting requirements, would it not?

Hon. Mr. Mitchell: — We have not taken the position in this province, Mr. Chair, that the constituency associations need to be directly registered, and I see little advantage in it. It is, I think, sufficient that we have the registered political parties working in the system that we have under the old law, and as that will be improved under the new law.

The key question is the reporting of contributions . . . the key question is reporting of donations and we've tried to take care of that with our House amendment. We would not agree to go to the Alberta election-expense law. We don't think there's enough law there. Certainly not enough for the member's purposes, that's for sure.

And I just don't see any purpose to be served in requiring the registration of 58 constituency associations from each political party. I don't know what question of public policy that would address. The key question is the reporting of contributions, as the Leader of the Opposition has so eloquently put that point over and over again.

Mr. McPherson: — But, Mr. Minister, you see, perhaps it's not interpretation being the problem; it's whether you have the will or the desire to nip something in the bud that is clearly wrong. And by your answer, I can only sense that's perhaps what the problem is.

And going back to the Alberta model, in Alberta, each constituency association must file a financial statement setting out the income, transfers from the party or elsewhere, donations and expenses, and all donors must be revealed, and that's section 34(1)(b) of the Alberta Act.

So if in fact the problem that your party and the Conservative Party are into is having monies, huge sums of monies, perhaps going into secret funds and coming through the constituency associations — because clearly that's what's been happening — and not being reported as they should have under section 219 . . .

(1100)

An Hon. Member: — Nonsense.

Mr. McPherson: — Well it's not nonsense. You've got a problem.

Well your two parties have millions of dollars in bank accounts, so don't tell me it's nonsense. Now if other provinces . . .

An Hon. Member: — That's nonsense and you know it.

Mr. McPherson: — Well it isn't nonsense. And you can clear this up, Mr. Minister. You're in the spot right now to clear it up.

See the question really is, the question really is, why are you ramming it at the people right now? You've got three years before an election and you feel you must ram this through right now, with all these questions before the House.

An Hon. Member: — We're not ramming anything through.

Mr. McPherson: — You are so. You are ramming it because the Deputy Premier tried some games here on Friday so that this wouldn't be brought before the people to be voted on — one game after another. One game after another. And you're going to have to answer to the people sooner or later.

Now, Mr. Minister, answer the question as to why, if in fact Alberta sees it necessary to register constituency associations so that the disclosure is very complete, as it should be in this province under the existing Act, why wouldn't you consider it?

Hon. Mr. Mitchell: — The member will forgive me for responding from my seat, but I took exception to some of his excessive rhetoric.

I want to say once again for the member, in case he hasn't heard it before, that we have no difficulty with the present law in the sense that we understand it. We are the people who wrote it in the first place over the objections of your party, and we have followed it ever since. And our Mr. Proctor has a perfectly clear conscience so far as compliance is concerned.

Now you can test that somewhere. Go ahead and do that. Welcome to it. Do your thing there; that's just fine. But that is no excuse for not doing something about this law now. If we have people of the ilk of Emmet Reidy and Dick Proctor and their legal advisers disagreeing as to what is the interpretation of the law that we have on the books now, then surely it is important and incumbent upon us to fix it. That's all there is to it — not a question of ramming anything through. It's a question of taking the opportunity here . . . (inaudible interjection) . . . Now you're doing what I did. You're badgering me from my seat. I think we should not do that. We can stand up and put our views on the record here.

The opportunity is here right now to clear up this question, get a formulation that Emmet Reidy and Dick Proctor and Tom Lukiwski, who are the pros here, understand and agree upon and is not subject to interpretation by lawyers but is perfectly clear. We owe that to the people. That's only the rational thing to do. Why would we leave the law in this muddled state until these external processes work their way through? Why would we do that? We can substantially clarify the law now as we understand the problem.

If subsequent events shows that further clarification is needed, we meet once a year for 70, 80, 90, 100 days, whatever it is; we can go ahead and do that when the time comes if that's necessary. But we can act now.

Mr. McPherson: — Mr. Minister, the interesting part of your comment, when you keep bringing in the executive directors of the three parties into this, why would it . . . why is it in fact only Mr. Reidy that . . . When you're talking about who has a certain interpretation of the Act, why is it Mr. Reidy the one that doesn't have a concern with the interpretation of the Act because he clearly sees that disclosure is in section 219? And why is it Mr. Proctor is the one who's fighting for non-disclosure?

Now you're in charge of this Act. Tell me why you aren't in control of your own party?

Hon. Mr. Mitchell: — Well I'm certainly not in control of my own party. I mean the party exists as an organization that is probably not under the control of anybody.

Now Mr. Proctor doesn't have any problem with the interpretation of the Act. He's just following the interpretation of the Act that has been given to the Act from the time it was passed. That's all — from the time it was passed.

Now Mr. Reidy, who I respect very, very highly — very highly, I regard him as friend of mine — has a different interpretation. Fair enough. That's how . . . that's what happens in our system.

And we've got all kinds of ways to resolve that dispute. And it can be resolved in the fullness of time, and that's appropriate and people should have to account for what they've done or haven't done. But that's no excuse for us to go into some state of paralysis here and not do anything with all of the work that we've done over the past many months and clarify the election law.

Now another reason why we want to pass this law now is that the member will realize there are lots of things that have to be done under the new Act when it's passed . . . (inaudible interjection) . . . Well by way of the administrative things, the things that have to be done by the chief electoral office — the preparation of forms, the preparation of guidelines, preparation of regulations, not to mention improvements to the system of enumeration. And we have many, many improvements in this Act that can be developed and be of great assistance to us as early as the next election, if we get going on this.

If we delay it for a year, many of those things can't be done. Certainly nothing can be done with respect to enumeration that will be of any consequence. So we want to do it now and we see no logical reason why we wouldn't do it now.

Mr. McPherson: — Well, Mr. Minister, then you wouldn't have a problem if in fact you want this Act to go ahead now . . . and you and I both know it doesn't have to go ahead now. You've got three years before an election. You've got all . . . you've got a few years before this really has to be dealt with.

If the problem is whether you're making certain forms or, you know, some of the things you've set out, well then by agreement, we can agree that certain sections of this Act are going to proceed in the next session — go ahead and do your forms.

Why would you want to though, if in fact we find out throughout the summer or fall, whenever the Chief Electoral Officer completes the review of the parties and sees perhaps there's a certain problem, why would you want to start on something now and in fact spend all that taxpayer money if it had to be changed?

Hon. Mr. Mitchell: — On the other hand, Mr. Chair, what is the problem with doing it now? Why would one not do it? We have some clear understanding of your position on the subject of political contributions. It's a new position for the Liberal Party, but it is a position, and it can be supported by logical argument and that's good. And with that understanding, we are proposing an amendment which we think moves a long way in the direction that we understand the Liberal Party wants to go.

Why wouldn't we do that now? Why do we have to wait for somebody to find out whether there was a violation of something in 1991 or 1982 or whenever? We don't need . . . I mean those things have to be done but we don't have to know them in order to make a significant improvement to this law.

That may be, as the member says, that it would not be administratively impossible to do a lot of the things that have to be done under this Act. But a great deal more can be done, and done in a much more complete way, if we move in a timely way to amend the Act, to change the Act now; to adopt the new Act.

And if we have to come back to it, we'll come back to it. I mean there's a good deal of will here, and in spite of the controversy that we've had over the last couple of weeks, a lot of goodwill between the parties so far as the formulation of this law is concerned. I personally have never seen anything like it and it has been a pleasure, up until two or three weeks ago, to be associated with this issue because it was a good, positive, and constructive environment in which to work.

I think we should put what we've done on the laws of this province and understand that if new information comes to light we'll come back and fix it up. That's our position.

We don't understand the logic of waiting — waiting in case we might be able to draw a more perfect amendment to Bill 92? I don't think so. I don't think so; we can do that when the times comes. We don't know that that's going to happen. And if this thing happens to go to court, you know if somebody takes somebody to court here for an interpretation of the Act, we could be hung up for years waiting for a decision.

Mr. McPherson: — You see the problem, Mr. Minister, with your argument is you're letting on that something has got to be done now. Can you give me . . . first of all, I'd like to see an example of some of the forms that you think would take three years to have a printing company deal with. I mean I just don't buy any of those arguments. But some of the arguments that are factual are such as, I guess it was a week ago, Bill No. 120 was brought in in the final days of the session. But when all parties see that there's a benefit to having it move quickly through, it does move quickly through. And that's exactly how this Bill, this Bill 92, The Election Act, the amendments to The Election Act, would be dealt with.

I don't know, Mr. Minister, how you think you can proceed when the official opposition is not in favour of what you're trying to do. I mean The Election Act . . . and I recall a conversation you and I had two, three months ago about this, that in fact unless we all agree, unless all three parties agree — and I don't for the life of me know how that would happen anyways because we can never seem to get the Conservative Party to sit in here long enough to agree to anything — but the fact of the matter is unless we can all agree, you wouldn't be moving ahead with this Act.

That's why it was started long ago. It was the first piece of legislation I saw. And at that time I appreciated the fact that you included us in the meetings that you did. But now that this serious problem has arisen, you don't think that perhaps we can

set it off to be the first order of business in the next session?

Hon. Mr. Mitchell: — Well the logic, in my respectful view, still is absent from the member's presentation. The fact is that we have a consensus document in front of us. We have one little problem about pre-writ expenses that we'll have to sort out and debate here. And we had a problem about Crown corporations advertising which may have gone away, may not have gone away. But at least we're prepared to make an amendment to further clarify it.

So with those two issues aside, or we agree they should be resolved here, we don't have any controversy left. I mean, I think there is no . . . I have not heard any opposition, any . . . at least not any arguments against the House amendment that we have before you now. We've had no detailed response from you.

We have heard the Leader of the Opposition say that they won't agree to the amendment — opposed to the amendment — and that's fine. But I've not heard any . . . and I've certainly not received any written material that indicates what the problem is. And if there's a problem with it, let's discuss it and let's amend the amendment.

But we're trying to move the election law with this proposed amendment at least closer to where you apparently want to take it. So I don't see any big controversy there. I mean I don't know where the controversy is. So far as this law is concerned, this Bill 92, I don't see where the controversy is.

I understand there's a controversy about something that may have happened in 1982, or what the proper interpretation of the law of '74 was or '78, but I don't understand where the controversy is with respect to Bill 92. As far as I can see, there really isn't any.

Mr. McPherson: — Well let's . . . you keep bringing us back to 1974, so let me quote here from *Hansard*, April 25, 1974:

Mr. Speaker, a word about the corporations and others. Corporations and organizations or associations that are formed for the purposes of soliciting and obtaining moneys for political parties must obtain a record of the names and addresses of each person making a contribution and the amount thereof. Before any such body may make a contribution of any major amount to a political party, that party must reveal the names and addresses of each person making the contribution to the body and the amount thereof. No contributions may be solicited or received from any individual or corporation, association or trade union outside of Canada.

Mr. Minister, do you find . . . Is that very clear?

Hon. Mr. Mitchell: — Well you know that's an interesting debate in '74. I've read it, as has the member, and . . . I mean they produced a law. I think it was a good law. It was a very substantial advance over what the law was previously. The member may argue that it's not enough law or that it's not clear enough or that he doesn't agree with the interpretation of the

New Democratic Party or the Progressive Conservative Party. Those are fair; fair things to do.

But I don't know how I can comment on the debate in 1974. I mean I think that they had a debate then as we're having a debate now; and it may be that in 22 years from now someone will be bringing up our words and asking what we meant when we said one thing or another.

(1115)

I'll say this to the member. I want to say it again. We have, I think, a consensus on what reforms should be made to the law to clarify it and we're prepared to change it. And the proposed amendment is a substantial change. And we're prepared to consider other ideas for reforming it, amending it, toughening it up. We're glad to do that. We've been trying to tell the Leader of the Opposition that for some considerable time now. We're prepared to work with him to toughen up the law. And we are. So I extend that offer once again to the member and hope we can get on with this thing.

I can't change the law as it has existed. I can't . . . I mean that's going to have to be fought out somewhere before somebody to determine whether or not that law has been complied with and we can't do anything in this legislature to assist in that argument, that argument. The NDP and its lawyers, we believe that the law has been perfectly complied with. We think that there is a novel interpretation that has come forward from the legal advisers for the Liberal Party but, as I say, we have great respect for Emmet Reidy and for Garrett Wilson and if they see a different interpretation of the law then it falls to us to correct it, and correct it as soon as we can and we're right here. We've got the Bill right in front of us. We can do it now. We should do it now.

Mr. McPherson: — Well, Mr. Minister, I enjoyed your comments — and in fact if you could golf as good as you could confuse the issue you'd be on a world tour — but you were nowhere near the question with your answer, and we're going to revisit it. And we will keep revisiting it, Mr. Minister, until I get a response from you. Okay? So you might as well as just cut to the chase here. What I read to you out of *Hansard* in 1974, do you find that to be clear or not?

Hon. Mr. Mitchell: — The member has me at a disadvantage because I don't have the text in front of me and I've long since forgotten the details of his question.

But it matters not whether I agree with . . . Mr. Chair, it matters not whether I agree with something which some member of this House said in 1974. That's not the issue. That's not going to get us anywhere. If the member can pin me down on whether or not I agree or disagree with that interpretation, that's not going to advance the progress of the election law of this province, the reform that we're proposing and that we've agreed to in Bill 92 . . . (inaudible interjection) . . . That may be relevant, although I can't imagine who would be interested in what my views were.

In a court action or in an inquiry by the Chief Electoral Officer or in the work of the Provincial Auditor, they may look around

and say, I wonder what the minister thinks about this statement that was made in 1974. I can't imagine anybody being interested in that. The member obviously is. And I can't imagine for what purpose. But it doesn't seem to have any relevancy to anything I can think of.

Mr. McPherson: — Thank you, Mr. Minister. There, you now have a copy. And I'll get mine back too, please, and thank you, because I think we'll be discussing this for awhile.

Mr. Minister, read along with me now:

A word about the corporations and others. Corporations and organizations or associations that are formed for the purposes of soliciting and obtaining monies for political parties must maintain a record of the names and addresses of each person making a contribution and the amount thereof.

We're going to break this up into some smaller segments for you, Mr. Minister. Tell me what you think of that first sentence and whether or not your party and Dick Proctor complies with that.

Hon. Mr. Mitchell: — Again, Mr. Chair, being genuinely perplexed about what the member is after here, the relevance of what we're now doing before this committee, I think that's a good sentence. I think that's probably an appropriate thing for the minister at the time to be saying.

Mr. McPherson: — Mr. Minister, I would agree with you. Now can you tell me why Dick Proctor doesn't comply with that?

Hon. Mr. Mitchell: — Dick Proctor is in perfect compliance with that.

Mr. McPherson: — So then you can show us a list of the donations of those corporations and organizations and associations as the law has set out?

Hon. Mr. Mitchell: — What I can say is that the NDP has complied with this election law over the years. I'll say that once again — perfect compliance with the election law over the years. And that's our position. So I assume that all that's required in the law has indeed been done over the years.

Now I can't answer for the New Democratic Party or Dick Proctor. He's going to have to answer . . . he's going to have to answer himself. No more than that member can speak for the Liberal Party . . . (inaudible interjection) . . . No, come on, get real. Try and concentrate on what we're saying, okay? Try and concentrate on it . . . (inaudible interjection) . . . Well sure.

Keep in mind we're talking about a law that was passed in 1974, amended in 1978, and has been followed ever since. My party alleges that it has been in compliance with that law over all those many years, and I believe that to be the case. No doubt you would say the same thing on behalf of your party.

And here we are. We find ourselves in some kind of controversy

about the proper meaning of the law that was passed in 1974, amended in 1978. Let's fix it. There are places where debates can be held, arguments made, submissions made with respect to whether or not that law was complied with. This legislature is not going to decide that question. This legislature can decide what the law should be and can write the law and pass the law, but we can't determine whether or not a law has been broken or whether it has been complied with. That's for somebody else.

Mr. McPherson: — Mr. Minister, if you can't determine that, what and why do you want to fix it?

Hon. Mr. Mitchell: — Precisely because really honourable people like Emmet Reidy and Garrett Wilson have an interpretation of the Act that is different than the one that has been in effect in this province for the last 22 years.

Mr. McPherson: — All right, Mr. Minister, I will . . .

An Hon. Member: — Is that so hard to understand?

Mr. McPherson: — Well no it's not hard to understand on our part, you see, but we're trying to walk through a process so you can grasp why it is that your party doesn't follow something that's very clear.

Now you agreed with me that the first sentence I read in that paragraph makes sense. Well that is exactly what Mr. Reidy and Garrett Wilson, as you want to bring in private people's names into this legislature, do agree with. Now can you explain what it is in that sentence that you want to fix?

Hon. Mr. Mitchell: — I'm not trying to fix anything in that sentence. I'm trying to respond to an issue that the Leader of the Opposition has raised with respect to the meaning of the law. That's all. Just trying to fix the law. And while we're at it, advance it. That's all.

I'm not trying to fix a statement by the Premier, who I think is, who is being . . . who spoke the words that we're talking about. I'm not trying to fix that. You know that's as may be. That's part of the historical record. And the law speaks for itself. The member knows that. I mean the law is there. It's on the books. It's plain and simple, and we have been complying with it for many years.

Now we have a question of interpretations raised this year by the Liberal Party, and on the advice of Mr. Garrett Wilson and by Emmet Reidy, and we have to take that seriously, look at the law and say, if those folks can find any contradictions in that law, any problems with it, a different interpretation than we have been following, then we'd better move to correct that law so that from now on the law will be more clear.

We can't rewrite what's happened. That's as may be. We're going to have to duke that out somewhere else obviously.

The Leader of the Opposition is not going to rest on this question. Fine. We'll be there; wherever it is that we have to go, we'll be there in order to determine whether or not we're right; whether or not you're right; whether or not the Tories are right.

Those things will all be solved in the fullness of time.

We're not going to solve it in this committee. All we can do in this committee is to pass a law that will be perfectly clear from now on.

Mr. McPherson: — Well, Mr. Minister, well we're back to my original question. In that paragraph . . . you've got a copy, you follow along now. Before any such body. . . I'm going to the next sentence:

. . . before any such body may make a contribution of any major amount to a political party, that party must reveal the names and addressees of each person making the contribution to the body and the amount thereof.

Is or isn't that clear?

Hon. Mr. Mitchell: — I think anybody can understand those words. It seems to me to be perfectly clear, yes.

Mr. McPherson: — Well, Mr. Minister, this is what the law was getting at, and yet you say that there's some interpretation problem. And that paragraph really sums it up.

So how do you get more than one interpretation out the paragraph of what then attorney general, now Premier, had to say about the law in 1974.

Hon. Mr. Mitchell: — What I repeat for the member, we are in compliance with this law. We are in compliance with that interpretation. It's as simple as that. You may not be; I don't know. I don't know about you, but I know about us. We're in compliance. We're in compliance.

Mr. McPherson: — All right, Mr. Minister, if you're in compliance then you can tell me where I can get the list of names of the corporations, organizations and associations, and the amounts thereof. Right? You would be able to tell me where I could find that.

Hon. Mr. Mitchell: — Look at our election return.

Mr. McPherson: — And those lists are on all of your election returns?

Hon. Mr. Mitchell: — That's my understanding, yes.

Mr. McPherson: — Now we're talking about the provincial amounts, not the federal. Not the amounts that are run through the . . . for a tax credit through the federal, we're talking about provincial donations from corporations, associations, organizations.

Hon. Mr. Mitchell: — We're in full compliance with all of that law, including the federal end of the thing. I mean it's all done according to the requirements of the Act. That's what we've been saying right from the very beginning. That's what we continue to say.

Mr. McPherson: — Well then . . .

The Chair: — Order, order. Why is the member on her feet?

Ms. Bradley: — With leave, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Ms. Bradley: — Thank you, Deputy Speaker. It's my pleasure to introduce through you and to the rest of the Assembly, a group visiting today, our Assembly, from Weyburn. The mental health association is here with 23 people coming . . . or have come.

And I also would like to introduce their program assistant that's with them today, Ruth Garinger, plus two volunteers. And I look very forward to meeting with you after and for a photograph. I'd like everyone to join me in welcoming them here today.

Hon. Members: Hear, hear!

(1130)

COMMITTEE OF THE WHOLE

Bill No. 92 (continued)

Clause 1

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, now we've went through this and you tell me, you've told the House, that you're in complete agreement with what you read in that statement and that you comply with it, and it's very clear. So then tell me why you want to fix it.

Hon. Mr. Mitchell: — Because Emmet Reidy and Garrett Wilson don't agree that we've complied with it. So we want to clarify the law to make it certain so that all of us can be perfectly clear about what the law is.

Mr. McPherson: — Mr. Minister, you and I both know that you're once again trying to confuse it . . . that somebody is in disagreement with this statement. We all are, as is the now Premier when he said this in 1974. But the fact of the matter is, your returns don't show those lists, do they. And they don't show the secret funds. And they don't show the secret funds of the Conservative Party.

Mr. Minister, explain why people in this province have got to open up the *Leader-Post* and see that you both have secret funds, if you're complying with this?

Hon. Mr. Mitchell: — If the *Leader-Post* is reporting that, it's because you continue to use that term when you know very well there is no secret fund as far as the New Democratic Party is concerned. Tommy Douglas House is not a secret fund. I mean if there's anybody in this province who didn't know what it was, I from within the party can't understand it. I mean everybody knew it. It's no secret fund.

Now I'm sure for political purposes, I'm sure for political

purposes, the member characterizes it that way, hoping that that will be picked up and used as a way of describing that fund. But the member knows better. The member has a background that indicates he knows better.

Mr. McPherson: — Well, Mr. Minister, then if it's very clear how your fund has been arrived at — and I don't know how many millions or if in fact there's another fund — just clearly state how that fund was built up.

Hon. Mr. Mitchell: — You're going to have to ask somebody else. I have been in the elected arm of the party and I have not been personally associated with the operations of Tommy Douglas House. But we've all known of its existence; we all know that it built the provincial office building down on Saskatchewan Drive; we know that it maintains it.

And as I said, Mr. Chair, this member knows perfectly well that that is not a secret trust fund, and it does not become him at all to continue to describe it in those terms.

Mr. McPherson: — Mr. Minister, you just got done telling us, telling this Assembly, that it's very clear what the fund was. Supposedly everyone in the province knows what the fund was and how it was built. And then you stand up and say, well I'm not the one to ask; you have to ask somebody else that helps build these funds.

So is it clear or not? Because then what we'll want to do is have you answer how, if it's so clear, can this fund borrow the huge sums of money it does — from who? Who pays that back? Don't you think when it's used for election purposes, that that should be disclosed? Not even just the money that's used in the election but monies that leverage other monies. Because that's, when you come back to the 1974 arguments made by the New Democrat government, that's why it was made. That's why it was so clearly set out.

In fact the problem that people have . . . when you take a look at the Dale Eisler article that showed up here a few weeks ago:

Unlike the Tory's private trust that very few seem to know about, the Tommy Douglas fund was well-known.

So he's agreeing with you. So you should have no problem telling us what it's like. To go on, it says:

Like the Tory's trust, the Tommy Douglas fund collected money but never revealed its donors. In the past five years the fund has transferred \$380,000 into party coffers and there is no public record of where 1 cent of that money came from.

So, Mr. Minister, now this clear upfront fund that you're talking about, can you tell us why Dale Eisler would have the view that it's not that clear?

Hon. Mr. Mitchell: — Can anyone? I mean, Dale is Dale and he will write what he will write. We all have great respect for him, but I certainly can't stand in this House and answer for him.

I can tell the member, as I have, that the New Democratic Party has been in compliance with the law. I am so advised by any number of people associated with the party, and I say it to this House as a fact. I personally have not been inside the organization doing every single thing that has been done over the many elections that the New Democratic Party has fought, so I am not able to provide that kind of detail. I have not been inside the operation of the Tommy Douglas House fund so that I am not going to, and nor should I as a minister, stand here and answer for a fund being operated by a political party. I mean that's absurd.

But I can tell you that my advice is that all of those events, all of those connections and whatever, have been in compliance with the election law. That's my answer. I can't answer for Dale Eisler. I can't give the — nor should I — give the member details about the operation of a fund being maintained by the New Democratic Party.

But I can say that this law should be clarified so that 22 years from now people like us aren't standing here debating about whether or not a law passed 22 years ago has or has not been complied with.

Mr. McPherson: — Well, Mr. Minister, perhaps Dale Eisler is wrong. And you will set it out and clear the record right now, because you will be able to tell me then where I can get a list of all the donators of that \$380,000 that was transferred into the party coffers to be used at election time. So you can tell me where I could find that list — right?

Hon. Mr. Mitchell: — No, I cannot. And if I knew, I wouldn't, because I'm not here to answer for any of the funds of the New Democratic Party. I can tell you that all of my advice from all of the officials and people concerned with the party is that the law has been complied with, and I believe it to be so.

Having said that, I simply can't, as a minister, properly or appropriately say anything else.

Mr. McPherson: — Well, Mr. Minister, see, here in your comments lies the problem. Firstly, you don't want to take any of the credit of the not so credible \$380,000 not being disclosed. But you come into the House wanting to change an Act. You're saying we got to fix something, but you don't know what you're going to fix because you agree with why it was brought in in 1974.

And I know, Mr. Minister, that you do have a very good understanding of what is in this Act. And I know that your game is for the Premier to try and confuse the issue and make everybody guilty or everybody innocent, and this interpretation problem of Reidy or Proctor, or whoever is with the Conservatives now — Lukiwski?

But see, the problem is, is that if you're wanting to come in and make changes to an Act that we both agreed a while ago don't need changing because you agreed with that 1974 statement, and that is essentially section 207 and 219 of the present Act . . . (inaudible interjection) . . . Well it is. You're a lawyer. Surely you can understand that it's very clear . . . (inaudible)

interjection) . . . It's what? A mistake . . . (inaudible interjection) . . . Oh, then you explain where the mistake is?

Hon. Mr. Mitchell: — We have an election expense law which the government believes to be perfectly clear, and we believe that our party has been in compliance with it over all these many years. Now that's a fact.

Along comes, whoever — the Leader of the Opposition — and suggests that the law hasn't been complied with. And when you boil it all down, it seems to be a question of the proper interpretation of the old Act. Fair enough. These things happen every day in our society. And no matter how hard we work on laws in this Assembly, it seems we're always able to produce something that some lawyer can find fault with or can find some reason for another interpretation. And argument goes on in the courts and has from time immemorial as to what was the intention of the legislature in passing this law.

Do you know that in the courts they don't even permit the debates that go on in parliament or in this Assembly to be introduced as evidence of what the law means? Do you know that the judges in the courts look at the Act itself and interpret the words of the Act and will not admit into evidence and will not look at our debates here to try and ascertain the intention of the legislature? That seems incredible but that's the way it is. And it has been so in the common law system for hundreds of years, and remains so. So we can have all the discussion we want to, but at the end of the day it is the law that we passed that will be interpreted.

Now we thought the law is perfectly clear. We weren't even thinking about that law, those sections as you know, because in all of our consultations it was never raised, there was no discussion about it. Everybody thinks they understand it and away we go.

Then comes the revelation of the Tory fund and all of a sudden the issue erupts into public. Fair enough. What emerged from that perfectly clearly is that the Liberal Party and its advisers place a different interpretation upon the reporting responsibilities than do the New Democrats. We can't speak for the Tories, but for the government party it's clear. We have a difference of interpretation.

We're not going to be able to solve that here. You and I can keep picking at each other and shouting at each other in this committee and it'll resolve nothing. There are places where that can be resolved.

An Hon. Member: — So do it. So do it.

Hon. Mr. Mitchell: — You've done it.

An Hon. Member: — And we've been asking for three weeks. Just do it.

Hon. Mr. Mitchell: — The member is going to have to get up and speak. Those questions are going to have to be resolved and we're prepared to play our part in resolving them. There are established ways in which those matters can be done. We

certainly don't need any silly idea like a judicial inquiry to determine the meaning of a statute of this legislature. That is absurd. That is absurd. There's other ways in which that can be done, and I've suggested what they are.

But we're here and we've got the election law on the Table in front of this committee, and it is our opportunity to amend that law in such a way that there can be no question what the reporting responsibilities are.

Now how the member can suggest that that is not a good idea I cannot imagine. It will not make one wit of difference to what has gone before. People have to answer for what's gone on before. But it will, for the future, make certain that everybody understands what a clear law is so they will know what their responsibilities are and we won't have this kind of debate 22 years from now.

Mr. McPherson: — Mr. Minister, your argument is very confusing because the one that you're giving to the Assembly is that your government found that the present Act is very clear and that you're in compliance with it. But now you want to fix it. See, that's confusing for the people out there. If it's clear, and you're complying, why are you concerned?

I mean really, then the problem should lie with other people. If we're concerned, we should do what we have to do. But if you're following the law, what's the problem? The fact of the matter is, it was the media that raised it first. And why did they raise it? Because the media, like the people of the province, feel and believe — and rightfully they should — that there is a law, and the law is very clear as it was set out on April 25, 1974 in the now Premier's comments.

But you, sir, now are saying we want to fix something. The only reason you want to fix it is to make it a very confusing issue.

(1145)

Now another argument that you bring forward is if it goes into the court system, if it goes to the court system, the courts will look solely at the law and determine whether it was contravened, right, laws are broken. Well why not let that happen? But instead, you're trying to use this Assembly here to make a new law without even knowing if the old one works, works well, doesn't work at all.

I mean, just because somebody is found . . . the Conservative Party is found to have millions tucked away — from where, we don't know . . . well let's get to that. Do you think the Conservative Party followed the Act?

Hon. Mr. Mitchell: — I don't know, Mr. Chair, and it doesn't fall to me to decide that. I mean, it doesn't fall to me to have an opinion on that. That's going to have to be worked out, sorted out through the various mechanisms that are available to people who want to challenge it and look into it and inquire into it. No part of that is my responsibility, and the member must know it would be very inappropriate for me to get up here and start to pronounce about whether a particular fund is or is not in

violation. I can't help that.

What I can do though is to clarify what is obviously a disagreement about what the law is. We thought it was perfectly clear. The Liberal Party, and as you say, the media, have raised questions about whether or not the law was clear . . . (inaudible interjection) . . . Yes, well you take exception, but let me tell you why I put it in those terms.

We're in compliance with the law. That is our firm belief. That is the sum and substance of all of our advice. Others are alleging that we are not in compliance with the law, namely the Leader of the Opposition and the Liberal Party. Now we take that seriously.

We look at that and we say, there is another interpretation of the law. This law that we thought was so clear is being challenged in the sense that people who we respect are saying it is not clear. There is a different interpretation on the basis of which you are not in compliance with the law. Well that concerns us. We are going to be in compliance with the law, as we have in the past, as we will in the future. It's the nature of our party. We will comply with the law.

But we obviously have a serious dispute as to what is the meaning of the law that has been on the books for the last how many years. And we have the Bill right in front of us, and we've got a by-election coming up and we have a general election coming up. The years pass quickly. We can take this opportunity right now to amend this law in a way that will express the intention of this legislature. And we can clarify it so that people like Garrett Wilson and Will Olive and Emmet Reidy and Dick Proctor don't have to trouble their minds about what is the proper meaning. We can set it out in such a way that it would be perfectly clear what is the proper meaning.

Mr. Osika: — Thank you, Mr. Chairman. Through you, Mr. Chairman, to the . . .

The Chair: — Order, order. Could I just interrupt for a minute. Why is the member on his feet?

Hon. Mr. Goulet: — With leave, to introduce a visitor.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Goulet: — Mr. Chairperson, over on the gallery we have William Dumais from Southend. He's from my constituency in Cumberland. Mr. Dumais, you know, has worked in the field of . . . in the area of municipal governments in northern Saskatchewan as well as in economic development, and is a tremendous volunteer for the youth in regards to recreation. And also his wife is also . . . Bella is a tremendous leader in the area of health development in the North. So I'd like all members to please welcome Mr. Dumais to the legislature.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 92 (continued)

Clause 1

Mr. Osika: — Thank you, Mr. Chairman, and through you to the minister once again. We need some clarification on how you feel about what's transpired. That still has me somewhat concerned. As you indicated, Mr. Minister, this is an Act that's been in place over the years. Simultaneously over those years, it has come to our attention that there has been a substantial — a substantial — amount of money accumulated in a trust fund for the use by a political party.

Do you not see the danger in allowing those types of anonymous donations going into trust funds and ultimately being available to political parties? Do you not see a danger in that, sir?

Hon. Mr. Mitchell: — Well I've indicated to the member the broad lines of the debate that's been going on. And as the member knows, I am leaning in the direction of further disclosure requirements. And that's what the House amendment is all about — further disclosure requirements.

I can't rewrite the law as it's existed prior to now, but I can play some part in this Assembly in toughening up the law, indeed in increasing the reporting requirements so that it would be perfectly clear what will be required in the future.

This isn't just a matter of fixing up the law, which is a term that I've used several times this morning, but really of toughening it up, of introducing new ideas, new reporting requirements. That's not . . . had nothing to do with what happened in the past, but is brought to all of our attention by the dispute, by the dispute as to the meaning of the section — what is the proper interpretation of that Act?

And we're going to have to sort that out somewhere. We can't sort it out here today. You can complain about it and rail about it and insist we're right and you're right and so on and so forth, but we're not going to solve it. That can be solved somewhere else.

What we can do today is to clarify and advance the law and write it in such terms that succeeding generations will be able to interpret it without this sort of dispute happening.

Mr. Osika: — Thank you. I'd just like to refer to what the current Act already states, and again to ask whether there is a need for further clarification or expansion by way of your amendments.

The current Act states that the names of each member of each class of persons mentioned in clause (a), that is individuals, corporations, societies, trade unions, unincorporated organizations or associations, or any other persons who made a loan, advance, deposit, contribution or gifts, that amount is to be reported. This clause was unchanged in the legislation we're looking at today except for the amendments that have just

recently been put forward.

Mr. Minister, can you give us your interpretation of this clause as it pertains to the PC metro trust fund and Tommy Douglas House Inc.

Hon. Mr. Mitchell: — The Leader of the Opposition will know, Mr. Chair, that this matter is being inquired into by the Chief Electoral Officer and we'll await the results of that investigation. And as a cabinet minister, it is just not appropriate at all for me to step into that situation. I simply must stand by and let that investigation take place.

Furthermore, I don't know any of the details of that particular fund. It would be speculative on my part and it would irresponsible for me to speculate. The member can say what he likes about that fund, but I'm not in a position to confirm it at all.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, I guess the question . . . I had to step out all for a moment, but the question was regarding the PC metro fund, whether in fact in your view the Conservative Party had been in compliance with the law. And of course you don't know what the fund is consisting of, right? Well nor do we. And that's the question. But being the minister that's heading up bringing in changes to The Election Act, why then you wouldn't you have instructed . . . or had your government look into that fund? Why did it take a couple of weeks of pressure from the Liberal opposition before it even became an issue?

Hon. Mr. Mitchell: — Well the Chief Electoral Officer is a position that enjoys some considerable independence, and the Premier explained this some couple of weeks ago by just saying that it's not appropriate for us to be instructing the Chief Electoral Officer to do or not do anything. These matters were very quickly in the public domain. The Chief Electoral Officer would naturally have an understanding of his responsibilities and would be expected to discharge them in an appropriate way. It's not up to us to be directing him.

Mr. McPherson: — All right, but you are in control of the Justice department. And can you tell us what instructions you gave to the Department of Justice in dealing with this Act that had been brought forward through the news media?

Hon. Mr. Mitchell: — I hate to interrupt the conversation, but let me try and answer the question.

The Chief Electoral Officer, I'm led to understand, has had conversations with the Justice department. I have no idea what those conversations consist of. I do not know whether anyone has referred this matter to the authorities or not, to the police or not. We have not because we don't have any factual information that we could turn over to them.

But I . . . Obviously if the law has been broken, there will be processes which will bring this to light. And I understand from documents provided by the Leader of the Opposition that one such process is already under way from the office of the Chief Electoral Officer and that at least your party and ours have

received this letter. I still haven't had an opportunity to read it, but it seems to be a comprehensive list of questions about . . . that touch on the matters we're talking about. The reference on the letter is reporting of political party contributions. So that's under way.

Now whether that requires the Justice department or not will depend upon the judgement of the Chief Electoral Officer. But my understanding is that he's already had contact with the Department of Justice on at least some of these questions. So that's under way.

And who knows what other processes we'll take. I have said to the media and I've said in this Chamber that it seems to me, as a lawyer, if a law has been broken, there is a remedy in the courts. Maybe somebody will energize or at least initiate action in the civil courts to determine these questions. That's an appropriate place. In my experience in practising law, that's where questions of statutory interpretation were decided. It's the only body in our society that has a general responsibility for the interpretation of statutes.

The Chief Electoral Officer obviously has some jurisdiction with respect to his own Act. And so those are two processes that seem to be available, and we'll see where they take us.

Right now I just don't have enough information to be able to deal with the previous question that the member put.

(1200)

Mr. McPherson: — Mr. Minister, then the question that comes forward from your comments is, you read in the newspapers and saw it on the TV the same time we did, that there were these huge . . . I guess millions of dollars in secret funds laying around. And you being the minister to bring in an Act dealing with The Election Act at that time, why wouldn't it have triggered something for you to find out if in fact there's problems with the current Act?

I mean why would you say it's best if we just wait and see if somebody brings it up in the civil courts? I mean don't you think you have a responsibility when you see these sort of funds sitting around? And I now see the Leader of the Third Party is in here and I would love to hear an explanation from him. But don't you think that you had some responsibility in finding out about these funds?

Hon. Mr. Mitchell: — Well my responsibility as a cabinet minister is to see that things, you know, that matters are properly administered that are within my jurisdiction. And of course we have a number of cabinet ministers who are responsible for certain areas.

The public debate that took place was an appropriate debate, and matters were brought to light. Each day seemed to bring out some further information, and we knew that the Chief Electoral Officer was aware of these things. That's the person, that's the official, primarily concerned with compliance with the election law.

When I talk about court actions, I'm talking about one of the parties, or some other person that has some standing in the courts, to seek to bring this matter in front of the courts. Maybe that will never happen. Maybe that will never happen, but I just observe as a very, very important point in this whole discussion, that it is the courts of this land that have the general responsibility of interpreting the statutes of this province in an authoritative way.

Mr. McPherson: — Mr. Minister, I'm going to quote a little more from the Eisler article that ties in with things we're discussing here:

If people can make donations to political parties anonymously, especially when that party is in power, then there is a potential for all kinds of abuse. How do we not know, for example, that some large donor isn't receiving preferential treatment from the government? What about a company making a large donation after it has received a multimillion dollar contract from government?

So I think that statement really says it all.

Now when you became aware of the PC metro fund being worth some millions of dollars and when officials from the Conservative Party refused to give any details on the fund, don't you then as a member of Executive Council, executive arm of government, especially a member bringing in an Act dealing with those types of concerns, don't you think that you should have taken action at that time? Especially a judicial inquiry, I think, would have been the minimum. But you chose to do nothing; you did nothing.

Now you can laugh, you can sit there and laugh about it. You can sit there and laugh about it but . . . (inaudible interjection) . . . Yes you are. But the fact of the matter is you did nothing. And it wasn't until a few weeks of pressure from our party that we could even get the Chief Electoral Officer interested.

And you and members of your cabinet thought it was funny. You heckled us continuously when we tried to ask the questions. Where does your responsibility start and stop on this?

Hon. Mr. Mitchell: — There may be something wrong with my memory here but my understanding was that the Tories had written to the Chief Electoral Officer raising the question of whether or not they were in compliance with the Act, and that they did that right up at the beginning of this when their fund was brought to light. Now my memory may be wrong but that's certainly my clear recollection of the events that took place.

Mr. McPherson: — Well, Mr. Minister, let me refresh your memory because I do recall that it was some days after this first surfaced and raised by the Liberal official opposition before the other events unfolded.

But really it's you, Mr. Minister, it's you that must explain — you're the minister bringing in an Act, especially one now that you're saying needs fixing — to tell us why you didn't take some action.

Hon. Mr. Mitchell: — Well I think all the action that could have taken place was taking place. I think that the electoral officer has been seized of this right from the beginning, from some early date. It's not up to me to provide direction to the Chief Electoral Officer. It's just as much the responsibility of any of us to bring to light any transgressions of the law of which we have knowledge. As far as I'm concerned, and this letter shows it, the matter is nicely under way, and I don't know what in the world the member is complaining about.

Mr. McPherson: — Well I think you do know what we're complaining about, Mr. Minister. The fact of the matter is we're into what, week 3, of some intense pressure by the Liberal opposition before we could get any movement, any movement at all. But the fact of the matter is, Mr. Minister, your response is, well there must be something wrong with an Act that — and this is where it gets confusing for everyone — that you say is clear and that you follow but we've got to fix it.

And I'll have . . . I'll make another note here, is that it really wasn't your party, your government, that took any action at all. In fact you and I both know it's best for the New Democrats to sit, do nothing, ensure that the Conservative Party don't completely fall off the map, political map, so that you can keep a split vote. And that's about as far as it goes for you. Because it was the Chief Electoral Officer that, after a few weeks of pressure in the media and from our party, decided he better do something.

So let's take a look at some of the things that he's getting into:

Disclosure. Please advise as to amounts and dates of transactions of any and all loans, advances, contributions, gifts . . .

You can read the sentence. And you know that is exactly what is in — I don't have the Act here right in front of me — section 219.

So the Chief Electoral Officer of course, can see that the secret Conservative slush fund had to have been disclosed. Why, sir, didn't you see the same? And why didn't you, as a member of cabinet, and why, sir, as you as a member bringing in this amendments to The Election Act, do something about it?

Hon. Mr. Mitchell: — Mr. Speaker, the member is engaging in a nice try, but he's not going to win any prize. This matter was raised for the first time in this House on June 4 by the Leader of the Opposition. And it is quoted in *Hansard* beginning on page 2150 — 2150.

And I was asked, or at least the Minister of Justice was asked: if the new PC Party have used a secret fund to aid an election campaign, what penalties would be imposed and would the election of such members become null and void?

And I stood up on June 4 and said:

Mr. Speaker, I take this question because of the responsibility that I hold for The Elections Act which I have been discussing with the members opposite for some

months now. The situation raised by the member is, I understand, in the hands of the appropriate authorities including the Chief Electoral Officer. And our indication (I really said inclination) is to wait until we receive advice from him and from other officials who will be interested in the question.

That was on June 4. I don't know . . . that's why I say I don't understand what the member is complaining about.

Mr. McPherson: — Well, Mr. Minister, it's at that point then that I think some more confusion would come about because that would have been raised probably . . . and you're the one sitting there with the news articles . . . no you're not, I have this also — "Tory trust fund defended" All right. And that's Tuesday, June 4. So that was then raised in question period that same day. We would have gotten this at about 8:30, 8:35, raised it in question period at 1:30 but you already knew that the appropriate authorities were looking into this?

Hon. Mr. Mitchell: — The member will recall that the Leader of the Opposition tried to raise the matter on the previous day in this House by way of a motion and that the matter was not raised in question period on the day that it became public. And when the question was asked the following day, on June 4, after the member had failed to obtain leave for his motion, I was able to answer the question in terms that I have already quoted, namely that the situation is in the hands of the appropriate authorities including the Chief Electoral Officer.

So when I stood on June 4 it was already known to the Chief Electoral Officer and in his hands.

Mr. McPherson: — Excuse me, Mr. Minister, I was in a conversation with your House Leader so I missed some of your answer, most of your answer but . . .

An Hon. Member: — They weren't very pertinent . . .

Mr. McPherson: — Well sure they were pertinent, but . . . (inaudible interjection) . . . please do give it again.

Hon. Mr. Mitchell: — I was saying that this matter first appeared on the floor of this Assembly on June 3 when the Leader of the Opposition at the . . .

An Hon. Member: — . . . only go by your *Hansard* . . .

Hon. Mr. Mitchell: — Yes, well I've got *Hansard* here, and I haven't got June 3 but it's my memory it was the day before June 4 when the Leader of the Opposition raised the question of this issue, attempting to introduce a motion before orders of the day. And it was a motion that the Speaker said required leave and leave wasn't granted. So then the following day, June 4, the Leader of the Opposition raised the question that I've referred to and I was able to answer it in the terms that I did, namely that the situation is in the hands of the appropriate authorities including the Chief Electoral Officer.

Mr. McPherson: — Well, Mr. Minister, I guess we can even back this up a little further. You have the luxury of having

Hansard with you and I don't. But I have, on May 15, a letter to the Speaker from the Chief Electoral Officer, and it's an addendum where in fact the Progressive Conservative Party, they talk . . . (inaudible interjection) . . . Well it states right here: we've inadvertently not disclosed some of these funds that they're talking about.

See the problem is we still don't even know if in fact there aren't more funds by the Conservative Party. I mean they may have . . . they have a PC metro fund; they may have a PC rural fund and a PC northern fund and southern fund. But they clearly have a lot of funds. But then so do you, so does your party . . . (inaudible interjection) . . . well you do. As Mr. Eisler stated here, there's \$380,000 that you and I are going to revisit, and it's going to take some time I think, before we can figure out where the list of those people are.

Now sticking to this addendum . . . (inaudible interjection) . . . Oh no, I'm sorry, I don't want to give him this sheet just yet.

So you were then actually aware of this because you're the minister, let's keep in mind here, you're the minister bringing in The Election Act, or changes to The Election Act. And you were aware, you had to have been aware, that there was disclosure problems back on May 15 . . . (inaudible interjection) . . . well you must have been, otherwise . . . Because this here was in fact . . . that was tabled on the 15th. You saw this; You saw this a few weeks before.

An Hon. Member: — So did you . . .

Mr. McPherson: — Well of course so did I. But then what you . . . but even then. Let's think about this, because . . .

An Hon. Member: — So did the Chief Electoral Officer.

Mr. McPherson: — Well okay, okay, include him also then. But even at that time, even at this time, when it was clearly the problem was disclosing — disclosure, section 219 — why then, Mr. Minister, didn't you have any amendments to section 219 at that point?

Hon. Mr. Mitchell: — I don't recall having seen the document, although obviously all members in this legislature saw the document. If I had seen the document, I would have noticed that it originated from the Chief Electoral Officer, whose obligation it is, whose statutory obligation it is, to administer that law, and I would have been reassured that the matter was in the hands of the proper authority and that no further action was necessary on my part.

(1215)

Mr. McPherson: — Well further action is necessary on your part, Mr. Minister, because you then chose to not change or have changes brought into the Act regarding disclosure. At this point you didn't. Well it was only after a couple of weeks of getting beat up in question period that you then — and it looked like it was a last-ditch, last-minute attempt — to write some proposed House amendments dealing with disclosure.

But this is the point when you should have — at this point, Mr. Minister — got up and stated we must pull The Election Act. We'll bring it back in the next session after we have a look and see whether or not it is any laws have been broken.

So why didn't you take that action back then? The only reason you didn't is because there was an amount of, I think, hope in the hearts and minds of some New Democrats that the Conservative Party would get through this and not be completely wiped off the political map.

You know what I find interesting also, Mr. Minister, is in fact the very questions that are in the letter that we were talking about here today from the Chief Electoral Officer seem to follow — not seem to follow, they do follow the current Act. So it's clear to the Chief Electoral Officer that there's not a problem with section 207 or 219 of the current Act.

So far, the only ones that I find that are able to stand up in the House and say, well we think the Act is very clear and we're in compliance with it, but we must fix it so here's something to fix it with is your party. Why would that be?

Hon. Mr. Mitchell: — The proper expression is toughen up. The proper expression is toughen up and improve, not fix. The proper expression is toughen up and improve; it's not a question of fixing. What has to be fixed is this dispute between us as to the proper interpretation. It would be irresponsible of this Assembly and the political parties in it to allow this Act to move forward without clarifying what is obviously a matter of controversy. And it escapes me why the member thinks that is not a good idea. I mean, it just really challenges my ability to understand the language.

I want to just say that I did not any time feel beaten up in question period. I came in here enjoying question period, and I just loved it. And any time the member wants to ask me those questions in question period, be my guest, because I loved every moment of it. As it went along, it just became obvious that you were trying to ride a political horse, to what end I'm not sure, but trying to ride it along as far as it would go. I wonder whether that's not what you're trying to do now.

But the committee, ostensibly, is to consider the clause by clause — having already approved in principle — now considering clause by clause the contents of this Bill to determine whether or not it should be passed. And I think we should get at that.

Mr. McPherson: — Well, I guess we're going to have to start a little slower, Mr. Minister, because as you keep saying that, you know, the Act is clear. We have to fix . . . I'm mean I'm only using your own words which you have used many times. You want to fix something that you don't think is broken after somebody's been caught at something.

Can you tell me in the interpretation then — your interpretation — what an agent is according to the present Act?

Hon. Mr. Mitchell: — Mr. Chair, pardon me for taking a moment to consult my officials. The term registered agent is

defined in the present Act, the old Act as we've been calling it, under section 2(1), section or clause (gg.1) and registered agent in that clause means:

in relation to a registered political party, a person whose name is registered in the register of agents of registered political parties maintained by the Chief Electoral Officer pursuant to subsection 206(1) and includes a chief official agent of any such party;

That's in the definition section of the Act.

Mr. McPherson: — Mr. Minister, I enjoyed that, but that wasn't the question. I didn't ask you what a registered agent was. I asked you what an agent was. And for you as a lawyer and a minister bringing in this Act knows that they're not one in the same. So I'm asking you for your definition of an agent not a registered agent.

Hon. Mr. Mitchell: — I'm trying to be helpful to the committee, Mr. Chair, and I resent any implication that I am not trying to be helpful to the committee. Indeed I am, and I'm prepared to just hang in here and answer all these questions no matter whether they're of any significance to what we are doing in this committee or not.

The concept of an agent is well known in law. It is a . . . an agent is a person, or person in the legal sense, who is under the control of a principal . . . being directed by a principal. For example, the . . . in common everyday parlance, an agent may be employed by an insurance company to sell insurance. We call them insurance agents and they are under the control of their employer. They're subject to direction.

And the question for lawyers is always . . . well first of all, whether there is a relationship that's capable of being an agency between a principal and an agent and whether the agent has sufficient independence to be considered an independent contractor. That's the way in which it's usually thought of. But an agent is someone who is authorized to act on the principal's behalf and whose actions are subject to the control and direction of a principal.

So that's my recollection of the law. The member will understand it's been some years since I practised. But this is a common question for lawyers to have to analyse and deal with.

Mr. McPherson: — All right, Mr. Minister. Section 219 talks about an agent giving full disclosure to registered agent. So not in a general sense or in a general legal sense, but specifically in section 219, can you define an "agent".

Hon. Mr. Mitchell: — I have referred the member to what is a registered agent, which is a term that's used in section 219, and I have just answered the question of what is an agent. I have just described in my rusty way how the legal system defines the term "agent".

The committee reported progress.

The Assembly recessed until 1:30 p.m.

The Assembly met at 1:30 p.m.

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Osika: — Thank you, Mr. Speaker. Once again on behalf of concerned citizens of the province of Saskatchewan with respect to closure of the Plains Health Centre, I have a petition. The prayer reads:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The signatures on this petition, Mr. Speaker, come from Pilot Butte, Mortlach, Moose Jaw, and a number from Regina. Thank you.

Mr. Bjornerud: — Thank you, Mr. Speaker. I also would like to present petitions of names from throughout Saskatchewan regarding closure of the Plains Health Centre. The prayer reads:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

The communities involved, Mr. Speaker, are Glentworth, Estevan, Regina, Regina Beach — mostly Regina, Mr. Speaker.

Mr. Krawetz: — Thank you, Mr. Speaker. Mr. Speaker, I also rise to present petitions of names from people throughout Saskatchewan regarding the Plains Health Centre. The prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

Mr. Speaker, the people that have signed this petition are from communities within my constituency, namely Canora, Buchanan, Preeceville, Norquay, Rama, Danbury, Sturgis, and a number from the community of Kisbey, which is not in my constituency. I so present.

Mr. Gantfoer: — Thank you, Mr. Speaker. I rise as well on behalf of citizens concerned about the impending closure of the Plains Health Centre. The prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

Signatures on this petition, Mr. Speaker, are mostly from the city of Regina but also from Esterhazy, Stockholm, Churchbridge, and Dubuc.

Mr. McLane: — Thank you, Mr. Speaker. I rise again today to present a petition on behalf of concerned citizens throughout southern Saskatchewan regarding the Plains Health Centre. The

prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider the decision to close the Plains Health Centre.

This petition, Mr. Speaker, has been signed by many residents from the community of Regina Beach as well as Lumsden, Buena Vista, Fort Qu'Appelle, and a number of them from the city of Regina.

Mr. Aldridge: — Thank you, Mr. Speaker. I too rise to present petitions of names of Saskatchewan people with respect to the Plains Health Centre. And the prayer reads as follows, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

And those who have signed this petition, Mr. Speaker, are from the communities of Aneroid, Montmartre, Glenavon, Peebles, and a number from the city of Moose Jaw. I so present.

Mr. Belanger: — Thank you, Mr. Minister. I rise again today to present petitions of names from throughout Saskatchewan regarding the Plains Health Centre. And the prayer reads as follows, Mr. Speaker:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

And the people that have signed the petition, Mr. Speaker, they're from Regina here, they're from Brownlee, they're from Moose Jaw, from Saskatoon, from White City, and Emerald Park, from Copper Sands, from Emerald Park, from Balgonie, from Riverhurst, and all throughout Saskatchewan, including Rosetown. And I so present.

Mr. McPherson: — Thank you, Mr. Speaker. I rise with my colleagues and people all throughout Saskatchewan in presenting petitions in their efforts to stop the closure of the Plains Health Centre, which was, as we know, initiated by the current Minister of Health.

And the prayer reads as follows:

Wherefore your petitioner humbly prays that your Hon. Assembly may be pleased to reconsider closure of the Plains Health Centre.

And the people that have signed this petition are mostly from the Kipling area and some from Regina. I so present.

READING AND RECEIVING PETITIONS

Clerk: — According to order, petitions respecting the closure of the Plains Health Centre have been reviewed, and pursuant to rule 12(7) are hereby read and received.

INTRODUCTION OF GUESTS

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I'd like to introduce a very courageous couple that have joined us in the Assembly today. They're sitting in your gallery, Jan and Carol Markwart. We look forward to discussing a problem that they've been facing a little later. But I'd like to invite members of the Assembly to welcome them to the Assembly here this afternoon.

Hon. Members: Hear, hear!

Hon. Ms. Atkinson: — Thank you very much, Mr. Speaker. I notice in your gallery, Fred Heron, general secretary of the Saskatchewan Teachers' Federation. I'd like to welcome Mr. Heron to the legislature this afternoon, and I hope he enjoys question period and all of the proceedings. Thank you.

Hon. Members: Hear, hear!

STATEMENTS BY MEMBERS

Internet Services

Mr. Bjornerud: — Thank you, Mr. Speaker. Mr. Speaker, I'm pleased that the Minister responsible for SaskTel is finally started taking some of our advice about improving Saskatchewan's Internet services.

On several occasions we have stood in this Assembly to ask the minister to make Internet rates more fair to rural customers. We have told the minister that all people in Saskatchewan deserve equal access and fair rates for the Internet service. Up until now, SaskTel Internet customers in rural Saskatchewan were paying rates that were sometimes six times higher than the urban users.

I am pleased that the minister and SaskTel officials have finally realized that all Saskatchewan people deserve equal access to the information superhighway. This is a good day for rural and northern Internet users. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

New Recreation Facility Opens in Weyburn

Ms. Bradley: — Thank you, Mr. Speaker. My statement today is about yet another new and exciting happening in the Weyburn-Big Muddy constituency. On June 1 of this year Prairie Amusements of Weyburn opened its doors to the public. Incorporated last September, this brand-new Weyburn business has spent the last several months preparing an exciting, comprehensive recreation centre.

Believe me, Prairie Amusements has something to offer all people of all age groups. Just listen to the varied activities that are available. There is an 18-hole miniature golf course and hockey and foosball, 10 stationary competitive basketball games, which I am told is quite unique in Saskatchewan, and a children's play area is being developed outside.

And just in case all the activity gives you an appetite or leaves you parched, there is a tea room with both indoor and outdoor eating areas to provide quick and delicious sustenance. This facility is wheelchair accessible and employs two local people. One is hired through the Partnership program and the other is hired through Hire a Student.

I would like to congratulate Beth Elder, owner of Prairie Amusements, for her initiative and hard work in bringing this initiative to Weyburn. The official grand opening for Prairie Amusements will be on Saturday, July 6, 1996.

Mr. Speaker, if you are wanting to do something different and relaxing on your holidays, I encourage you and all other members to drive to Weyburn and try out the games and activities at Prairie Amusements. Thank you.

Some Hon. Members: Hear, hear!

Ile-a-la-Crosse Junior Girls' Volleyball Team

Mr. Belanger: — Thank you, Mr. Speaker. Today I'd like to extend my congratulations to the junior girls' volleyball team in my home town of Ile-a-la-Crosse. This junior girls' volleyball team is following a rich history in provincial volleyball development and certainly championships for the community of Ile-a-la-Crosse. Three consecutive championships in the 1980s for the senior boys' volleyball team of Rossignol High School is something that the community is very proud of.

And over the past several years, this junior girls' volleyball team have had to overcome long distances and the lack of funding to compete in the Saskatchewan Volleyball Association. In fact the SVA (Saskatchewan Volleyball Association) recently awarded the girls' coach and Ile-a-la-Crosse teacher, Twyla Zinger, with a special award for helping develop and promote the volleyball program in Ile-a-la-Crosse.

Because our community is so remote, the volleyball team often has to travel lengthy distances in order to compete. The school division does not pay for the cost of volleyball programs, but the girls and Mrs. Zinger and the rest of the community participate in various fund-raising events to help fund the team. During the past four years, the team has competed quite successfully at tournaments around Saskatchewan.

I ask that all members of the Assembly join me in congratulating the Ile-a-la-Crosse junior girls' volleyball team, their coach, Mrs. Zinger, and all their supporters who are promoting this great sport in northern Saskatchewan.

Some Hon. Members: Hear, hear!

Provincial Employment Equity Week — Hire a Student Week

Ms. Hamilton: — Thank you, Mr. Speaker. This week has been declared Provincial Employment Equity Week and it's also Hire a Student Week in Regina.

In 1995 employees from across government came together to plan and implement an employment equity strategy that would, among other things, create a positive climate for equitable opportunity in the workplace; and to educate and involve individuals and organizations in the task of removing barriers that have denied certain groups equal job opportunities.

A number of events have been organized regarding Employment Equity Week. In Regina a luncheon was held over the noon hour today entitled "Diversity Equity in the Workplace" and the guest speaker was Chief Marie-Anne Day Walker-Pelletier of the Okanese First Nation.

Sessions and meetings are planned for Saskatoon and Regina throughout the rest of the week.

Mr. Speaker, the human resources centre for students in Regina has planned a number of activities for Hire a Student Week. Tomorrow Z99 and CJME radio will be handing out mugs to employers who place orders for jobs. On Wednesday it's Job or Jail in Victoria Park. Employers or co-workers will be taken to jail, and in order to get bail a job order has to be placed. A car wash will be held on Thursday, and on Friday a public barbecue will be held over the noon hour in front of City Hall with proceeds going to the Rainbow Youth Center.

Congratulations to the student employment centre for creating awareness about hiring students and the services they're providing for youth this summer. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Moose Jaw Air Show

Mr. Aldridge: — Thank you, Mr. Speaker. I would like to commend all the people in Moose Jaw and district, along with the officials at 15 Wing, who continue to work hard to ensure the survival of the Moose Jaw air show.

The air show has gained an international reputation over the years and has become Saskatchewan's largest spectator event. It draws hundreds of thousands of people every year. These tourism dollars are extremely valuable to Moose Jaw's economy.

Last Friday the director of this year's Saskatchewan Air Show announced that the private sector will be contributing more to help sustain the show for years to come. There are corporate sponsors along with hundreds of volunteers to help run the event.

I would like to commend all the organizers and especially the community and military leaders who are planning new ways to sustain this magnificent tourism event for years to come. Thank you.

Some Hon. Members: Hear, hear!

Public Service Union and Management Work Together

Mr. Sonntag: — Mr. Speaker, I want to report that I was

privileged this past week to attend, along with the minister responsible for the Public Service Commission, a meeting of the Public Service Central Union-Management Committee and the Union-Management Committee Co-Chairs for all the departments of government.

In early 1995, Public Service management and the SGEU (Saskatchewan Government Employees' Union) committed themselves to work together to build a new, more positive and cooperative relationship. It was based on greater openness, trust, respect for their separate roles, and a commitment to a greater degree of employee and union involvement in workplace issues.

Since that time, a focal time of this new relationship has been the establishment of union-management committees in all departments of government. The role of these committees are to apply the best knowledge of all involved to the resolution of workplace problems in order to provide improved public services, taking into account the needs of management and employees, and to improve working conditions.

Last week's meetings demonstrated significant interest and the enthusiasm of all involved in the union-management committees to make this process work to their mutual advantage. The government supports the initiatives taken to date by the parties in this cooperative venture.

I am confident and hopeful that by involving our employees, management and union working together in a positive manner, we can continue to improve the delivery of public services to the people of Saskatchewan and make the Saskatchewan Public Service a better place to work. I would like to congratulate the SGEU and the Public Service management for their innovation in this regard.

Some Hon. Members: Hear, hear!

South-west Saskatchewan Terminal

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Speaker, I'm happy to report to the Assembly today on a project that has been ongoing in my constituency for some time. The south-west Saskatchewan terminal is now a reality in a physical sense. It has been a dream of the people of south-west Saskatchewan for probably four or five years and maybe even longer in some people's minds.

But now the physical structure stands by itself, illuminating the beauty of the type of enterprise that it is. As you approach it from the Highway No. 1 from either direction, in a silhouette against the Cypress Hills or the Great Sand Hills, it depicts itself as something that is great and wonderful and new that the people of the area are looking forward to.

The terminal itself, of course, is being built by the area farmers and their families along with the cooperation of Cargill. Now Cargill is a minor player and mostly it was done by the farmers ranging from Rosetown in the north to the U.S. (United States) border in the south, and from places east of Swift Current all the way to the Alberta border.

This is a dream, Mr. Speaker, that people have thought about for a long, long time, that certainly will tax the RMs' (rural municipality) abilities to create road structures that will accommodate this facility, but nevertheless it is the wave of the future and the people in the area are on the wave.

Construction is ahead of schedule, I'm happy to report, and it will be in production this fall buying grain from farmers as far away as they want to come. So, Mr. Speaker, we're happy today to acknowledge the fact that this success story is well on its way in a physical manner.

Some Hon. Members: Hear, hear!

Congratulations to Saskatoon Doctor

Mr. Koenker: — Thank you, Mr. Speaker. I rise today to recognize and congratulate Dr. Ali Rajput of Saskatoon, one of the world's leaders in Parkinson's disease research, for receiving the Tony Dagnone Spirit of Royal University Hospital Award.

This award recognizes exemplary service to the hospital and the community. It was presented by former Royal University Hospital president, Tony Dagnone, and Bert Ayers, Chair of the spirit award committee.

Dr. Rajput is recognized around the world as one of the top three leaders in understanding the mechanism of Parkinson's disease. He joined the University of Saskatchewan College of Medicine in 1966 and has been head of the division of neurology since 1985. He founded the Canadian movement disorder group and Saskatchewan's Parkinson's Disease Foundation, and he helped establish Parkinson's societies in British Columbia and Ottawa-Carleton.

Dr. Rajput is truly a world leader in his profession and a community leader in Saskatoon who has encouraged the growth of organizations to help people with Parkinson's and their families.

Dr. Rajput is also a strong advocate of the University of Saskatchewan, Royal University Hospital, and the city of Saskatoon.

And so today I'd like to thank Dr. Rajput for his immeasurable contributions.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Acute Care Services

Mr. McPherson: — Thank you, Mr. Speaker. Mr. Speaker, last Friday in this House the Minister of Health stated, and I quote: "(He is) . . . proud of what this government has done in health care."

Well one person who certainly is not proud of what this government has done to our health care system is a Regina

woman who I recently received a letter from, and I'd like to send a copy over to the minister, and who's story appeared in Saturday's *Leader-Post*, and chooses to remain anonymous.

This woman's 81-year-old mother was turned away three times at the Regina General Hospital this spring because she was not considered ill enough and was told there was no room for her at the facility. Finally, in late April, this frail woman was admitted, but it was too late, Mr. Speaker. She was left too long and without proper care and never recovered from her illness.

On May 7 the end came, but not before she spent her final moments in agony. Her daughter writes, and I quote:

I will never forget this total helpless feeling I had. I could not help my mother because of your new and improved health care system.

Mr. Speaker, will the minister explain how he can be proud of what his government has done when it is our sick and our elderly who are forced to pay the price — and in this case of this elderly woman, the ultimate price.

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Mr. Speaker, as I'm sure the member knows, it wouldn't be appropriate for me to discuss the specifics of any patient care situation publicly.

But I think the member also knows that the question of whether a person should be admitted to a hospital is a question for a physician. And in this case, I understand that the physician concerned determined that the woman did not require admission to the hospital.

These concerns have been raised with the Regina District Health Board, and the client representative is looking into them. And I know that Regina Health District will be looking into the concerns of the family and are doing so. And they will also be communicating with the family directly.

Some Hon. Members: Hear, hear!

Mr. McPherson: — Mr. Speaker, I'm surprised that the minister would try and blame yet another physician or somebody else for what he isn't doing in health care. Right in the paper it states — this is a doctor being quoted — "Years ago, I could have admitted her, but now she doesn't fit that criteria." Well he sets that criteria.

Mr. Speaker, one week after this 81-year-old woman passed away, her doctor informed the family that she had cancer of the liver. He also informed the family that if she had been admitted to hospital months ago, she may have been diagnosed, given proper treatment, and still be alive today.

This case typifies what is wrong with our present health care system of which you should be in control of. This NDP (New Democratic Party) government has chipped away at it to the extent that people are not receiving the proper or appropriate care that they need or deserve.

Mr. Speaker, if there was ever a reason for this government to rethink its decision about funding cuts, and what kind of quality health care that this province is going to have, well will the minister now learn from some of these incidents that we continuously bring to the House, and will he take action today?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Mr. Speaker, as the member should know, this is not a question of assigning blame; this is a question of simply stating the fact that physicians make a decision as to whether someone requires admission to the hospital. And if the member is suggesting that those who are in a state of dying or terminal illness, to the knowledge of a physician, or require emergency admission to a hospital, cannot be admitted to the hospital, then I take issue with the member because that is not true. Mr. Speaker.

Cataract Surgery

Mr. McLane: — Thank you, Mr. Speaker. Even long-time supporters are fed up with this government's treatment of health care, Mr. Speaker. In an article from *The Globe and Mail*, a 78-year-old Moose Jaw woman who went to the Gimbel eye clinic in Calgary for a cataract operation said the same thing that we've been saying all session.

This article says:

Although Norma McLafferty and her family have always been fervent NDP supporters, and she speaks of Tommy Douglas as an old friend, she is now put off. McLafferty said that "I've reached this age and I'm a widow and I have to come to a private clinic in Calgary. They've wrecked our system totally. They've cut corners but they've balanced the budget."

Mr. Minister, you're forcing people to go elsewhere in disgust. Is this what you were hoping to accomplish when you recently introduced The Health Facilities Licensing Act?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Mr. Speaker, the goal of government, and indeed of the opposition, when it comes to ensuring people have treatment, should not be to promote a private system whereby people pay for their health care and the richer you are, the faster and better your health care. That should not be the goal of public policy, Mr. Speaker.

I want to say to the member, as the member should know, that in the last number of years — I'll go back seven years, eight years — between 1988-89 and today . . . or '93-94 I should say, the latest statistics available, the number of cataract surgeries performed in Saskatchewan has more than doubled, and in the last few years it's gone up by about 25 per cent, I believe, Mr. Speaker.

And our goal as government should be, notwithstanding Liberal cut-backs to health care, to put more money into the public system so that we can better serve the people of the province. It

should not be to prop up private health facilities in Alberta, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. McLane: — Mr. Speaker, three years ago the NDP government decided to stop reimbursing the Gimbel eye clinic for operations on Saskatchewan patients. And they said that by supporting a private clinic, public expertise would diminish. The question now is whether this government will reconsider its position and foot part or all of the bill when patients go to the Gimbel eye clinic for surgery. But I think, Mr. Speaker, a better question might be, is why won't this government allow these procedures for people of Saskatchewan to have them in the province of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Well as I have already stated to the member, Mr. Speaker, we are performing many more cataract surgeries than we used to and we are putting more money into cataract surgeries. The matter has been studied by the Health Services Utilization and Research Commission, which has concluded that indeed the amount of resources put into cataract surgery in Saskatchewan is adequate. And frankly, Mr. Speaker, I'll take their word as independent professionals before I will take too seriously what that member is saying.

But what that member has been saying in this House and outside the House in this session, Mr. Speaker, is that the more money you have, the better health care you should get; the more money you have, the faster service you should get. And I say, Mr. Speaker, that that's not good public policy. It's the policy of the Liberal Party. It is not the policy of the New Democratic Party and it is not the policy of this government.

Some Hon. Members: Hear, hear!

Closure of Eaglestone Lodge

Mr. Bjornerud: — Thank you, Mr. Speaker. Mr. Speaker, last week I brought to the attention of this House the fact that provincial funding to operate the Eaglestone Lodge in Kamsack runs out at the end of August. The community is in the midst of trying to purchase the facility and draw up a budget so that it can afford to operate the facility.

The Minister of Health indicated last week that he would look into the situation. Mr. Speaker, if employees would be willing to reduce their wages to allow Eaglestone Lodge to meet an operating budget, will the Minister of Health indicate if he will intervene and provide an exemption or do what is necessary to ensure that Eaglestone Lodge continues to serve the seniors of Kamsack.

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Mr. Speaker, there is a certified bargaining agent of the people that work at the Eaglestone Lodge. And if the member is suggesting that I as Minister of Health should intervene in labour-management matters as between Eaglestone

Lodge and the certified bargaining agent, the answer is no, I'm not going to do that, Mr. Speaker.

And I want to say to the member that in response to his question I did look into the situation and obtained further advice. And my understanding is that contrary to what the member said last week — that the union would have to be de-certified in order for discussions to take place — there is nothing stopping the union representing the employees there to agree to negotiate terms and conditions of employment that are more appropriate for the present employer or new employer. This kind of negotiation does not require any de-certification, Mr. Speaker.

But in any event, the question as to whether employees should be unionized or not unionized is not a matter to be determined in this House. It's a matter to be determined by the employees themselves, Mr. Speaker.

Some Hon. Members: Hear, hear!

Crown Construction Tendering Agreement

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, my questions this afternoon, first question anyway, is for the minister responsible for CIC (Crown Investments Corporation of Saskatchewan). Mr. Minister, on Friday we finally were able to make some progress on the union tendering agreement policy when the Deputy Premier announced that he would be appointing a mediator. However there weren't many details announced at that time, Mr. Minister.

Mr. Minister, can you give us some further details today? Who is the mediator going to be? What are the terms of reference for the mediation process? And when will this process be completed?

Hon. Mr. Wiens: — Mr. Speaker, there has been agreement by all the parties concerned that a mediator be established and they have begun to search out a mediator. They have some common agreements about whom it is they would like to see but they have not yet been able to confirm the availability of the mediator of their choice, so those discussions are ongoing.

Welfare Reform

Mr. Boyd: — Thank you. Thank you, Mr. Speaker. My following two questions are for the minister responsible for Social Services. Mr. Minister, last week the Progressive Conservative government in Ontario fulfilled a campaign promise by introducing a new work-for-welfare program. This program is designed to help people on welfare break the welfare dependency cycle and move away from social assistance and a hand-in-mouth existence.

Mr. Minister, you are currently undertaking a comprehensive review of the welfare system in this province. Will you give strong consideration to Ontario's work-for-welfare program as part of your welfare reform package?

Hon. Mr. Calvert: — Mr. Speaker, we share I think, a common

view and a common desire to move people from dependence in a welfare structure and a welfare system to independence. The issue of debate is how we should achieve that goal.

The Government of Ontario has adopted a work-for-welfare program which, Mr. Speaker, members may be interested to know is having some difficulty getting going and that a good part of Ontario is saying, we want nothing to do with the work-for-welfare program. Mr. Speaker, we choose not a work-for-welfare, but work instead of welfare. That's our goal — to provide the tools for individuals to become independent of the system.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. The minister is quick to condemn this kind of welfare reform. I remind you, Mr. Minister, that under your government the number of people on welfare has grown by about 25,000 people. And there are now 1 in 12 Saskatchewan people living on welfare. So I would think that you would be willing to consider innovative ideas from other provinces.

Mr. Minister, under the Ontario workfare program, welfare recipients will work up to 17 hours a week on things like environmental clean-up projects. This program will not take a paid job away from anyone. Seniors, people with disabilities, and single parents with young children are exempted. But everyone else will have the opportunity to do some meaningful work that benefits their community.

Mr. Minister, what's so terribly wrong with that type of program? Why do you refuse to even consider that type of welfare reform?

Hon. Mr. Calvert: — Mr. Speaker, in those limited jurisdictions across the continent that have attempted work-for-welfare programs, find that at the end of the day everyone who was on welfare remains on welfare. No change. In the meantime, you've created an entirely new and expensive bureaucracy to have this happen.

Mr. Speaker, what we want to do is to free people from those disincentives that keep people on the welfare system. And, Mr. Speaker, I would ask members to note that at the recent ministers' meeting — first ministers' meeting, including the Prime Minister — at the leadership of the Premier of Saskatchewan, a national child benefit has been proposed and has won almost unanimous acceptance at the first ministers' meeting including, by the way, the minister of Ontario.

Mr. Speaker, it's this kind of movement, to support the children of Canada, to support their families, that will see people move from dependence to independence.

Some Hon. Members: Hear, hear!

No-fault Insurance

Mr. Toth: — Thank you, Mr. Speaker. My question this

afternoon, Mr. Speaker, is to the minister responsible for SGI (Saskatchewan Government Insurance) or his designate, as I note.

Mr. Minister, I believe you are aware of the problems faced by Jan and Carol Markwart, whose family was shattered when their car was struck by an ambulance, killing their daughter, and leaving Mr. Markwart disabled.

It's not enough that your no-fault scheme failed to compensate the Markwarts adequately for their losses due to this accident, now SGI seems bent on punishing Mr. Markwart. And incidentally, this accident wasn't their fault.

Recently SGI forced Mr. Markwart to take a leave from his job and undergo a gruelling schedule of physiotherapy that leaves him little time to spend with his family. The income replacement benefit that he receives covers only part of his previous wage, out of which he is expected to cover his own pension benefits.

Mr. Minister, the Markwarts are not looking for a free ride. They are only looking for SGI to do its job, to help them get their lives back together, including 100 per cent of wage, the opportunity to spend the summer months together with the family, and prescriptions with their consent. Mr. Minister, will you consent or commit today to meet with the Markwarts, and see to it that SGI finally gives them the fair and honest compensation that they deserve?

Some Hon. Members: Hear, hear!

Hon. Mr. Goulet: — Yes, Mr. Speaker, I'm replying on behalf of the minister. First of all I'd like to express of course the sympathy and sensitivity to the tragic loss in the situation. I think in regards to, you know, the accidents in the province throughout the history and in this particular case, it's always very tragic.

In regards to the specific issue, Mr. Speaker, the minister, I understand, and the officials have met with the family. And in regards to the programing, I know that the process had taken place. And in the new program, there was in the case of income, 90 per cent of the take-home pay for people in that regard.

And, Mr. Speaker, the door is still open I think, in regards to the minister, etc., and that type of thing, but I certainly believe that we will try and get the most fair and reasonable settlement in the situation.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, it's unfortunate that the Minister of Economic Development or the Premier wouldn't respond to this question, because it seems that the minister responsible and his designate continue to skirt the issue.

And, Mr. Minister, all that the Markwarts have heard so far is the minister and his government citing the no-fault regulations to them, not listening or not heeding the very concerns that are

a constant problem that they are facing.

And it isn't good enough. It's time that this government recognized that the no-fault system is a disaster and it's time that they stepped in and fixed the problem that is created with multiple injuries.

Mr. Minister, you have accused . . . used the excuse that no-fault is saving SGI money. In the Markwarts' case, it's actually costing you money. Doctors' reports show that Jan Markwart was making steady progress doing part-time therapy while continuing to work. Now you have forced him out of his job into a full-time therapy that is lowering his quality of life and which is costing you some of his income replacement benefit.

So, Mr. Speaker, to the minister: quit making excuses. When are you going to stop punishing the Markwarts and when are you going to fix this no-fault system to address the problems that the Markwarts face and other families face?

Some Hon. Members: Hear, hear!

Hon. Mr. Goulet: — Mr. Minister, when I look at the history . . . When I became the minister of SGI, I looked at the history of the situation. There was cases, legal cases in there, that spanned 20 years that were not settled.

There was a situation where a person had settled for a million dollars, Mr. Speaker, and that person ended up being paid 17,500 for himself and 17,500 for the lawyer, basically because the person who was at fault did not have the top-up insurance etc. And at that time, that is exactly what happened.

In this particular case on SGI, when we introduced it, it would be 90 per cent of the take-home pay, you know, that was paid. At that time it was \$200 week.

And also when we look at the situation, you know, overall, I think that we put a clause in there that the Court of Queen's Bench . . . you could always take the case to the Court of Queen's Bench when there is problems of disagreement. And that was open to the situation. And I don't know exactly what the persons will be able . . .

The Speaker: — Order, order. Next question.

Political Donations

Mr. Osika: — Thank you, Mr. Speaker. Mr. Speaker, I feel compelled to bring to the attention of this House a letter that the Saskatchewan Liberal Party has received from the Chief Electoral Officer.

This letter, which I am told the Conservatives and NDP also received, requests information from the past six years to determine whether The Election Act has been complied with. The Chief Electoral Officer indicates that without such information, it is difficult, if not impossible, for his office to determine details relating to the disclosure of contributions and expenses.

He is of the opinion, and I quote:

It is in the best interests of all concerned that we make every effort to cooperatively determine a specific . . . surrounding these events.

Given the fact that the Chief Electoral Officer is now preparing to launch an investigation into this issue, will the Minister of Post-Secondary Education admit there is no urgency to proceed with Bill 92 until the next session of this legislature?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Speaker, all parties have spent dozens — in some cases hundreds — of hours in preparing Bill 92 which is before the committee of this legislature now. There is simply no logical reason for stalling it.

It is very important, Mr. Speaker, that we clarify the law so that from now on people will have a clear understanding of what the law is, and we will avoid this silly kind of debate that we're engaging in as to whether or not the Act should be . . . should or shouldn't be hoisted or should or shouldn't be proceeded with — of course it should.

Some Hon. Members: Hear, hear!

Mr. Osika: — Mr. Speaker, I appreciate, and the hundred hours of work is commendable, that the staff of the Post-Secondary minister's office has put into this.

However, that is not the point. It will not be lost, Mr. Speaker. It has been the contention of our caucus that there is nothing wrong with The Elections Act as it exists. We have stated repeatedly that the current laws only need to be adhered to. The Chief Electoral Officer has now indicated that he fully agrees with our concerns and is launching an investigation into the disclosure of contributions and expenses. The Provincial Auditor has also indicated that there is a question about whether or not there has been a violation.

Mr. Speaker, clearly there is no reason that amendments to The Election Act have to be made at this time. In fact it would be premature until such time as the Chief Electoral Officer has conducted his investigation.

Will the minister make a commitment in this House to postpone The Election Act until the next session of this legislature?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — I will not, Mr. Speaker. And the problem is that I haven't heard a logical reason from the other side of the House as to why we should do so. We've all got a pretty fair idea of what the debate is about here — a pretty fair idea of what the argument is about.

And our point is simply this — here we are with Bill 92 on the Table and it is entirely appropriate that we clarify that law, strengthen it, toughen it, so that there is no question about what it means. So that in 22 years people like us aren't standing here

arguing about the interpretation of an Act that's been in effect for that long.

Some Hon. Members: Hear, hear!

Farm Fuel Rebate Program

Mr. McLane: — Thank you, Mr. Speaker. It's exactly one month ago today that the Saskatchewan Human Rights Commission ruled that this government's farm fuel rebate program is discriminatory. The commission ruled in favour of four farm women who were not eligible to receive a rebate under the program because they were married to farmers, even though they are farmers in their own right. Mr. Speaker, this government was provided a 30-day appeal period in which they could challenge the decision.

Will the Minister of Finance or, in her absence, her designate, tell this House whether the NDP government has launched an appeal of this decision, or are they prepared to abide by the ruling and recognize women as individual contributors to Saskatchewan's agriculture sector?

Some Hon. Members: Hear, hear!

Hon. Mr. Upshall: — I thank the member for that question as it is a very important question, not only for the producers of this province but also for the taxpayers of this province. And the fact of the matter is that the liability for this decision conjures up the question of whether the program can be continued.

So what we're doing, Mr. Speaker, to the member, is that this program . . . this program has been a very valuable program to farmers, but in terms of the whole budget we have to be very careful of what we do.

So what we're doing is we're reviewing the whole process to determine exactly what steps should be taken in order to alleviate the concerns and the decision.

Some Hon. Members: Hear, hear!

Crown Corporations Review

Mr. Aldridge: — Thank you, Mr. Speaker. Mr. Speaker, public meetings which are part of a review of Saskatchewan Crown corporations will wrap up this week. Last week a caller to the CBC (Canadian Broadcasting Corporation) *Morning Edition* expressed feelings that many share. She indicated how these meetings are a, and I quote, "calculated, corporate-administrated, fluff-but-no-scuff event."

This caller went on to describe how participants were handed a work packet, divided into small groups, discussed four questions, and then those comments were, and again I quote, "sanitized, generalized, and did not include any true form of comment or suggestion by individual people."

Will the minister explain why people attending Crown review meetings have not been allowed the opportunity to properly express views on the future of their Crown corporations?

Some Hon. Members: Hear, hear!

Hon. Mr. Wiens: — The member opposite has not been renowned for the accuracy of the information he brings to the House. And again he is insulting to some very good, independent consultants and insulting to the people who organized, through the Provincial Action Committee on the Economy, these hearings. And he is so wrong with respect to the tone and the nature of those meetings.

The process for establishing these meetings, for the information of the public — and maybe the member opposite could listen too — is that in the process of establishing how the discussion groups can work, there are community leaders taken and informed about the nature of the discussion; they have a pre-discussion about the issues so they will understand all the kinds of questions people will ask, and they are open to receive information on any other question, in addition to the four that are listed there.

There's an attempt to focus the discussion by providing a framework for the discussion. This is the most open, and recognized to be open, public discussion that has ever been held in this province. The member opposite is miles out to sea on his allegations, as usual.

MINISTERIAL STATEMENTS

New SaskTel Internet Service

Hon. Mrs. Teichrob: — Thank you, Mr. Speaker. Mr. Speaker, I'm proud to rise to tell the House that earlier today I announced an important new initiative at SaskTel. It always gives me great pleasure to introduce another SaskTel service that brings Saskatchewan people further into the technological world. Since its inception, SaskTel has always strived to provide quality services to its customers and Internet service is no exception.

In the past, SaskTel was proud to be able to provide Internet service throughout the province. Today I am pleased that we are able to provide an enhancement to that service. Sympatico, an easy-to-use Internet service designed for families and businesses, is now available to the people of Saskatchewan at a fixed cost regardless of geographic location.

While it is important for Saskatchewan people to keep up with technological changes, it's also important that this be affordable for everyone in the province. So I'm pleased to announce that there is only one Sympatico price for both rural and urban users. Yes, that's right. The same price no matter where in Saskatchewan you live. Sympatico and SaskTel's high quality and reliable network will provide people with easy access to local and global information.

The information that can be retrieved through Sympatico has no limits. For example, farmers can investigate farming techniques from around the world. Saskatchewan entrepreneurs can explore markets around the world. Families can make travel plans. Students can research topics from resources around the world. The Sympatico starter kit sells for \$29.95 per month and

includes 100 prepaid hours; the very popular software, the Netscape Navigator; and a toll-free 24-hour a day, seven days a week customer help line.

Sympatico provides an ease of use, letting people explore the Internet and check for information without getting bogged down about how to get there. Because Sympatico is not difficult to use, it's easier for people to become accustomed to new technology. As we know, Mr. Speaker, the Internet and its related technology are not slowing down but are accelerating at a phenomenal speed.

SaskTel ensures that the people of Saskatchewan will not be left behind but will be leading the way. Sympatico provides a friendly forum that will enhance the lives of Saskatchewan people. I'm sure that the residents of Saskatchewan will soon discover and enjoy this. Summer is officially here, Mr. Speaker — let's go surfing. Thank you.

Some Hon. Members: Hear, hear!

Mr. Bjornerud: — Thank you, Mr. Speaker. Mr. Speaker, I find it's been seldom throughout this session that I agree with the minister, but once again I have . . . I'm very happy today with the announcement.

Some Hon. Members: Hear, hear!

Mr. Bjornerud: — I knew the members would appreciate that.

But I want to commend the minister and I want to commend SaskTel because we've hit a turning point here where we're again treating urban and rural equally. And again I must say I would commend the minister. Our small schools, our farmers, and our businesses in rural Saskatchewan, could not afford, under the old rate system, to compete with their larger urban competitors. So once again, Madam Minister, and to SaskTel, I commend you and this is a great day for rural Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. We're happy to rise today to offer our comments on the ministerial statement with regards to this new project through SaskTel. While of course each one of us in the opposition benches, whether it be the official opposition or our party, will all want to join with the back-benchers over in the government side to go home to try to claim victory for having brought about the pressure that resulted in the minister making this decision, the truth of the matter is that the minister did see the light, not as a result of the things that we brought forward, but as a result of the pressure from the people of this province.

Thousands of letters were written on this issue, and hundreds of people phoned every MLA (Member of the Legislative Assembly), I'm sure. I know I had many, many, many calls on this issue in my office and I'm sure that all of the other MLAs were the same. And so I guess the message here — while this is a positive decision and we acknowledge that — the message here is that if the people of Saskatchewan want change, if they collectively work together and approach the government, they

can get that change. And I think that's the important message that should be taken out of this.

It certainly is good for rural Saskatchewan to be treated equally to the urban centres, and I think the urban people can be very happy today that they are sharing something that is of value at an equal cost to rural Saskatchewan. Finally we found common ground to come together on, and we thank you, Minister, for doing that.

Some Hon. Members: Hear, hear!

TABLING OF REPORTS

The Speaker: — Before orders of the day, I want to table a report from the Chief Electoral Officer pursuant to section 222(1) of The Election Act, respecting the election expenses of candidates and their business managers and of registered political parties at the 23rd general election held on June 21, 1995.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 76

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cline that **Bill No. 76 — An Act to amend The Health Districts Act, to repeal The Union Hospital Act and The Lloydminster Hospital Act, 1948 and to make consequential amendments to other Acts** be now read a second time.

Mr. McLane: — Thank you, Mr. Speaker. I was having trouble hearing. I assume that we're on Bill 76. Is that . . . Thank you.

Thank you, Mr. Speaker. When adjournment came on Friday, this certainly . . . the legislation that we were discussing and I was speaking to, and I would be happy to continue my comments on this Bill. And in light of some of the happenings Friday afternoon, I would like to also address those, Mr. Speaker, as it relates to this piece of legislation.

A couple of weeks ago I did kind of wonder why the government was so intent on bringing forward extended hours and in ramming through a lot of this legislation that the people of the province have indeed a right to be aware of, and certainly aware of the ramifications as a result of the legislation being proclaimed down the road.

And I wondered at the time what the reasoning was. And it's come to light that certainly in the events that happened late Friday afternoon that this government certainly did not want the people of the province to understand what's contained in the legislation and how it pertains to them.

The health Bills that are before us, particularly Bill 76, an amendment to The Health Districts Act, is certainly an important one in the eyes of many people in Saskatchewan and certainly those that are concerned about health, and that would be the majority of the people of the province, as to what could happen with this amendment to The Health Districts Act.

And certainly throughout all Saskatchewan, but as well in the Lloydminster area, Mr. Speaker, it became quite evident Friday afternoon that the government . . . the members opposite were not prepared to debate this Bill if they could get away without doing so, and consequently took some drastic measures late Friday afternoon to ensure that we could finish the session that evening and they could ram these pieces of legislation.

It was interesting as I was awaiting to speak on this Bill, some of the antics that took place, Mr. Speaker. Visits from the member from Elphinstone, for example, in the lounge, a visit from the Minister of Post-Secondary Education from Saskatoon Fairview in the lounge. A visit from a member of the third party from Cypress Hills in the lounge, Mr. Speaker, and it became abundantly clear at that time that the government did not want to address this Bill 76.

It went on further than that, Mr. Speaker, in the House as I received a visit from the member from Regina Centre, another cabinet minister offering some nice advice on what might be publicly acceptable in terms of how I proceeded in the House that day.

The ultimate bit of shenanigans, Mr. Speaker, was when I received a visit from the member from Regina Qu'Appelle Valley bearing gifts and offering to visit with me and offer some advice possibly on my farming practice, if not on how I was handling myself in the House.

It was quite ironic, at the same time as I was receiving a visit from that member opposite bearing gifts, that the member from Elphinstone was asking for leave at that very time to ask for extended hours, Mr. Speaker. I'm not saying that anyone was trying to take my mind off the House business, but it was clearly evident that the government was not prepared to deal with the issues of the day in an upfront manner with the people of Saskatchewan and come back today and proceed as we are.

So having gone through a quick run-down of the events of late Friday afternoon, Mr. Speaker, I will continue with my discussion on Bill 76 where I left off, if I might. And if I digress a bit back over some of the ground I've already covered, I apologize, but I haven't had a chance to review *Hansard* so I will pick up the best I can from where I think I left off.

I think I was discussing the health reform process as it related to the formations of the districts or the districtification throughout the province. And I think we'd come to a point where many of the people in the province, the health agencies and the health trustees, were about to make a decision on where they would fit in best in the whole scheme of things in the district process.

And certainly as I had stated earlier, our community was no different, and my involvement wasn't any different than any other health trustee across the province. And I think at about this point in time, the government had set down some guidelines, some time frames, as to when health facilities, municipalities, and boards would have to make a decision as to what kind of a district they were going to fit into. And at that point in time they did that.

Our district or our area was no different, and at that point in time, with dialogue with councils throughout the communities that I served and with the people in general, the citizens of those communities . . . that it would be to our best advantage, it would make most sense for us, to join the Regina Health District.

Of course the people a little further west, in through the Craik area and down through the Central Butte area, chose to join up with the Moose Jaw/Thunder Creek Health District, which did make some sense to them at the time or they wouldn't have made that decision.

Certainly the people in Davidson and west had discussions with many districts as well, and they of course chose to go and join the Midwest Health District. Meanwhile the discussions that we were having with the people north of us, in the Watrous area and the Nokomis area . . . made a conscientious decision to join up with the Living Sky Health District.

Therefore the districts were basically formed up, Mr. Speaker, and we moved on, except of course for the Lloydminster area which has always been a sore spot in the Health department, particular with the former Health minister and the deputy minister of the day then and who continues to be the deputy. And I'm sure now the present Minister of Health is having some of the same anxieties with those.

However the district process was taking on some momentum and people were joining up. The problem was the next step, Mr. Deputy Speaker, was the fact that, how do we decide who should be represented on these boards. And certainly the government of the day decided that one of the only ways that they could ensure that the wellness model and the health reform process could proceed under the guise of health reform as to how the NDP government saw it, was certainly to get its people in place on those boards, so that they could ensure that the decisions that the government handed down were indeed the decisions that the district health board would make.

Therefore the Minister of Health set about a process of asking for nominations for people to be nominated to the district health boards. Certainly many people were nominated and asked to sit on these health boards but the final decision did lie in the hands of the Health minister. The Health minister decided, under the guise of democracy I believe, that take a look at the list of people who were suggested to be board members and then the minister set about making the appointments. And that's one of the first major stumbling blocks of the reform process, Mr. Speaker, were that the district health boards were all appointed. And that doesn't sit very well in a country, in a province, where democracy reigns supreme, and therefore the battles continued

over where we were headed with reform and wellness in this province.

So the discussions continued to take place and the arguments and the dialogue — one-sided dialogue, if you would — with the government as to what right did these appointed district health board members have to make decisions on behalf of the people, the communities that they were apparently representing. And that rage continues today because there are still a number of appointed health board members to the district boards.

The battles raged, of course, all across the province, not only in our community but elsewhere, as the government went about making its appointments to the boards and these people were trying to run the health system. As it became increasingly apparent that the districtification process was simply a downloading by the provincial government to the health districts, decisions became very tough for the health boards to make. And of course when you're appointed, it's even tougher.

The boards were having to grapple with a shortage in funding away back then, as they are doing now, and therefore were having a tough time making these hard decisions that affected most often their neighbours and certainly their own communities when they were closing beds and closing agencies and facilities down.

That problem continues today, and even though a number of the board members are elected, there is still that problem where the provincial government has done a considerable amount of downloading to the districts and it's causing them a great problem.

(1430)

As we were going through this whole process of forming up the districts, there was another bit of a side issue that was having to be addressed by the local boards, the local trustees, and the government as well. And that was the issue of the significant amount of funds that had accumulated in some of these smaller agencies' bank accounts from donations. Good people throughout the province had donated to their favourite health agency and certainly in small rural communities that was a significant part of funding the health system in the local communities, was by donations.

I recall back, Mr. Speaker, to one such estate that was left to the Imperial Union Hospital of the day by a long-time resident of Imperial by the name of Russ Roney. This gentleman in his wisdom decided to leave a significant amount of money, and whether it was through dollars or land, what have you, but he did leave a significant amount of his estate to the Imperial Union Hospital. He had pride in that institution. He did spend some time in there in his last days and certainly recognized that it was an extremely important component of a small community and certainly as it pertains to health.

Mr. Roney in his wisdom decided to leave the Imperial Union Hospital about a quarter section of land along with some antique cars and some other property that he owned as well. And of course struggling with the health budget, as we are

today, certainly there was problems back in those days as well with the always, ever-prevalent shortage of dollars for health care in the small communities.

And so these types of bequeaths to health boards was a very large and much appreciated part of funding the health system in any of these small communities.

The Roney family is a well-known family in the Imperial area, and certainly Mr. Roney's sister, Joy Baht, certainly still lives there and certainly does as much volunteer work to the Imperial-Long Lake integrated facility as did many of the other volunteers throughout the years.

So we've had the discussion about where will the volunteers take place and where will these donation funds and accounts end up at, Mr. Speaker. And of course I'm sure you're aware of, as well as our other members of this House, that these funds needed to be left in the communities under the control of the local communities.

That battle was itself raged on as the boards were forming. Many of the health trustee groups chose to go the foundation route in order to protect these monies from the deputy minister of the day who was bound and determined that they would be turned over to the district board and that money would be used to fund the deficit of the board because of the downloading by the provincial government of that day.

The cost to set up many of these foundations was very costly, because I think most of the agencies proceeded to hire themselves some legal counsel, and we all know the price of lawyers. And so a lot of the money that was designated for health was eaten up by legal fees, both on the individual sides as well as the institutional side, and I'm sure the government had some extreme costs as well.

So there was the issue of the foundations and how do we go about protecting the dollars that were raised in a community, and certainly there is another Bill on the Table these days under the guise of a Crown foundation as to how the provincial government once again can get its hands on donated money.

The argument went a little further, Mr. Speaker, in regards to the donations, as to who should control those. It went further than that as to how an individual community would have input into district health board decisions. And that prompted myself, as a member of the provincial health association, to discuss this with the minister and certainly the deputy minister.

And I did receive a letter from the deputy minister regarding that very issue. In the letter he talks about those issues, about the foundations and about locally raised monies. And he also talked about advisory boards to the district health boards, Mr. Speaker, from the different communities.

He talked about it being a great idea and it was something that would give the people from these individual communities some input into the district boards and would let them feel as though they were having part in the decision, the health decisions, being made by the district health board.

Now that letter went on for about three pages explaining that this was a great idea and that we needed to work toward that, and that the government was interested in that type of a proposal and we would pursue that.

Unfortunately after the districts were formed and the 455 or 6 or 60, whatever the number was, of local volunteer boards across the province were disbanded without so much as a thank-you by the minister of the day and the provincial government. Then of course the lobbying effect from those local communities was gone. The boards were disbanded, there was no one left to speak up on behalf of the communities, and therefore this business of having some input from the local communities into their district health board was lost.

And so that brings us to, basically I guess, Mr. Speaker, in a nutshell, where we're at today with the districts and all the problems that are associated with the cuts, the massive lay-offs that we've seen of front-line workers, the basic building of another bureaucracy out there throughout Saskatchewan. We've seen facility closures that I mentioned, bed closures. And so was the districtification process the right way to go? Well there's many today, Mr. Speaker, that say no it wasn't.

This Bill does try and address some of those problems. As I mentioned, the Lloydminster Hospital issue has been a thorn in the side of government since this process took hold, and I think this is one way that they're going to try and put an end to it. There are a number of concerned people up in that country that believe that this is not the way to go about solving it, and have had considerable input into our caucus and myself in particular as to what they'd like to see done.

So with that, Mr. Speaker, hearing that the third party is actually in the House today, I will take my seat and allow them to make some comments.

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

Bill No. 114

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cline that **Bill No. 114 — An Act respecting the Establishment of a Crown Foundation for District Health Boards and their Affiliates** be now read a second time and on the proposed amendment thereto moved by Mr. Boyd.

Amendment agreed to.

The Speaker: — There is some confusion here; I'm going to call that question again. What is the member's point of order?

Hon. Mr. Upshall: — Mr. Speaker, although you may have heard some yeas from this side, being House Leader I said no. I don't know if you heard me or not.

The Speaker: — Order, order. The Speaker had just begun to say there was some confusion and in consulting with the Table, I was about to call the question again. So I consider the point of

order to be well taken.

Why is the member on his feet?

Mr. Toth: — Mr. Speaker, because . . . on a point of order, please.

The Speaker: — Point of order.

Mr. Toth: — Mr. Speaker, it appeared to me that the question was well presented to the Assembly and the vote was taken, and it would appear that the vote certainly was read correctly. And I think that vote should be adhered to and followed.

The Speaker: — The member raises precisely the same point of order that has just been raised and about which the Speaker has ruled. And so the point of order is not well taken.

Order, order. I want to call the attention of the House to the vote and I ask that all members assist the Speaker in avoiding confusion. The question before the Assembly is the motion moved by the Minister of Health and the amendment moved by the Leader of the Third Party.

Amendment negated on division.

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

(1445)

COMMITTEE OF THE WHOLE

Bill No. 114 — An Act respecting the Establishment of a Crown Foundation for District Health Boards and their Affiliates

Clause 1

Mr. McLane: — Thank you, Mr. Chairman. Mr. Minister, I was wondering if you could outline for us parts of this Bill where we're discussing the actual donations part of it. And I guess a more specific question would be as to why do you need a Crown foundation to issue the type of receipt necessary to have an income tax deduction? And can you clarify that by the establishment of this Crown that there would be a 100 per cent amount of a donation that would be deductible?

Hon. Mr. Cline: — Yes, the purpose is for a deduction of the total donation. And in answer to the question, the reason why the Bill is structured as it is — and I should add that it's the same as the University of Saskatchewan, Crown Foundation Act and the University of Regina, Crown Foundation Act — is that the only way that you can get the larger deduction is by making a gift to the Crown; therefore, the only vehicle that's available for us to use is a Crown foundation. And also, therefore, the gift must go in the first instance to the Crown foundation.

The Crown foundation has to be given some discretion in the matter, to be guided, but not be bound, by the decision of a

testator in a will, for example. The reason being that if the Crown foundation doesn't have discretion, there's never an absolute gift to the Crown and therefore we can't take advantage of the 100 per cent tax deduction. And the reason does not flow from provincial law or policy. The provincial law or policy is tailored to comply with the law and policy as set down by the federal government in the Income Tax Act.

Mr. McLane: — Thank you. Did the provincial government approach the federal minister in regards to that and ask if there could be some changes that would be facilitated to help along with this particular problem?

Hon. Mr. Cline: — No, it seems clear that the federal government has established its policy in the Income Tax Act. The federal government has recently made some changes, as the member will know, to let people have the bigger deduction for charitable contributions. And I think it's fair to say that that is as far as the federal government would wish to go.

At this point, it's a matter of their policy. And the federal government, I'm sure, would prefer to have a policy consistent for each of the jurisdictions within the country with whom they deal on income tax matters. So it's doubtful that the federal government would want to change the law and policy it has in these matters to accommodate a piece of legislation like this.

Rather, I think the federal government would quite properly say, we expect you, Mr. Province of Saskatchewan, to have your legislation comply with our tax rules. And that's what we're attempting to do.

Mr. McLane: — A number of the health facilities, or health agencies throughout the province, Mr. Minister, have foundations in place, and there are a lot of the smaller agencies throughout the province, and in particular rural Saskatchewan, that have these foundations set up as well.

I guess I would ask then what would happen, for example — and we'll use a particular foundation board to make this point, and we'll use the one that we have at the Long Lake health facility at Imperial where there is a foundation — if as an individual, someone wished to make a donation so that it went towards specifically the Long Lake Valley and its operations, what would happen if the member would submit that to this Crown foundation?

Can those people be ensured that that money would indeed be returned and spent on the Long Lake Valley? And would the actual money itself be sent back either to . . . who would it go to — to the district board or to the foundation that's attached to the Long Lake Valley?

Hon. Mr. Cline: — To answer the last part of the question first, the money would go to the foundation or the district board, I think, according to the wishes of the donor.

The donor could be reasonably assured that the Crown foundation would respect the wishes of the donor in forwarding the money to the place where the donor wants the money to go. This is the system that operates for the two universities.

All I can say to the member, in addition, would be two points. Firstly, the local foundation would continue to exist notwithstanding this legislation, because this legislation doesn't force anybody to give any money to the Crown foundation. People could keep giving money to the local foundation, and probably will in most cases, because it would be a rare case of a quite large donation where they would want to employ a Crown foundation.

And the second point I would make is that in terms of absolutely tying up the donation — that is, saying in the legislation that you must simply follow the wish of the donor — the problem with that is again that if you did so, it would not be an absolute gift to the Crown foundation. Therefore under the Income Tax Act, the donor would not be allowed to have the 100 per cent tax deduction, which is what the donor wants. And so it would defeat the purpose of the legislation to word it any differently than it is.

But I should say to the member, as I think the member will know because of his own involvement in health care, is that this legislation is welcomed by hospital foundations who see it as a way, in some cases, of obtaining larger gifts or bequests.

Mr. McLane: — Thank you, Mr. Minister. You talked about being reasonably assured, and I appreciate your arguments as to why you can't have absolute reassurance. Is there any way then — and I almost hate to ask this — regarding the regulations, or through some other agreement with the individuals that will be donating this money, that they can indeed be assured that it will be able to go back to the agency of their choice?

Hon. Mr. Cline: — I think the assurance people will have will be the experience that is garnered through the operation of the system in the same way as the university foundations have been operating.

Beyond that, no, you can't structure the legislation differently than it is because of the law and policy at the federal level that I've referred to and with which we, as any other province, must comply.

Mr. McLane: — Are there any amount limits, Mr. Minister, as to minimum amount that a person can give to this Crown foundation or a maximum amount?

Hon. Mr. Cline: — I am not aware of any minimum or maximum. Of course, the maximum would be determined by the taxable income of the donor in the sense that a . . . since the donor receives a tax deduction, the amount of the possible deduction would vary according to the level of income of the donor.

Mr. McLane: — When we're talking about the board of directors, just tell us how that board would be chosen and what type of per diems we would be looking at to them and how they would be paid for by . . .

Hon. Mr. Cline: — Under the legislation the Lieutenant Governor in Council, in other words the cabinet, can make regulations respecting the nomination of individuals eligible to

be appointed as trustees. And a foundation consisting of not more than 12 persons would be appointed. I stress that because it has been said in this House that, why 12 people? What this says is up to 12, so perhaps it would be less than 12.

With respect to the remuneration, I think, these would be set by regulation. It is contemplated that any per diems that these people would receive would be paid from interest that the fund would earn. I think this would not be a money-making operation for anyone certainly. Some of the people that I would see serving on this foundation would be professionals and some research scientist/specialist-type people.

And it is customary in cases where a specialist position, for example, is taken away from surgical practice for a day, to have that reflected in the rate of remuneration so that nobody actually loses money as a result of serving on a foundation like this. But it would certainly not be anybody's goal to be earning a lot of money by serving on this foundation.

The important question would be getting together a level of expertise with respect to matters pertaining to research and where money ought to go in cases where the money is not clearly earmarked by the donor, which will occur in some circumstances.

Mr. McLane: — Thank you. Just to revisit the actual travelling of the donation as it comes from a donor to the Crown foundation, and then I would assume directly back to the agency of choice, in the instance of a district and a particular agency within that district, if a person designates their donation to go back to that particular agency, it would go to — just correct me if I'm wrong here, Mr. Minister — it would go to the Crown foundation. The Crown foundation then would turn around and send the money back to that agency or to the district board, or could it go to the foundation of the donor's choice as well? And what would the time frame be of getting that money back to the designate of the donor?

Hon. Mr. Cline: — Well, I can't comment on the time frame. One would think that it wouldn't take a lot of time. But according to section 5 of the Bill, the foundation would, among other things, provide grants and transfers of real and personal property to district health boards and their affiliates for the purpose of supporting and promoting the provision of health services.

So I would think the foundation would in the first instance acquire the money, and in the second instance, would transfer the money to a district or an affiliate of the district which would then apply the money to the purpose that the donor had in mind.

(1500)

Mr. McLane: — Not all agencies in the district of course are affiliates, and I guess the question I'm asking is, where's that money going to end up at after it goes to the Crown, it's been designated by the donor, where will it go to? Will it go to the district board or can it go to that foundation that an individual agency that is not affiliate might have set up?

Hon. Mr. Cline: — No, I have to correct the answer that I gave the member earlier, and I apologize. I see that the money would go from the board . . . or the foundation to the district board or an affiliate of the district board. So that if an institution was operated by the district, it could go to the district for that institution. If the institution is operated by an affiliate, then it could go to the affiliate.

I don't see in the legislation that it says that the money would go to a foundation, but on the other hand if the money was earmarked for a particular purpose, then either the district or the affiliate could obtain the money for that purpose. It would not be necessary for the money to go to the foundation in the sense that the foundation would not be the ultimate beneficiary. It would be some other purpose within the district.

Mr. McLane: — Then I guess that begs the question, why couldn't the money go back from the Crown foundation to the foundation that's connected with the individual agency? The foundation itself do have an agreement . . . or do have agreements with the district health boards as to how that money will be spent. Of course we wouldn't want to see an individual foundation going and buying a piece of equipment that an agency couldn't use. So there has to be some discussions with the district health board, I understand that, but I see no reason why that money couldn't go back to the individual foundation.

Hon. Mr. Cline: — I should, by the way, introduce an official, Barry Lacey, from the Department of Health, and he works in the finance management services in the department.

And the reason why you can't give the money directly to a foundation goes back to what we were talking about earlier, namely the federal income tax and regulations. And specifically the law at the federal level requires that the ultimate beneficiary of the money be an organization/institution that receives a majority of its funding from government. Therefore a foundation, such as a hospital foundation in Imperial or elsewhere, would be ineligible under the law because the foundation, by its very nature, does not receive any, I suppose, or certainly not very much, of its money from government. It receives its money from private donors and fund-raising activities.

Therefore the law requires that the money go to an institution or service that is publicly funded in order to get the kind of tax break we're talking about. Therefore the money must go to the foundation, the foundation must then give the money either to a district health board or to an affiliate. The reason being that those bodies, district health boards and affiliates, are publicly funded.

Mr. McLane: — What will there be then to ensure the individual that once his donation has gone through the foundation and back to the district health board for an individual agency within that district to hold the district board accountable to that member's wish?

Hon. Mr. Cline: — What will hold the district health board accountable will be simply honesty and respect for the person's wish. And the experience of the system, I think, will result in

that level of trust being built up in the same way as it has been built up in the university sector and in other provinces that have this kind of Crown foundation legislation.

But going back to my previous answers, there is no way that you can tighten it up any more than that and still comply with the federal law. You either have the system set up so that the Crown foundation has the discretion and gives the money to a district health board or affiliate which are publicly funded, or alternatively you do not have the kind of system we have.

And of course to think of it this way, nobody is obligated to make any donation to a Crown foundation. So that those who do not have faith that their friends and neighbours and fellow residents of Saskatchewan who run the foundation will respect their wishes, will undoubtedly not be making donations to Crown foundations. But those who realize that their wishes will be respected to the degree possible will make use of this vehicle.

Mr. McLane: — Thank you, Mr. Minister. I recall one of your predecessors talking about the integrity of communities and people in Saskatchewan when it came to the wellness model and the health reform process itself, that we would indeed not have communities fighting amongst communities, neighbours against neighbours, which we now have on these district health boards.

So I'm not so sure that the general public out there is going to have the faith in this process that I'm hearing you say that they will have. People are becoming very sceptical, and given that there's been a lot of broken promises over the last three or four years, I'm a little sceptical about how the general public will view this.

I guess the question would be then, in your mind, have your department given you any guestimates as to the type of dollars that you might be looking for in the first year of operation of this Crown foundation?

Hon. Mr. Cline: — No.

Mr. McLane: — Then in your own mind, Mr. Minister, what would you foresee making this thing a success in the first year of operation in order that you might leave it in place?

Hon. Mr. Cline: — No, we haven't set any minimum. Of course if the legislation's passed and the foundation is set up and it isn't used, then we won't be going to any expense with respect to it. So we would then be reviewing the legislation.

But I should say to the member, that despite his misgivings about the legislation, the hospital foundations themselves and people in the fund-raising community have very anxiously asked government to pass this legislation. This is not something that is driven by myself as Minister of Health or the New Democratic Party, although both myself and the New Democratic Party are supportive of this legislation. This is done at the request of the volunteers all across the province who are out raising money, and it is their assessment that this legislation will assist them.

And we are anxious to take their advice and involve the communities and be of assistance to them if we can be. I know the member is aware of the work of people like the hospital auxiliaries, and we are very supportive of people who do volunteer work in the province and so we are putting the legislation forward.

They are confident that this legislation will in fact be of value in our communities. And we're taking the advice of our volunteer sector and people in communities throughout the province.

Mr. McLane: — Mr. Minister, with your legal background, what recourse would people have if something happened where their wishes are not followed through in directing their donations to the choice of institution or agency?

Hon. Mr. Cline: — They would not have legal recourse for the reasons which I have already explained to the member.

Mr. McLane: — You mentioned as well, Mr. Minister, that the board members' per diems, whatever they may be — again laid out in regulations — would be probably paid by the interest off that money. I guess the concern that would be raised would be that we wouldn't want to see the money sitting in an account accruing interest in order to pay the per diems of board members, or for any other reason, and that the money should be turned over as quickly as possible to the agencies that it's been requested to go to.

However, the dollars that are going to be there that don't have any designation to them, is it going to be the wish of you or your department or of the foundation that those monies might remain in an account payable to the Crown foundation for an extended period of time?

Hon. Mr. Cline: — No, that would not be our wish nor would it be of any particular benefit to myself, the Department of Health, or the Government of Saskatchewan.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Minister, I followed with interest your debate with the member from Arm River, but I'm still quite concerned about the fact that we have a process of forming another appointed board. And while you can argue and will argue that it's not costing the province anything, certainly the cost is going to come from funds generated through interest that is collected on the funds that have been donated by individuals towards specific health care projects or for the purpose of providing health care or health services in their area.

And I guess the concern I have, Mr. Minister, and I'm not sure if I followed clearly why you're arguing . . . why we need to set up the special foundation, why the specific foundations or even the health district boards that are already in existence, that are already being paid per diems right now, could not be the format that would handle, or the individuals that would handle, these funds, and therefore those funds we know for sure would stay and would remain in that district to be utilized in that district.

And I'm wondering what your response is. As I said, just in

following the response I didn't get a clarification of what you really meant or what you were really talking about as to the reasons for the formation of a new board.

Now I understand you have referred to this board . . . foundations Act as being somewhat similar to the universities both . . . in Saskatchewan here, the U of R (University of Regina) and U of S (University of Saskatchewan). The thing is, Mr. Minister, that each university has their own foundation. So the funds that are donated to the U of S stay and are utilized by the U of S. The funds to the U of R stay and are utilized because they have their own foundations.

However, as I read the Act here, we have a group of people that are going to determine whether or not to send these . . . any funds that come to this foundation back to the district from which it came, or even to the community from which this money came from.

So I'm wondering if you could explain the rationale and why we have to move to a formation of another appointed board versus using the district boards that are already in place.

Hon. Mr. Cline: — To the member, Mr. Chair. We cannot use the district boards that are in place because by . . . under the federal income tax law you must, if you're going to give somebody a 100 per cent deduction off their income, you must have a law in place that sets up a Crown agency.

A district health board is not an agency of the Crown for that purpose. Therefore, by federal law, you have to set up a Crown foundation such as is proposed in this legislation. And then the question becomes: do you have one . . . a foundation for all of the districts or do you have a foundation for each district, as is the case, as the member has correctly pointed out, at the universities?

With the universities, you can have two foundations and they're both covered off. The problem with the health districts is, because there are 30 of them presently — and I suppose one or more being set up for the North, more than that — you would require more than 30 separate Crown foundations. And the administrative costs and the boards and so on with respect to those would be worse than what the member's party has complained about, which is yet another board.

But I would direct the member's attention to section 14 of the Bill which says that, where somebody gives money intending it to go to a district, it says that:

the foundation . . . shall notify the district health board or affiliate receiving the donation of those directions.

So in other words, when money is given by the foundation to a district health board or affiliate, any directions that the donor has must be passed on to the district health board or the affiliate, and in that way it is thought that there will be compliance with the wishes of the donor.

The answer is, quite frankly, that I personally and the department and the government would have no objection to

structuring the legislation in some other way. But what we're trying to do is comply with the federal law as it is, and if you don't do that, you can't have a Crown foundation and give this kind of deduction. In order to give this kind of deduction, which the people who run the hospital foundations say they want — this is in effect their Bill — you have to set up a system whereby the money goes to a Crown foundation.

(1515)

There's no particular benefit to the Government of Saskatchewan. If anything we would lose some tax revenues as a result of the Bill, although we think that both the government and the communities benefit from volunteer giving, as they always have, to the health care system, and too we're certainly supportive of the legislation, but it's something primarily that the hospital foundations themselves think is a good thing to do.

Mr. Toth: — Well certainly, Mr. Speaker, and we're not disputing the fact that this opens up the door for individuals who would probably donate a little more given the ability to get a tax credit. The unfortunate part, Mr. Minister, I think . . . you made a comment something about the foundation would notify a district board if they received a donation from that district to this foundation's group of trustees or this committee.

However, Mr. Minister, if I understand you correctly, you're just notifying them to let them know that there has been a donation received and it's been designated as received from a certain board towards a certain project. There is no guarantee though that that money will get back into the hands . . . or indeed be used or be able to be utilized by that district.

What guarantee do you have that it will be? And if it is to be, why wouldn't it then be allowed to . . . why wouldn't the foundation transfer the funds to a foundation in the direct control of the district board so that the funds are then available for them to use immediately. Or does a board, if you will, based on the information they've received from the foundation, that information that says we have received . . .

And let's . . . using an example, maybe 50 or \$100,000 from your district designated towards projects. Does the board then apply to the foundation if there's a project in their board . . . in their district that they would like to undertake? Do they then apply . . . do they make a formal application since the money isn't in their control? Mr. Minister, what's the process that's involved?

First of all, why can't that money be returned to the district board so that they can manage it. Secondly, if it's your impression that this money must stay in the hands of the foundation, the board's aware of what's there, what process do they follow to make sure that the funds that were designated to be used in their district are available and how do they apply for them?

Hon. Mr. Cline: — No, there is no guarantee, as I explained before, because there cannot be both a guarantee and compliance with the federal law. The federal law requires us to have the money going to the Crown foundation and being held

by it, and it having some discretion in the matter as well. And I'm not in disagreement with the member that it would be nicer to have a guarantee in the legislation, but my advice is that that's not possible to do within the legislation and comply with the federal law.

Then the next question is, if there's no guarantee, as a practical matter, how would the district board be properly notified. Well as a practical matter, if somebody leaves money to a district board or an affiliate for a certain purpose within a district, if that person is living, that person would, in making arrangements with the Crown foundation, obviously tell the district board or affiliate that he or she was making this kind of donation.

Firstly, if it was by virtue of a will that the Crown foundation was benefited, then the executors of the estate, in carrying out the wishes of the maker of the will, would undoubtedly get in touch with the district or affiliate to say an X amount of money has gone to the Crown foundation for the benefit of your district or affiliate.

I think it would be impractical to assume that people, either living or dead, who are making substantial donations and wanting to benefit a district or some activity within a district, would not themselves bring that to the attention of the district or the affiliate. And that being the case, the district or the affiliate would obviously be going to the foundation asking about the status of that gift or bequest.

Mr. Toth: — Mr. Minister, does this Act take away from the ability of individuals to continue to donate to their local district board today on the basis of the 20 per cent tax credit? Is that still in place, or does this one overrule that and the 20 per cent tax credit is not there any more and therefore everything has to go through this new foundations Act?

Hon. Mr. Cline: — No, this is totally voluntary. It doesn't have any effect on one's ability to donate to a district health board or to a hospital foundation or an affiliate or any other organization. And it does not affect one's ability to make that kind of charitable donation and get a tax deduction.

What this does is add a 100 per cent tax deduction, if one wishes to go through the process of giving to a Crown foundation. But people will be able to do whatever they can now do. This simply provides one more option to those who wish to take advantage of it.

Clause 1 agreed to.

Clauses 2 to 13 inclusive agreed to.

Clause 14

Mr. Toth: — Mr. Chairman, when it comes to clause 14, there are a couple of things about this clause and some of the wording that we feel quite strongly about and we'd like to move an amendment to. And the minister talks about the fact that . . . clause 14 reads:

When providing grants or transfers of real or personal property to a district health board or an affiliate, the foundation shall consider the directions of the persons who have made gifts to the foundation and shall notify the district health board or affiliate receiving the donation of . . . (these) directions,

And that was some of the debate that we had just a few minutes ago. Here's the part we have a problem with. We don't disagree with the fact that there is a process in place that informs districts of the funds that are available as a result of contributions that have come from those districts, and contributions that have been given to the foundation that individuals would like to see utilized in their district.

The problem we have is the next part of the paragraph which reads:

but the foundation and the district health board or affiliate are not bound by . . . (these) directions.

And that's where we have a problem. We feel that based on what the minister has been telling us, that it would be important that the words "but" and "not" be removed from clause 14. And that the word "but" be replaced by the word "and". So that it would read: and the foundation and the district health board or affiliate are bound by those directions.

I think, Mr. Chairman, that then gives us the assurance and gives anyone who is making a donation, based on the information that the minister has given to us, the assurances that indeed their wishes or their desires will be followed through. The fact that you use the words "but" and then you put the word "not" and indicate they're not bound, it says to an individual who would make a donation or would like to make a contribution, it would say to them, well from what I see of this legislation it doesn't really hold the foundation responsible to make sure the monies are put back to where they are intended.

So, Mr. Minister, I would like to hear your response because that's where our major concern has been with the Bill all along. It just seems that this last line contradicts everything we've argued and everything we've talked about and I'd like to have a response before I move an amendment.

Hon. Mr. Cline: — Well actually, Mr. Chair, this last line is consistent with everything I have said about the Bill. And as I've tried to explain to the member, you cannot word the legislation in the way that the member is proposing, and comply with the federal income tax law. In order to have a gift which applies for 100 per cent treatment in terms of the tax deduction, the federal law says that the gift must be a gift to the Crown.

The problem with what the member is saying is . . . well simply put, a gift has no strings attached. And if you attach strings to the gift by saying that the foundation must obey the wishes of the donor, you cannot have the favourable tax treatment. So that would defeat the purpose of the legislation.

Mr. Toth: — Well, Mr. Minister, we just seem to be arguing a

bit in circles here, because you've just told me that a person has the ability to give directions as to how they wish their funds to be utilized. Then you go and tell me that your Act is based on the federal Income Tax Act. Well maybe the federal Income Tax Act needs to be . . . there need to be some revisions. Maybe something has to be raised with the Minister of Finance federally.

But it would seem to me that if you're telling a person that they can donate — they can make donations; they can get 100 per cent tax credit — and that they can designate where they would like these funds to be used, what I don't understand, Mr. Minister, how can you say on one hand they can be designated and the Income Tax Act says that's fine for a person to indicate . . . that they can designate those funds to a certain project or a certain health district. But on the other hand you have to have a bit of a clause in here that says, however the foundation is not necessarily bound by the desires or the wishes of the individual, whether it's a person making it via their estate or prior to their estate.

And I guess that's the part that I have difficulty in understanding. Because, as I read clause 14, it really says to the foundation that they really do not have to follow the directions of the person making the donation. And yet we've been arguing in this Assembly, we've been pointing it out time and time again, that a person has the ability to make a designation as to where they would like their donation to be utilized.

And I think there's just a bit of a conflict I guess, if you will, with regards to the Department of Finance and the federal legislation in regard to how credits are assessed regarding charitable donations. And I think there's certainly a discrepancy there. And I have a difficult time understanding why you would need to word it this way to fulfil the way the Act reads, while on the other hand it would seem to say to a person, but it doesn't necessarily mean your wishes will be followed out. And I guess that's the part I'm having a hard time understanding, and I'm wondering if you can clarify that, Mr. Minister.

Hon. Mr. Cline: — Yes, as I tried to explain to the House, Mr. Chair, I sympathize with what the member is saying, that one's wishes should be respected. And I've had a fairly lengthy and detailed exchange with the member from Arm River. I've tried also to explain this to the member from Moosomin.

The simple fact of the matter is that we in this legislature do not make the federal income tax rules. Those are made in Ottawa by the federal government. I sympathize with the member when he says, well maybe we should tell the federal government to change the rules. But as the rules are, and we have to comply with the rules, the rules say that in order to have a larger tax deduction, the wording has to be as it is in the Act.

For those who are not comfortable with that wording and who therefore do not wish to make a donation to the Crown foundation, it is their right to decline to do so.

I sympathize with what the member is saying, but I'm trying to explain to the member that if you worded the legislation as he is proposing, that would not comply with the federal tax laws and

therefore you would not get any tax deduction.

When people give a gift to a Crown foundation, what they want is a tax deduction for 100 per cent of their gift. What the member is proposing would deprive them of the tax deduction, which is not what the people want and it is not what the hospital foundations want. Therefore for that reason we cannot support the member's amendment.

(1530)

Mr. Toth: — Well I guess there's only one thing a person can do then is, based on this legislation, if they feel that the board may not follow their wishes, then rather than making one large contribution for 100 per cent in one given year, is to make five or a number of smaller ones for the 20 per cent per year that would allow them over a period of five or six years to actually get the credit of 100, and make that contribution locally.

However, Mr. Minister, while I'm having a difficult time — and I realize we're dealing with something that is beyond our control as far as federal legislation — I still feel that it would be . . . I don't understand why changing a couple words in the clause would really affect what the federal legislation is saying. And therefore I move that clause 14 of the printed Bill be amended, that we:

Amend Clause 14 by

(a) deleting the word "but" and replacing it with the word "and"; and

(b) by deleting the word "not".

Amendment negated on division.

The Chair: — I recognize the hon. member from Wood . . . or Arm River.

Mr. McLane: — Yes, those rivers are confusing.

Thank you, Mr. Chairman. We too, as we discussed earlier, have some concerns about the wishes of the people that are donating money, and also have an amendment to clause 14 of the printed Bill.

And I will be moving that, Mr. Speaker, to:

Amend clause 14 of the printed Bill by deleting the words "but the foundation and the district health board or affiliate are not bound by those directions" and substituting the following:

"and the foundation and the district health board or affiliate shall be bound by those directions unless it would be contrary to the established rules and principles of trust law to follow those directions".

Amendment negated.

Clause 14 agreed to on division.

Clauses 15 to 19 inclusive agreed to.

Hon. Mr. Cline: — Well thank you. Thank you, Mr. Chair. I want to thank the opposition for their questions, and also Mr. Lacey for his assistance today.

Mr. Toth: — Mr. Chairman, I would like to as well thank the minister and his officials for giving us the time to at least debate the Bill and listen to our concerns. Certainly we trust that as a result of this piece of legislation many communities will be assisted and we trust that it will indeed work towards the improvement and betterment of health care in this province.

The committee agreed to report the Bill on division.

Bill No. 120 — An Act respecting the Reorganization of Labour Relations between Health Sector Employers and Employees

Clause 1

Mr. McLane: — Thank you, Mr. Chairman. Mr. Minister, I know I've had discussions with the Saskatchewan Association of Health Organizations, who is the major representative of most health agencies in the province, which would include the 30 health districts. They talk about this being a step in the right direction; however at the time of our discussions with a representative of the board of SAHO (Saskatchewan Association of Health Organizations), they had yet not received feedback from their member agencies which again would include the 30 health districts.

I'm wondering, has your department undertaken a discussion with a number of health districts, and if you have, which districts have you talked to and what have those discussions been about in recent months?

Hon. Mr. Cline: — No, it is not the protocol or procedure that the department . . . actually the Department of Labour is responsible for this legislation and the Minister of Labour. But I'm very happy to deal with the legislation today.

But it would not be the protocol that the Department of Labour would communicate with the individual health districts. It would be the correct protocol and procedure, which has been followed, that the department would deal with SAHO which is the official representative of the districts and also that the department would respect the directions of SAHO. And my understanding is — and I've talked to some officials from SAHO myself — that SAHO, representing the districts, indicates support for this Bill. It would not be appropriate for us to question the word of SAHO, to go directly to the districts, and we have not pursued that course nor do we propose to pursue that course.

Mr. McLane: — Thank you, Mr. Minister. I'm rather happy to hear you say that. A question I would have . . . Of course we've talked about the agencies themselves, SAHO and its representation of the health agencies across the province, and as well the unions seem to be supporting this legislation as well. I would question however what . . . Our biggest concern is what

does this do for health care in the province in terms of some consistency when you bring some unions together?

And I recognize that there has been a problem and a number of years ago our association then tried to address the situation at the start of health reform. As I stated earlier on this Bill, that your government was reluctant to deal with the union problem at the time of the districtification process, in particular when agencies were starting to amalgamate and work together.

So our biggest concern is, what happens to health care in the province? How will this affect in your mind what can happen of course if you have unions coming together and probably going to result in less unions in the province, health unions in the province? What happens to the standard of care then as you see bumping because of seniority and the possibility of a loss of probably some pretty fair front-line workers in lieu of someone that has a great number of years of service in?

Hon. Mr. Cline: — I think that the problem is, as the member can appreciate, that when The Health Districts Act was brought in a few years ago and brought about the 30 health districts, it is a new administrative structure superimposed upon an old labour relations structure. Because prior to the 30 health districts, we had the 400-plus boards, each with separate arrangements with the unions. And what this does is to bring the labour relations structure in line with the health districts. And I appreciate what the member is saying about feeling that this is in fact overdue.

And what I see this legislation doing is allowing for greater integration of the delivery of health services, and to also facilitate, over time, consistency as between employees, in terms of their terms and conditions of employment.

The practical problem is you get situations whereby in Saskatoon, for example, dealing with people that work in the mental health field, I believe there are eight separate bargaining units. In other words, eight collective agreements, eight groups of people working within the mental health field in one district, namely Saskatoon. And when you get these kinds of problems it's very difficult, not just for the unions but for the employers, to properly manage and plan and integrate services.

So at the end of the day this will save money in terms of having to work one's way through what is really a bit of an administrative and labour relations nightmare and put those issues aside and concentrate on what we should be concentrating on, which is how to best use the resources we have to integrate the delivery of the health services and provide good services to the public who are consuming health services.

Mr. McLane: — Thank you, Mr. Minister. I realize you're not the Labour minister, but we are talking about labour within Health. I'm wondering if you have any statistics on the number of unionized employees that were in the health system in 1991 versus the number that weren't as compared to what there are for unionized employees today as compared to what are out of scope.

(1545)

Hon. Mr. Cline: — I don't have those numbers with me at the moment although I would be happy to send them over to the member when I do have them.

But I can tell you that the latest figures that we have available in the Department of Health, which are only recent up until October of '94, but I don't think the situation has changed that dramatically, is that the number of in-scope employees — in other words, unionized employees — who have been laid off in the health care system is roughly about 4 per cent. I believe it's about 3.8 per cent outside of Saskatoon and Regina and about 5 per cent within Saskatoon and Regina; so somewhere close to 4 per cent. In terms of numbers, I can't give you the number at the present time.

The number of administrative staff has gone down an average of about 18 per cent outside of Saskatoon and Regina and about 22 per cent in Saskatoon and Regina. I suspect that the figure for Saskatoon would be higher right now because Saskatoon just went through a process of, I think, taking 12 vice-presidents down to 7, if my memory serves me correctly.

So to put it another way, I believe that with the layoffs, about 3 per cent of the tens of thousands of people that work in the health care system in the unionized sector, 4 per cent, have been laid off. What you have to remember however, is that people within the health care system who are in unions have what are known as recall rights, so that if I'm laid off at, you know, Shaunavon special care home or wherever, I have the right to be recalled to work usually for about two years, so that when somebody retires I may go back.

And what you tend to find in the health care system, because it's a fairly large system, is that most of the people who are laid off eventually are recalled back to work. It doesn't mean that they don't have a rough time of it because they may be on unemployment insurance for awhile and may go back to part-time work initially and so on.

I would suspect that the job losses in the health care field are probably less than many other industries. For example, you would find that the percentage of people laid off or the absolute numbers of people laid off in some sectors like the railway sector, some of the retail service sector where a lot of full-time jobs have been lost, and many other sectors, are actually greater than the health care sector.

I'm sorry I don't have the absolute numbers, but the number of people who have lost their jobs in the health care sector would not be a large percentage of people; it would be quite a small percentage of people. And I hope that answer is of some assistance.

Mr. McLane: — Thank you, Mr. Minister. I think we got off a little bit on the wrong track there and maybe I didn't make my question quite clear. I would appreciate the numbers as it relates to say 1991 to present day — the in scope, out of scope, and union versus non-union. What I was asking would be in positions that would be in-scope positions, how many of those positions would have there been in '91 that were not unionized, people that were not in a union and held those positions?

There were a number of . . . for example, there were a number of health agencies around the province that were non-unionized. There were a number of institutions that were non-unionized, and those are the numbers . . . I'd like to know what's happened. In my view, that one of the things that districtification has done in this health reform has pressured more people to belong to a union than there were before this process took place, starting in 1991. Those are the numbers I would like to know. As well I guess is the number of shops, unionized shops, that there were then as compared to what there are now.

Hon. Mr. Cline: — Yes. I don't have that information at the present time. Certainly I can try to get that information for the member. The member probably knows that the health care sector . . . I'm not saying that what the member says isn't correct; there may have been some bargaining units that weren't unionized before that now are. But going back to 1991 or before that, the health care sector just happens to be one of the most unionized sectors of society.

Most of the nurses are members of the Saskatchewan Union of Nurses, and most other employees that work in the health care sector are members of CUPE(Canadian Union of Public Employees), or SEIU (Service Employees International Union), or SGEU, or the health sciences association, and in one case in Regina, the RWDSU (Retail, Wholesale and Department Store Union).

None of them are members of the NFU (National Farmers Union) that I know of — the member will be disappointed to hear that. But it is a fairly heavily unionized sector and always has been. But I will attempt to get fuller and better information for the member.

Mr. McLane: — Mr. Minister, regarding the commissioner that you will be appointing, can you give us some idea of what you're looking at, what possibly . . . where he might come from or where this person might come from, and what are some of the qualifications that the commissioner might . . . that you might want the commissioner to have?

Hon. Mr. Cline: — The qualifications that I would want the commissioner to have would be that the commissioner would be independent of the government or either of the parties, being the employer or employers or the unions; that the commissioner would be experienced at labour relations; that the commissioner would be neutral as between employers and unions and would be acceptable to both employers and to unions.

Mr. McLane: — Thank you. Mr. Minister, just regarding . . . I mentioned a little earlier about seniority amongst the employees. I guess I would ask you: do you think that this will be an issue for the commissioner to . . . that will cause him some problems in getting a settlement or some sort of an agreement amongst the unions as it relates to seniority through the different unions as he is trying to bring them together?

Hon. Mr. Cline: — Mr. Chair, I should introduce Brian King, who's the deputy minister of Labour, who's assisting me today; and also Allan Barss, who's a lawyer who works within the

Department of Labour on legislation. And I'm advised that the fact of this legislation and the commissioner's work would not affect seniority *per se*, that collective agreements would continue to operate, and that it is not the intent of the legislation that the commissioner would be interfering with the seniority system as it presently operates. And I will leave it at that for the time being.

Mr. McLane: — In the past when attempts were made, Mr. Minister, to try and bring some consensus to this issue, it was always viewed by many, in particular a lot of the unions, different unions, that this would indeed just be another round of bargaining. Have you had those discussions with the unions and is that a cause for concern?

Hon. Mr. Cline: — I apologize, but could the member repeat the question?

Mr. McLane: — Yes, as I was saying, Mr. Minister, in the past when this problem that you're trying to address with this legislation has been attempted to be solved, there's always concern, in particular from the union side of things, that this is another round of negotiations. Another . . . we're at the table. Has that been a concern with the unions as you're bringing forward this legislation, and do you think that will be a cause for some concern?

Hon. Mr. Cline: — I suspect that the unions would have been happy had they been able to agree amongst themselves with respect to the changing to the bargaining unit. But having failed to achieve agreement, the unions, like SAHO, are supportive of appointing a commissioner to resolve the issue.

Mr. McLane: — Mr. Minister, has there been any discussions with the SMA (Saskatchewan Medical Association) regarding a bargaining council for them? Will this commissioner be looking at all aspects of the health sector other than just the health workers? Would that include the medical profession as well?

Hon. Mr. Cline: — No, because the SMA is not a certified bargaining agent under The Trade Union Act. This legislation deals with the employees who are subject to The Trade Union Act. The SMA is set up by a separate piece of legislation.

Mr. McLane: — Regarding the commissioner, have you indeed . . . I notice again . . . I'll express my disgruntlement at the amount of meat being put into the regulations again, as I have over the course of the session, have a real problem with the way this government is trying to bring forth legislation through the regulations. Can you give us an idea when the commissioner might be appointed, and will there be a mandate for him in terms of a time frame that he will have to rectify the problem and bring forth a set of recommendations for you?

Hon. Mr. Cline: — The parties have agreed — that is SAHO and the unions — that they would like to have the process completed by the end of this year, that is December 31, 1996. So it is thought that after the Bill is passed, assuming it's passed, and proclaimed into law that a commissioner would be appointed sometime this summer by the Minister of Labour and the Act itself says, in subsection 5(2), that:

. . . the commissioner shall complete the examination on or before the date set by the minister.

And it goes on to say “. . . the minister may extend the time . . .” in subsection 3 of section 5. But it is the hope of the parties that this will be completed by the end of the year. It is not the hope of the parties, I think, that they will be working through the summer with respect to this process. I think they see it unfolding in the fall, after people have had their various summer breaks throughout July and August.

Mr. McLane: — We do have the Labour Board in this province, Mr. Minister. And I was just wondering, in regard to the regulations, in particular of this Bill I guess, will the commissioner have complete control to putting something into regulations without consensus from the board or will there be some workings there between them?

Hon. Mr. Cline: — I think it would be fair to describe this as a process whereby some of the jurisdiction of the Labour Relations Board is carved away from the Labour Relations Board for the time being and given to the commissioner, the reason being the complexity of the issues and the cost associated with going through this process on a district-by-district basis.

Clause 1 agreed.

Clause 2

Mr. D’Autremont: — Thank you, Mr. Chairman. I believe this is Bill No. 120 that we’re on, is it not?

The Chair: — Yes, it is.

Mr. D’Autremont: — And I do have some concerns about this particular Bill in this clause. You’ve outlined and defined a number of other definitions for words in the Act. Later on in the Bill you allow the minister, or your Lieutenant Governor in Council, to define words that are not defined under this Act.

So I believe there is one word in this particular Act which has been missed and the definition has not been provided for, and that definition is the word “employee”. No place in the Act does it define the word “employee”. You use the word “employee” as it’s defined in The Trade Union Act, but because it’s not defined in this particular Bill, it would allow the minister or the Lieutenant Governor in Council to provide a specific definition in this Act for the term “employee” as the minister or the Lieutenant Governor in Council would like to have.

(1600)

Therefore, Mr. Minister, I believe it would be important to put that definition into the Act, as to what is an “employee” as it’s referred to in this particular Bill; therefore I would like to move an amendment to this section. And my amendment would read:

Amend subsection (1) of clause 2 by adding the following clause:

“(e) “employee” means a person who is an employee within the meaning of The Trade Union Act and is employed by a health sector employer;”

I so move, Mr. Chairman.

Hon. Mr. Cline: — Mr. Chair, there is some . . . I think there is some merit to what the member says. We haven’t had a lot of time to look at this amendment since it just came over. Employer is defined in the present configuration, clause (e) . . . oh I see, and I suppose clause (e) and (f) would become . . .

An Hon. Member: — That was supposed to be part of it, yes.

Hon. Mr. Cline: — Yes, would become (f) and (g).

If this amendment were passed, what we would be prepared to do, because employer is already defined, is to agree to insert other words, namely I would . . . If it’s in order, Mr. Chair, I would propose a subamendment to this amendment which would take out the words after the words “The Trade Union Act” so that it would read:

Amend subsection (1) of clause 2 by adding the following clause:

“(e) “employee” means a person who is an employee within the meaning of The Trade Union Act;”

And I think I would go on to suggest in the subamendment that the clauses (e) and (f) be renumbered clauses (f) and (g). So I would propose that subamendment to the amendment.

The Chair: — Order. The Minister of Health has moved a subamendment to the amendment that reads:

That the amendment be amended by deleting all the words after “Trade Union Act”.

Subamendment agreed to.

The amended amendment before the committee is:

Amend subsection (1) of clause 2 by adding the following clause:

(e) “employee” means a person who is an employee within the meaning of The Trade Union Act.

Amendment agreed to.

Clause 2 as amended agreed to.

Clauses 3 to 5 inclusive agreed to.

Clause 6

Mr. D’Autremont: — Thank you, Mr. Deputy Chairman. I have an amendment to propose to clause no. 6, 6(a), and it relates back to the amendment we just made in clause 2 in giving the minister and the order in council . . . not order in

council, Lieutenant Governor in Council the ability to define the words as written in this Act.

And I believe that sets a . . . I realize it may be in another Acts, but I think it's very dangerous to allow the minister or the Lieutenant Governor in Council to make interpretations as to a meaning of a word.

It doesn't say it has to be a reasonable interpretation of the word as you would interpret it. You could simply say that under this Act I'm ruling that black is white. And it's legitimate to do so if this clause is included.

I don't believe that that should be included in there, Mr. Minister. I believe that the wording and the phrasing of the Act should be clear so that there are no need for the Lieutenant Governor in Council to make definitions for words.

Therefore I would move, Mr. Deputy Chairman:

Amend subsection (6) of Clause 6 by deleting clause (a).

(1600)

Hon. Mr. Cline: — Yes, just to indicate, Mr. Chair, that I appreciate what the member is saying. Actually if the member would look at most of the legislation that goes through this House, in terms of the regulation-making power this actually is a standard provision. It is not unique to this legislation. It doesn't mean the member has to agree with it, but it is a standard provision that is part of the standard legislative drafting procedure that we use, have used, in this legislature. So we are unable to support the amendment.

Amendment negated on division.

Clause 6 agreed to.

Clauses 7 to 12 inclusive agreed to.

Hon. Mr. Cline: — Yes, Mr. Chair, I'd like to thank the opposition for their questions and also thank the officials for their assistance. And I move that Bill No. 120 be reported with amendment.

The committee agreed to report the Bill as amended.

Bill No. 82 — An Act respecting Health Facilities

Clause 1

Mr. McLane: — Thank you, Mr. Chairman. I think we know the minister's officials who are with him and welcome them again here today.

Some questions, Mr. Minister, on this particular Bill, and I think there will be a number of them as I'm sure you're not surprised. The first one I would like to talk about certainly would be the licensing of a particular health agency. And I'm just wondering, to start things off, if you might enlighten us as to what we have in this province today in terms of health

agencies and/or facilities that are not licensed.

Hon. Mr. Cline: — We have no health facilities in this province which would provide insured services at the present time and which would be required to be licensed pursuant to this legislation.

Mr. McLane: — So there are no agencies in the province which provide insured services that are licensed. Are there any agencies in this province that provide uninsured services that have to be licensed? And if that is indeed the case, are there any that have licences?

Hon. Mr. Cline: — This Bill applies only to insured services.

Mr. McLane: — Thank you, Mr. Minister. There's many definitions and descriptions on the first page or two of the Bill, and some of them are quite broad. The first one of course is the accreditation program. Now when I think of an accreditation program, I think of a program whereby a number of agencies participate freely in an accreditation process with some standards laid out across Canada. And yet this seems to mean something different. Can you tell me what the difference would be and why you have it listed here?

Hon. Mr. Cline: — The intent of the legislation is that we will hire the college of physicians and surgeons to provide accreditation.

Mr. McPherson: — Thank you, Mr. Deputy Chair. In response to the question just asked by the member from Arm River, in clause 2(1)(k)(i), it states here " . . . other than an insured service that is designated in the regulations." Now if you're talking about insured services, there is a list somewhere that you have, and could you provide that for us?

Hon. Mr. Cline: — No, there is no list at the present time. The Act contemplates that a list could be prescribed, by regulation, of services that would not be caught by the Act in the event that it was desired, with respect to very minor procedures, to allow those to be operated by a private facility.

And I should say to the House and to the member that we have consistently said since the throne speech that this legislation does not outlaw private clinics. What this legislation says is that private clinics would operate in Saskatchewan only in accordance with public policy and that they would be required to be licensed.

Now that is the intent of the legislation. It is not the intent of the legislation to say that there shall never be any private clinics. It may be the case at some point that one would decide that service could be delivered as effectively through a private clinic as through a public institution. The question would be whether the clinic delivered the service as an insured service, in other words, within the medicare system.

But having said that, there may be some procedures that are insured services with respect to which exceptions might be made in regulation, but no such exceptions are contemplated as we speak, but with some flexibility in the regulations, might

ensue at some point.

(1615)

Mr. McPherson: — You see, Mr. Minister, the problem that we're having with this Bill — and we've had with many Bills that your government has brought forward — is the amount that comes forward in regulations. And here once again, you're wanting us to deal or pass through a Bill that is quite extensive.

In fact there's a serious problem, you see, because this Bill gives the minister, yourself, just about total control in health care. Especially when you look at it in tandem with the other health Bill that you're going to be dealing with tomorrow.

You have total control. And in fact when we see, Mr. Minister, that it is you that becomes the sole person for picking — oh where did I see that in your Bill — the accreditation program operator, it is you, sir, that decide who gets the licence, who can renew a licence, who can apply, what's an insured service, where that service will be performed, and you're doing all of this, Mr. Minister, by regulation — basically all of it is in regulation.

And I mean, it's for you to determine, according to your Bill, whether or not things that you're going to do by regulation is in the public good and the public interest, if in fact what the intent of this Bill was to stop a two-tiered health system. And well if that was the intent of the Bill, why then couldn't you bring in a Bill that didn't have to do everything in regulation?

Hon. Mr. Cline: — Well I disagree with the characterization of the Bill by the member, Mr. Chair. I don't think the regulation-making power in this Bill is far out of regular practice in legislation.

I would refer the member to section 6, which indicates that when an application for a licence or a renewal of a licence is received, the application should be forwarded to the appropriate accreditation program operator and the district health board of the health district in which the health facility would be located or is located.

And so I would say to the member that by the legislation itself, it's contemplated that the accreditation program, which we contemplate would be the college of physicians and surgeons, and the health district board, would be consulted. It certainly is not the intent that these decisions would be made behind closed doors by the Minister of Health. Rather these are decisions that by their very nature, as I'm sure the member can see, would have to involve some consultation with the community.

Mr. McLane: — Thank you, Mr. Chairman. Mr. Minister, we talked about the licensing, and you mentioned that anyone providing an insured service does not have a licence. What prompted you to bring this legislation forward regarding the licensing aspects of it, to require a health facility to have a licence?

Hon. Mr. Cline: — It is the policy of the government, Mr. Chair, that the services that are insured, health services, that is

services covered by the medicare plan and which are performed in hospitals, should be performed within the medicare system and should be paid for through the tax system as opposed to private clinics.

And because that is the policy of the government and we think the wish of the majority of people in our province, we wish to state as a matter of public policy in our legislation, which reflects the public policy of the province, that we favour the medicare system over the private model, which involves a two-tiered approach somewhat akin to the system they have in the United States, which is mainly a two-tiered approach which we think is inferior to the medicare system that we have within the province.

Mr. McLane: — Mr. Minister, I'm not sure if I didn't understand your answer or maybe you didn't understand my question. It could be government policy to have these facilities licensed. Now I'm just wondering, what prompted you to do so at this time.

Hon. Mr. Cline: — This is a preventive measure, Mr. Chair. We want to state as a matter of public policy that health care is going to be delivered through the public system in Saskatchewan, as it has been. And we feel that it is right and proper that this public policy be expressed. We believe in the medicare system, and the model we have chosen for Saskatchewan is the public medicare system.

We have difficulty understanding, in view of the history of medicare in the province, why that would be a controversial notion. We believe that the majority of people in our province would like to keep the medicare system, and that is the policy of this government.

And so we are going to enshrine that policy in legislation to ensure that as between the medicare system and the American system — which some in this legislature espouse and some outside the legislature espouse — that we choose the medicare system that we have over U.S. style health care. We think it's working in the interests of the people.

There's no question there are some problems in any system. But I would say to the members opposite that if they would take the time to seriously examine the American system where 40 million people are not covered by medicare, they surely would agree that it's best to keep the public system of medicare we have than to go to the private system which inevitably results in those who have more money getting better service and quicker service. That is not the way that the people want us to go; that is not the way that we will go.

Mr. McLane: — Can you explain to me then, Mr. Minister, before you brought forward this legislation by having these agencies not licensed, how did that jeopardize the publicly funded health system that we have here in Saskatchewan? I'd like to know what kind of scared you into doing this.

Hon. Mr. Cline: — At the present time there is nothing in our law to prevent the establishment of a private facility which would charge fees and provide an insured service. And we do

not believe that that's good public policy.

There should be legislation that sets out that our policy is the public medicare system and that insured services — that is, services that are part of the medicare system as opposed to services that are not — should be delivered within the public system and should be paid for through the tax system.

Mr. McLane: — Thank you. Under the licensing application . . . or renewal section of the Act, section 4(1)(c) states:

provide the minister with any information or material that the minister requests and considers relevant to the application.

That's pretty wide-flung. I'm wondering why you wouldn't have defined that down a little bit more, Mr. Minister, and had some specific criteria laid out as to what it takes in order to get a licence. I'd ask that as one question.

The second question in regards to that would be, what are you looking for? What will you be asking of these agencies to provide to you before you will grant a licence?

Hon. Mr. Cline: — The most important matters would be questions of competence, safe care, and need for the service within the individual health district.

Mr. McLane: — I'm sorry, Mr. Chairman. Mr. Minister, I was a little distracted there. Could you repeat that for me? I apologize for not listening.

Hon. Mr. Cline: — Yes, the most important factors would be questions relating to competence, safe care, and need for the service within the individual health district.

Mr. McLane: — Thank you. Then could that not be laid out specifics within this Act as to what you're going to be asking for so that everyone knows then what the minister will be requesting instead of saying, any information and material that the minister requests and considers. That's pretty wide scope.

Hon. Mr. Cline: — The minister would be subject to advice by the accreditation program and we contemplate that would be the college of physicians and surgeons. They would undoubtedly have something to say about what matters should be taken into account.

I would also remind the member that the provisions like this and decision making by ministers is always subject to judicial review. And if the minister or some other public official takes into account matters that ought not properly to be taken into account and which really are irrelevant, that within administrative law would always be subject to judicial reviews. So in that sense there always is a safeguard from what the member's referring to which is some foray into matters that are purely irrelevant, and such a foray would not be tolerated by our legal system.

Mr. McLane: — Thank you, Mr. Minister. Mr. Chairman, I will be, at the appropriate time, moving an amendment to clause

4 of the printed Bill. I'll just make the House aware what that is at this time, and when we go through it at the end we'll be making the amendment. The amendment to the clause 4 of the printed Bill would be to:

Amend clause (1)(c) of Clause 4 of the printed Bill by adding the word "reasonably" before "considers relevant to the application"

Mr. Minister, as well in the licensing section of this Act you talk about there's a nine-month period in which a licensee must make application for renewal of her licence. Can you tell us how you came up with nine months? Do you think it's a little long?

Hon. Mr. Cline: — The explanation for the nine months is that if you turn to section 7(3), it reads that if the minister refuses to renew a licence, then the licensee should be given at least six months notice of that. The reason for that I think is obvious. And because one would want to give the licensee six months notice that the licence wasn't going to be renewed, the application for renewal is made nine months in advance so that in the three-month period that decision could be made and the licensee would be given fair notice of the decision, either favourable or unfavourable, so that all concerned could do the appropriate planning at the end of the six-month notice period.

Mr. McLane: — Can you give us some examples, Mr. Minister, as what reasons you might use as minister not to renew a licence?

(1630)

Hon. Mr. Cline: — Yes, these actually are set out specifically in the Bill, if the member would refer to section 7(2), clauses (a) to (f). Yes, section 7(2), clauses (a) to (f), they set out that a licence may be renewed if the minister is satisfied that . . . and then certain criteria are set out. And presumably if these criteria did not apply, i.e., if the minister was not satisfied that these were met, that would go into making the decision as to whether to renew or not to renew.

And I would refer you also to section 15, which sets out further criteria to use in making a decision whether to amend, suspend, or cancel a licence. But that is different from the question of renewal, which you're referring to, and the criteria that one would look at is set out in that clause.

Mr. McLane: — Yes, the question that would follow that, and I realize that it is laid out in section 7(2), but it also talks about the regulations as well in there, things in the regulations, and we're not privy to the regulations. I guess that's what I would be asking. What else is there that would cause you not to renew a licence? That's something that would be laid out in the regulations. What do you . . . I guess I should've asked the question earlier; maybe I'll ask it now. Do you have a set of regulations to go with this Bill at this time, Mr. Minister?

Hon. Mr. Cline: — No, we do not.

Mr. McLane: — Have you compiled any portion of a list of

regulations at this point in time?

Hon. Mr. Cline: — No, we have not.

Mr. McLane: — So can then you give us some idea, Mr. Minister, as what you might be referring to in that section where you talk about the regulations and anything else laid out in the regulations that would cause you to not renew a licence?

Hon. Mr. Cline: — The regulations would deal with matters similar to what is set out in this section 7(2); namely, that there be compliance with the laws of Saskatchewan and Canada, that there is a need for the health facility and the procedures delivered at the facility, that the regulations be followed.

And I suppose the question is, what about the regulations? I think the regulations would flow largely out of what the accreditation committee would say, to ensure the quality of services and public safety.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, we'll stay on section 7 just for a moment because I agree with my colleagues; you've got far too much latitude with what you can do in regulations.

But beyond the regulations, which I guess really could cover everything, couldn't it, Mr. Minister, and then we have 7(2)(e) and this would read then:

The minister may issue or renew the licence only if the minister is satisfied that:

(e) the licensing of the health facility constitutes an effective and efficient use of public resources;

Can you give me an explanation on this?

Hon. Mr. Cline: — Yes, as a matter of public policy, it is important for the government of the day to determine that public money is spent effectively and efficiently. And we will be looking for the most effective and efficient use of public monies. And if it makes sense to deliver a service in a particular way, such as in a hospital as it's now done, then that would influence the decision whether to license a private facility.

If it makes more sense, if it's more cost-effective to deliver a service through a private facility and if that can be done within the public system, then consideration should be given to licensing a private facility.

I should say, for the benefit of the Liberal Party, Mr. Chair, that the province of Alberta has recently decided that even the private operators there must operate within the medicare system and must be paid for by the regional health authorities they have within the province of Alberta.

And what you're going to see happening this fall, for example with respect to the Gimbel clinic, is that the Gimbel clinic will no longer be allowed to charge people a facility fee. The Gimbel clinic . . . with respect to an insured service, the Gimbel clinic will be paid for by regional health authorities. Those

authorities will have to make a decision whether it makes sense for them to pay money to the Gimbel clinic or whether it makes sense for them to go about their business in another way.

But the point is that a decision will have to be made in each case, whether it's cost-effective to deliver services through a private facility or whether it is not. And obviously that's a very important factor that anyone would take into account in deciding whether we should be licensing a private facility to deliver an insured service.

Mr. McPherson: — Mr. Minister, but with your argument, let's . . . the chelation therapy for one. I mean — what's some other examples . . . really is still going to come to you. You're talking about regional authorities having some discussion making power, but still, it comes right back to you and your department as to what you're going to determine as effective and efficient use of public resources. Now if this goes contrary to what a regional authority is asking for, or a district board or the people of the province, it still is you that's going to have that power to determine whether or not a service is ever provided here. Right?

Hon. Mr. Cline: — That's correct. What I was trying to explain to the member is simply that in the province of Alberta, as a result of the pressure being put on the province of Alberta by the federal government, they have arrived at a situation whereby regional authorities are going to be paying private facilities like the Gimbel clinic.

And even in Alberta they are adopting the principle that is expressed in this legislation, albeit quite reluctantly and in a different way. In Saskatchewan, licensing would be done by the province.

I'm not suggesting that licensing is being done by the regional authorities in Alberta either. I'm simply making the point that the payment is going to come from the regional authorities. And what Alberta is going to do is do away with the principle that you can go to a private clinic as the consumer and pay money to get an insured service, because the federal government has told them that that's contrary to the Canada Health Act. And we are trying to enshrine that same principle in this legislation.

With respect to chelation therapy, this legislation would not affect the question of whether we should have chelation therapy or not because chelation therapy is not an insured service.

This legislation deals with insured services that are carried out in the province of Saskatchewan, in hospitals at the present time, basically. And what it says is that you can't set up a private clinic which charges people direct payment in competition with that public sector, unless you are licensed by the province.

Mr. McPherson: — Mr. Minister, give some examples then as to how that would affect the Gimbel Eye Centre here, I guess it's in Saskatoon? Tell us how that would play out.

Hon. Mr. Cline: — The Gimbel Eye Centre in Saskatoon, and I believe there may be a new one called the Horizon eye centre,

would not be affected because they do not provide insured services. An insured service would be cataract removal because it's paid for by medicare and carried out within hospitals.

The eye centres we have in Saskatoon are involved with corrective vision, corrective surgery, so they will do laser surgery on your eyes to correct your vision. That's not an insured service therefore it wouldn't be caught by the legislation in the same way that, for example, if I want to undergo cosmetic surgery — and maybe the member would suggest that I do so — that is not an insured service. So if somebody is a plastic surgeon and they want to set up a private clinic in Regina, or Saskatoon, or elsewhere to perform that kind of surgery, they are free to do so.

However if I'm severely burned or I'm disfigured as a result of a birth defect and there are medical/psychological reasons why I should have surgery then that is an insured service because it's considered to be medically necessary. A plastic surgeon could not set up a clinic to do that kind of service because it's part of our public health care system. A plastic surgeon could set up a private clinic to do cosmetic surgery because it's not part of our public health care system. Gimbel can set up the clinic to do laser corrective surgery because it's not an insured service. Gimbel cannot set up a clinic to do cataract surgery under this legislation, because it's an insured service, unless the minister decides that Gimbel should be licensed to do so.

And what the minister would decide, in consultation with the district health board, would be whether it made sense to deliver that service through a private facility, and if so that facility could be licensed.

And to return to what I was saying earlier, in effect we have arrived at the same position now within the province of Alberta because they, in response to pressure by the Liberals in Ottawa who believe in this kind of legislation I would venture to say, at least in terms of their words if not their funding of our system . . . have pressured the province of Alberta to adopt a system whereby you can't have direct payment to a private facility.

So we are not exactly alone in terms of trying to enshrine the principle of this legislation in legislation; nor is what the legislation says some new and radical policy. This policy is consistent with the public policy of the Canada Health Act and is consistent with the public policy that, up until recent times, nine out of ten provinces embraced and in the last few months the province of Alberta has embraced.

Mr. McPherson: — Well, Mr. Minister, with your own argument, if we're looking at the laser corrective surgery performed at the Gimbel Eye Centre in Saskatoon . . . a service that isn't being provided in the province elsewhere? Or is it? Well answer that first.

Hon. Mr. Cline: — I don't believe laser corrective surgery would be provided elsewhere. This is a fairly new type of surgery and I believe it's provided by one or two private companies in Saskatchewan. Their ability to provide it is not affected one way or the other by this legislation because laser corrective surgery is not an insured service. Therefore it isn't

affected by this legislation.

Mr. McPherson: — Yes. Okay, you made my argument, Mr. Minister, because now if . . . as you're saying, this laser corrective eye surgery isn't provided by the province; it's new; it's obviously necessary so you have a private operator move to the province to provide a service that the people here obviously need and want and are prepared to do what they have to do to receive it. Now because it's uninsured you're saying it's not affected by the legislation, and yet if we take a look at clause 2(1)(f)(i) and (ii), there you have the ability to make this an insured service yourself. I guess you could do it through regulation.

So here would be the concern, that as we're moving into the age of technology and new things are being developed each and every day, what then is going to entice someone to come here and provide a service, set up shop, significant cost involved, if in fact at the whim of the minister you can make it an insured service and put the breaks on this thing?

(1645)

Hon. Mr. Cline: — Where I differ with the member, Mr. Chair, is that laser corrective surgery is not in fact a needed service or medically necessary service as the member implies. Laser corrective surgery takes away the need to wear eye glasses or contact lenses. It is not a medically necessary service.

Cosmetic plastic surgery, likewise, is not a medically necessary service; it's something somebody makes a choice with respect to. For example, somebody goes for what is commonly referred to as a nose job. That's something that isn't paid for by medicare and if somebody wants to get their nose job, and some plastic surgeon wants to set up a clinic to provide nose jobs and other cosmetic surgeries, those are not caught by the legislation.

The reason that I think people would choose to set up or not set up is simply because they would exercise their own common sense and intelligence. And common sense and intelligence would dictate to Gimbel or Horizon that it's okay for them to set up a private laser surgery clinic if they wish to, because that is not something that is likely to become an insured service. The same would go for, for example, cosmetic surgery.

If on the other hand, the government decided that it should be an insured service for some reason, then the government might also decide that that service should be performed in an existing facility, within the public system, as indeed the province of Alberta has recently decided with respect to the private clinics that are operating there and that are being rolled into the public system, in so far as payment goes, at the present time.

So this notion that is enshrined in this legislation is not something that is some variation from public policy. This is something that the Canada Health Act promotes, and nine provinces have promoted, and now even the province of Alberta, very reluctantly, also promotes.

Mr. McPherson: — Mr. Minister, obviously you're trying to alleviate our concerns by stating that if it's medically necessary

then of course it's going to be an insured service and that's all; these other technologies aren't going to fall in. And when I look at the Bill, I see nowhere here where it's stating anything about medically necessary. All I see is that you, by regulation, have the ability to decide yourself what is uninsured or insured, and what . . . Well that's enough. Answer that.

Hon. Mr. Cline: — The definition, section 2(1)(f) defines a diagnostic or therapeutic medical procedure as an insured health service. And an insured health service is defined as an insured service within the meaning of The Saskatchewan Medical Care Insurance Act. So the question of whether something is medically necessary and should be considered an insured service does not arise pursuant to this legislation; it arises by virtue of the terms of this legislation under The Saskatchewan Medical Care Insurance Act.

Those decisions would be made in the same way as they are now, regardless of whether this piece of legislation was passed. This is a determination that would be made under The Saskatchewan Medical Care Insurance Act, which is an Act that has been around for a long time.

Mr. McPherson: — Mr. Minister, though what you didn't finish when you read 2(1)(k)(i), you left it as just an insured service within the meaning of The Saskatchewan Medical Care Insurance Act. But then it is: comma "other than an insured service that is designated in the regulations;" So there again, to come full circle on your answer, it still comes down to you deciding what's medically necessary, or you deciding what is going to be insured or uninsured, right?

Hon. Mr. Cline: — Yes, that's correct. The member had asked me that question before and what the member is saying is quite correct.

Mr. McLane: — Thank you, Mr. Chairman. Mr. Minister, this morning in question period . . . or this afternoon in question period, I asked you about the services being provided in Alberta through a Norma McLafferty by virtue of what she was receiving when she went there.

Can you explain to us then why such a great number of these people are having to go to Gimbel's clinic in Calgary to receive that particular service? And what is that that they're actually receiving?

Hon. Mr. Cline: — The number of people that are going to Calgary to receive that service I think, would be considerably down from what it was a few years ago just because the number of people receiving their cataract surgery here in Saskatchewan has gone quite dramatically up in the last number of years. I believe that, as between say 10 years ago and today, the number of people obtaining cataract surgery in Saskatchewan has almost tripled. It's really gone up quite dramatically.

But . . . Well in fact I'll give you these figures. In 1988-89, the number of in-province cataract procedures was 3,082. In 1995-96, the number of procedures was 8,236. I'll give you those figures again — 3,082 in 1988-89; 8,236 in 1995-96.

So I would suspect that although anyone is free to go to Alberta or the Mayo Clinic or wherever else they would like to go to get a certain procedure even if it's an insured procedure in Saskatchewan, the number of people that would leave the province, I suspect has gone down quite considerably from what it was prior to 1991, at which time the Government of Saskatchewan was actually paying people to go to the Gimbel clinic by paying part of the fee.

We decided, when we came into government, to stop paying the Gimbel clinic at the rate that we pay for the procedure in Saskatchewan, and instead to put our resources into our own system. And as I've indicated, the number of people undergoing the procedure in Saskatchewan has risen very, very dramatically over the last number of years and I think in the last few years has gone up by about 25 per cent.

Mr. McPherson: — So, Mr. Minister, if in fact, as you're saying, the eye surgery has dramatically risen, are you or your department considering bringing in your own laser corrective eye surgery program?

Hon. Mr. Cline: — No.

Mr. McPherson: — Just getting back to 2(1)(f) and (k), I'm just wondering how this January 1, 1996 date will affect in fact (k), The Saskatchewan Medical Care Insurance Act, as far as that list of insured services.

Hon. Mr. Cline: — I don't think it will affect (k) one way or the other. The date is simply a date designed to deal with the question of what are insured services provided within hospitals and what are not. And the member will know that technology and medical procedures are changing constantly, so you have to choose a date at which you want to define the range of services or procedures that this Act applies to, and so the date has been chosen to provide a method for doing so.

Mr. McLane: — Mr. Minister, in the . . . following your train of thought on insured services and that possibly preventing someone from coming in and setting up a private clinic to do an uninsured service, what guarantee would someone have that would come into the province and set up a practice that would involve an uninsured service and at some point in time you would deem that maybe they shouldn't be doing that particular type of service in the province. And it would be at your discretions to then say simply that that would be an insured service, which would actually put that person out of a business. So how will we ever attract those types of people into the province if there's that sort of control by the minister?

Hon. Mr. Cline: — It's very unlikely that that situation would occur or that this is a major problem in the sense that if you are talking about coming into the province and providing a service that is an uninsured service such as laser surgery or cosmetic, plastic surgery, that means that we have made a decision within the province that those things are not part of the medicare system.

And arguably if we've come to the point today where things are not part of the medicare system, it's not all that likely that we

will be adding them in a hurry to the medicare system. And I think what you will find is that those who wish to be in the business of coming into the province of Saskatchewan to provide an uninsured service will know, as a result of the exercise of common sense and business experience, that it is highly unlikely that uninsured services would become insured services in the short run because there's a reason why they're not insured services, and usually that is because they are not medically necessary.

The Chair: — It now being 5 o'clock, this committee stands recessed until 7 p.m. later this same day.

The Assembly recessed until 7 p.m.

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