

The Assembly met at 10 a.m.

Prayers

TABLING OF REPORTS

The Speaker: — Order. Before orders of the day, I wish to table a report by the Information and Privacy Commissioner pursuant to The Freedom of Information and Protection of Privacy Act and The Local Authority Freedom of Information and Protection of Privacy Act.

And also I table a report by the Conflict of Interest Commissioner pursuant to The Members' Conflict of Interest Act.

ORDERS OF THE DAY

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

Hon. Mr. Shillington: — Perhaps with leave, I will move that we proceed to government orders. So I'll ask for leave for a motion to proceed to government orders.

Leave granted.

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

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

The Chair: — I would ask the minister to introduce his officials, please.

Hon. Mr. Cline: — Thank you, Mr. Chair. To my immediate left is Diana Neill, who is legislation officer with the policy and planning branch of the Department of Health; and to her left is Rick Hischebett, who is a lawyer with the Department of Justice, who's the legal adviser to the Department of Health; and immediately behind me is Steve Petz who is the associate deputy minister of Health.

Clause 1

Mr. McLane: — Thank you, Mr. Chairman, and Mr. Minister. Welcome to your officials again this morning. Some questions . . . a number of questions arise out of this Bill, Mr. Minister.

But I think before we get into it, we have a number of amendments that we will be proposing as we go through it, and I think I'll just go through those very quickly before we start, Mr. Minister, and alert you to those and then they can be distributed.

The first amendment . . . I'll be moving these amendments actually as we go through the Bill clause by clause. And the first amendment, Mr. Minister, will be to clause 8 and I'll just

read it quickly for your information. It will:

Amend clause 8 of the printed Bill by deleting from subsection 19(3.3) being enacted all the words that follow the words "Court of Queen's Bench" and replacing them with the words "a statement of claim claiming the amount set out in the statement or any portion of that amount that is outstanding, plus interest calculated in accordance with subsection (3.2)."

The second amendment will be in clause 10:

Amend clause 10 of the printed Bill by adding immediately after subsection 26.1(2) the following:

"26.1(2.1) An agreement required by subsection (1) may not require an affiliate to provide services the provision of which would violate the ethical or religious tenets of the affiliate."

Keeping in clause 10, we'll:

Amend clause 10 of the printed Bill

(a) by adding to subsection 26.1(3) being enacted after the words "The district health board for the health district in which an affiliate provides service" the words "or the affiliate"; and

(b) by deleting in subsection 26.1(5) being enacted the words "and the district health board has not requested the minister to appoint a mediator pursuant to subsection (3)" and replacing them with the words "and no request has been made under subsection (3) for the appointment of a mediator".

And of course lastly, Mr. Speaker:

Clause 22 of the printed Bill

Amend subsection (1) of clause 22 by deleting the words "on proclamation" and substituting the words "upon consideration and acceptance by the Committee of the Whole of the Saskatchewan Legislative Assembly of regulations proposed pursuant to clauses 40(1)(b.1), (c), (c.1) and (d), subclause 40(1)(h)(x.1), and clauses 40(1)(j.1), (k), (m.1), (p.1), (p.2), (q.1), (q.2), (q.3), (q.4), (q.5), (s), (s.1) and (s.2)."

Mr. Minister, the last amendment was regarding the regulations of course and that's where we'll start this morning right off the bat, where affiliate is described to some extent on the first page of the Bill. It talks about, an affiliate means a person prescribed as an affiliate. Prescribed, I guess, Mr. Minister, means in regulations.

Do you have the regulations already in place? Is affiliate already prescribed? Can you table that today or can you tell us what an affiliate will be prescribed as?

Hon. Mr. Cline: — No, I do not have the regulation in place.

Mr. McLane: — Mr. Minister, are there any regulations in place for this Bill?

Hon. Mr. Cline: — No, there cannot be any regulations until the Bill is passed and given Royal Assent and proclaimed.

Mr. McLane: — Well, Mr. Minister, I think regulations can be in place before the Bill is proclaimed. And I think it is an opportunity for us as elected officials in this Assembly to have a look and see what is going to be prescribed in the regulations. And I think, given the length that has taken . . . or given the amount of time that the health reform has been in place, and the districtification process, that you and your department have had ample time to talk to the people and see what needs to be in the regulations.

So I don't agree that they can't be in place. And I'm just wondering why you're not willing to have some regulations in place so that we can look at them and debate them and come up with a reasonable and suitable list of regulations, and particularly for this Bill.

Hon. Mr. Cline: — Well I'm not trying to be difficult. But the fact of the matter is regulations cannot be in place, as the member says, until the legislation is passed, which enables the government to come up with the regulations.

What the member obviously is saying is, do we have a draft of the regulations. And the answer is no, we don't have a draft. But I would say to the member that although I agree with the member that it is sometimes useful and helpful to have a draft of regulations, regulations can be changed at any time by the cabinet of the day in any event. They're not written in stone.

But if it will save the member any time, I will freely say to the member that it is contemplated that affiliates that are presently receiving money from district health boards will be prescribed as affiliates pursuant to this legislation.

Mr. McLane: — Mr. Minister, keeping with the regulations just for a second, there is another term where you talked about a northern municipality within the meaning of The Northern Municipalities Act. Can you explain what a northern municipality is and how is it described in that Act?

(1015)

Hon. Mr. Cline: — A northern municipality is a unit of local government in northern Saskatchewan, the area of Saskatchewan covered by The Northern Municipalities Act, and as I know the member will know, this Act deals with several different sorts of deficiencies or changes needed to The Health Districts Act.

This provision relates really to an oversight in the original legislation which in this clause that it is amending refers to municipalities, hamlets, villages, but by oversight did not refer to municipalities within the meaning of The Northern Municipalities Act. So this amendment is simply intended to

correct that oversight.

And some of the amendments in this Bill are really of a housekeeping nature, and that happens to be one of them.

Mr. McLane: — Just for my own information, for the purposes of this Act and for The Northern Municipalities Act, I guess, where is that line where the northern municipalities start?

Hon. Mr. Cline: — I'm looking at The Northern Municipalities Act and I don't see a description here of where the line is. But if it would be of assistance, I think the line is the bottom boundary of the Athabasca and the Cumberland constituencies. I think the member is familiar with those.

That happens to be the same line, but I just don't know what line of latitude that happens to be.

Mr. McLane: — Thank you, Minister. This Bill addresses some issues as it relates to the district health boards and certainly through the process of the health reform, the district boards and how they've been structured have been a major concern of a lot of people throughout the province, and are certainly continuing to be focal points for much criticism, whether it be for the cuts that they're now having to entertain because of a lack of funding by the provincial government, or whether it's for some other reason.

When district health boards were originally set up, as you know, we had fully appointed boards by the provincial government, by the minister of Health. And now you've gone to a system of partially elected and appointed boards as well, which still is a bone of contention in a lot of people's minds as to why we don't have a complete elected board, or appointed, as opposed to the mixture.

In this Bill you address some concerns related to that, I think. And one of them would be, a further number of people have to nominate a board member. What do you think having 10 people recommend someone would do as opposed to having 5 or 35?

Hon. Mr. Cline: — The move to 10 would make the appointment's nomination process similar to the election nomination process, and it was thought that there should be consistency as between the two.

Mr. McLane: — Do you believe that there's any value into having those 10 people nominate, as the appointment will be made by yourself as minister, regardless? This would involve, I guess, some more bureaucracy, some more red tape. Do you think that there is an advantage for this?

Hon. Mr. Cline: — Yes, there's a great deal of value. I can think back to the appointment process last fall, and in some cases, for example, persons were nominated by seniors' organizations or perhaps mental health organizations, or other organizations that have credibility in the community and that are of assistance to the minister in making these choices, so that a diverse range of interests, of views and groups, can be represented on the health boards, which is part of the intent behind having some of the people appointed.

Mr. McLane: — What discussions have taken place, Mr. Minister, in the department, regarding the moving towards a completely elected board? Do you have a time frame that you're looking at for that, and when can we expect to see that happen?

Hon. Mr. Cline: — We do not have a time frame for that. At the present time it is not contemplated.

I would point out to the member that as a result of the reforms in The Health Districts Act there is more democracy than ever before in the health care system. Prior to 1993 we never, ever had in the province of Saskatchewan, any elected health boards. Today, two-thirds of health board members are elected; one-third are appointed, except in Saskatoon and Regina where slightly more than one-third are appointed.

The theory behind the appointments is that health board members have a dual accountability. They're accountable to the people of their health district and they're accountable to the taxpayers of Saskatchewan, which foot the bill. Therefore it is appropriate to have both elected and appointed members.

Mr. McLane: — I think we could spend a considerable amount of time, Mr. Minister, debating that very point, as to whether we should have fully elected boards. And indeed even the elected boards, the decision of the successfulness of those boards is still up in the air. Many people advocated through the health reform process that those district boards should be a nominated board by the people within the district, whether it be the municipalities, which is similar to an older system that we had.

So I think the school is still out on whether or not this particular venture is going to be a success story.

Of course we see today that the Government of British Columbia have certainly come to their senses, with some opposition to what they've been trying to do in that province and have realized that they staked a great many people's lives and the health care of their province on a reform process which they weren't sure where it was going to end up and have now sat back and taken another look at where they're headed in their whole health reform in Saskatchewan.

And I do recall that many times your predecessor and certainly members of the department have talked about British Columbia, and I've heard British Columbia politicians talk about the Saskatchewan model and that they were following it. Now the B.C. (British Columbia) folks are rethinking that and looking back.

So I think that the school is still out on many of these issues and health reform in particular — the elections of district boards as opposed to appointed or as opposed to some mixes we have now.

In this Act as well you address the issues of municipalities and where they have had health agencies possibly closed down. And I think it looks like to me, Mr. Minister, that you're trying to prevent a municipality from having any recourse, to continue

to delete their funding for a health agency that's closed, that there are still debentures or monies owing on. I'm wondering what prompted you to insert this clause in this piece of legislation.

Hon. Mr. Cline: — Could the member identify by number the clause that the member is referring to?

Mr. McLane: — Section 19. Clause 8 of this Bill, Mr. Speaker.

Hon. Mr. Cline: — Prior to The Health Districts Act, as the member knows, hospitals were operated mainly as union hospitals and by union hospital boards. And those boards were made up of members of the surrounding municipalities. They had the power to give long-term debentures and required the municipalities to levy taxes among their ratepayers to retire the debenture indebtedness. Then the union hospital boards were amalgamated with the district health boards, as the member knows, when The Health Districts Act came in, except those that were dissolved.

The liabilities of union hospital boards would include debenture indebtedness. The district health boards have no taxation power and therefore no way themselves to pay off the indebtedness, but nevertheless the indebtedness has to be paid off because it's a liability that existed at the time the district health Act came in.

So section 19 was included in the district health Act when it first was passed by the legislature so that the Saskatchewan Municipal Board became responsible to pay the outstanding debenture indebtedness of the union hospital board. It then has to apportion that debt amongst those municipalities which were part of the union hospital district. So the municipalities receive a statement of the amount which they must meet to cover the indebtedness there, to raise that amount as part of their normal municipal levy, and once collected, pay it to the Municipal Board.

The situation may arise that a municipality does not levy and collect the assessment set by the Municipal Board. This amendment will enable the board to file a copy of the assessment along with an affidavit deposing to the date of delivery of the assessment and that no payment was received by the board. The process provides a simple and effective method of obtaining a judgement against defaulting municipalities which can be enforced through the normal court mechanisms.

Mr. McLane: — Part of my question, Mr. Minister, was, was there some problems within some of the health districts? Are there some agencies out there, some municipalities, that have lost their health facility and are now not wanting to come through with the payments, as whether it was through a loan or through debentures?

Hon. Mr. Cline: — Yes, there have been some problems in terms of municipalities not levying the amount and not paying the amount. And it is a debt due and it has to be paid.

It's a similar problem, I think, to a problem that has existed with respect to some municipalities not paying over the portion due to school boards. And I think recently amendments were

made to facilitate the process of school boards enforcing against municipalities an obligation to pay. This is a debt due, and we do not apologize for the fact that a debt due must be paid.

Mr. McLane: — I would hope, Mr. Minister, that you could understand the frustrations that many communities went through when the . . . certainly when they lost their health agency or their health facility. And certainly, I guess, a normal reaction would be to say, well why would we want to continue to pay for something that we don't have any more.

Can you tell us approximately how many of these problem areas we have in the province, and table a list of who they are?

(1030)

Hon. Mr. Cline: — I'm advised that there were two or three for sure. So it is not a terribly large number. But we do not have a list of who the small number of municipalities are. I would certainly be willing to obtain that information and send it to the member, and I'll undertake to do so. But I don't have the names. It isn't a large number.

And of course the health district assumes the liability of the union hospital board. Debentures have been issued in the past to provide health services in the municipalities. These are debts due that were contracted and arose in good faith. And like all reasonable and honourable people, these debts due must be paid.

Mr. McLane: — Yes, Mr. Minister, I would appreciate those municipalities that are contemplating some action.

If you go back, and I realize that you maybe weren't as involved in health reform as some people were that . . . Those discussions took place way back when these communities were indeed afraid that they were going to lose their health agency — health agencies that of course were built with a lot of hard work and the best intentions in mind when they were erected, and the people in the communities did so in good faith.

It seemed to me that maybe the government was a little remiss in their obligation to go and talk to these communities at that time and discuss this very problem with them. I don't think anyone would have not thought — including yourself, Mr. Minister, if you would have been involved at that time — that one of the reactions to losing your health agency would be to say well, as I said earlier, if we don't have it any more and we still owe money, why would we want to continue paying for it?

And so I would have thought that the minister of the day, through the department, would have tried to rectify the situation before it's got to the point where we are now, into a legal battle of some sort.

Hon. Mr. Cline: — Yes. I appreciate what the member is saying. Of course times change, medical procedures change, technology changes, the choice people make in terms of where they wish to have surgery performed changes. People have done a lot of good work over the years as volunteers and workers in the health care system to build a health care system that is

appropriate to the day.

Sometimes what is appropriate in one decade is not appropriate in another decade and it is found that services can be delivered in better ways that people themselves choose. These are not imposed by government. And so society changes and it's difficult for people to adapt to change, some people. There are other people that embrace change. But we live in a time of change.

But I want to say to the member that if a liability was incurred by a municipality, that liability is a debt due and it must be paid, in the same way that if a community group trust fund acquired assets, that was also money that had to stay in the community so that it could do what it wanted with the money.

And there's really a trade-off here — that the local communities would keep the assets that they had acquired, if that was their desire, but they would also be responsible for any liabilities that had been incurred. This is simply a matter of ensuring that just as the assets are kept by local people, if that is their wish, the liabilities must be met. That's an unfortunate fact of life that we all have to contend with every day.

Mr. McLane: — Thank you, Minister. I agree with you that different people view change in different ways. And certainly one of the ways in order to get people to go along with change, provided it is for the right reason and heading in the right direction, is to communicate with them and get them onside.

However, through this whole health reform process, the NDP (New Democratic Party) government has done a very poor job of communicating with the people of the province and have not got them onside in any way, shape or form through this health wellness model fiasco that we've gone through over the last four years.

If people were convinced . . . and people were at the time convinced that change needed to be made, and we all recognized that we had to do things differently in health care. And many people were of that view and wanted to see things change and things work. But they also wanted to be a legitimate part of the process.

And what actually happened, Mr. Minister, was that people were segregated out, whether it was through communities or whether it was through the health associations or whether it was through the different sectors in health, in order that you get everybody kind of competing against each other in order to get things done.

Now one of the problems that you have is that people are still of that view. And the unfortunate part is that people weren't led to believe that they were part of the process. They didn't feel that. The voluntary spirit out in Saskatchewan, as you know, is an immense part of the way we do things in Saskatchewan. And when people are not feeling that they are indeed a wanted part of the process, then that spirit kind of disappears and you lose that. And that's what's happened through this whole situation and through this whole process.

And it's not unlike what has happened with these municipalities that have lost their health agencies. Losing them is one thing; the second one is how you deal with it. And certainly this is part of the problem that you have now in addressing this in this Bill through this section where you actually force them into paying and leave them little recourse to not do that.

However as I said earlier, if you'd have went back to the times when they were closing and explained and negotiated with these people in good faith, you certainly probably wouldn't have this problem at this time.

I'm wondering, you mentioned that there is very few people that are . . . or municipalities that are having a problem with this and are possibly taking some action. Given the announcement of more closures and more to come yet, do you think that this will be an ever-increasing problem?

Hon. Mr. Cline: — No I don't. I think most people in Saskatchewan are honest and honourable people who pay their bills.

Mr. McLane: — Yes, Mr. Minister, you're absolutely right; most people are honourable and honest and will pay their bills. However it's tough for them when they're losing something so close to them as their health services, whether it's an agency or a facility, to not take this type of attitude. And given the financial times that we have out there, and it's not surprising that a municipality, of course, is struggling to meet its obligations in every way, shape or form. Whether it's in roads or what have you, there's little help from the provincial government on that aspect.

So municipalities are caught in the crunch here, and certainly if there's an avenue for them to relieve some of their debt — in many cases they believe that it's a justified relief sort of a system — then how can you blame them. But people are on us. There's no doubt about it. And hopefully that this doesn't have to turn into a bloody legal battle in many of the communities across the province, as we've seen already in early parts of the health reform.

Moving on, Mr. Minister, to clauses 9 and 11 which deal with some properties. It's my understanding, and correct me if I'm wrong, that clause 9 is really talking about real estate, land. Clause 11 is talking about personal property. Could you give me a brief outline as to why you feel that these two clauses are a necessary part of this Bill.

Hon. Mr. Cline: — The reason for these changes is that presently The Hospital Standards Act contains provisions similar to these provisions requiring approval for sales or purchases over a certain amount. But The Hospital Standards Act is gradually being repealed. And this section replaces sections of The Hospital Standards Act that are being repealed, and it in effect maintains the status quo. So that it changes The Health Districts Act but it does not change the law substantively because this would have been the case under The Hospital Standards Act; now it will be the case pursuant to The Health Districts Act.

Mr. McLane: — Thank you. It talks about the regulations again and the values are to be set in regulations. I'm just wondering what types of limits are in place at this point in time and are they going to stay the same through the regulations for this particular Act?

Hon. Mr. Cline: — That is an issue that I would discuss with the Health Districts Advisory Committee.

Mr. McLane: — And the discussions would centre around what issues, Mr. Minister? Give us an idea of what you're thinking of.

Hon. Mr. Cline: — Yes, I'll give you an example. One of the issues we've been looking at recently has been — actually there's a technical committee that looks at it — the provision of CT scan (computerized axial tomography) services. And a decision has been made by a technical committee that it would be appropriate to extend CT scan services to Prince Albert. Presently they are only in Saskatoon and Regina.

We have one MRI (magnetic resonance imaging), as you know, in Saskatoon. It is my hope that at some point soon we have a lithotripter, which is commonly known as a kidney stone zapper, in the province.

And those decisions require some agreement as between health districts and the government as a matter of provincial policy. In other words, we wouldn't have every district going out and buying a lithotripter or an MRI because it wouldn't make sense in terms of the health system.

This type of provision in effect says that when you want to buy personal property, which as the member will know includes anything other than land, you would do so on the basis of some coordinated approach. And therefore if personal property would cost over a certain amount of money, such as an MRI, would be quite an expensive item for example, some provincial approval should be sought so that the province can ensure that a coordinated and sensible approach is taken to the provision of health services. And in some cases we might — well and we do say — that some things should be provided only at certain locations because of the volume of service we need in Saskatchewan, and that the cost to the district that provides the service should be met by all of the provincial . . . all of the province. So you have a provincial program as opposed to the district itself.

And it is that kind of issue that this gets at. Of course in determining these issues, the government makes the decision in consultation with committees of people that work in the field and in consultation with the health districts which the departmental officials and the minister meet with on a regular basis.

Mr. McLane: — Thank you, Minister. Of course our concern is the same old issue of autonomy by the health districts, and I appreciate what you're saying in terms of MRIs and in CATs and all those types of things, and certainly that is correct. Our concern, again of course, is the autonomy of the district health board and as you say will be laid out in the regulation, the

values. I'd like to hear from you what type of a figure you might be looking at, or are you going to be setting it extremely high or extremely low or where is it going to be at?

(1045)

Hon. Mr. Cline: — Yes, I don't actually have any value, specific value, in mind, but I should say that the reason to put this sort of thing in regulation rather than legislation, and I think we may have had a discussion about this last week in another matter, is that you . . . the value that you would want to have as the line over which approval would be required would be a shifting value over time. And that sort of thing should be set in regulation as a matter of legislative policy because you don't want to come back to the legislature and amend an Act every time you want to change a value. But the current regulations . . . as I said to the member, this is not a new concept; this is maintenance of the status quo as I understand it.

Currently, to give you an example, with respect to dealing with real property, the prescribed amount by current regulation is 1 per cent of the total amount of funding provided by the department to the district health board in the last complete fiscal year and 500,000, whichever is lesser. So either 500,000 or 1 per cent of your budget. And other amounts, it's not clear from this regulation what they refer to, but other amounts, for example, are a quarter per cent of the total budget or \$50,000.

So these would be fairly expensive items or expensive pieces of land, buildings, and so on. They would not be very small items or small amounts.

And I guess what I would say, in terms of the question of autonomy, is again there are matters of provincial policy involved here. The health districts themselves, I suspect, would agree with that, that there's a need for some coordination. And this is not a new concept; this is maintenance of the law as it presently exists.

Mr. McLane: — Could you give us some examples? We talk about real estate, talk about land, where would you as a minister want to be involved in either the purchase or the selling off of some land?

Hon. Mr. Cline: — Well if a health district proposed to sell a hospital, for example, that is something that the government would want to know about. That would be a very important decision on the part of the health board and the government would certainly want to be notified of that kind of proposal.

Mr. McLane: — Well, Mr. Minister, if the district decided to do that, then what role would you play? I can see you'd want to be aware of it of course, and maybe that's where it should end. You have been reluctant to step in and deal with the district boards where they've been forced to close down some facilities across this province over the last year and yet here you're saying that if they were going to close a hospital or sell the land that it's on or whatever, that you would want to be part of it.

What role would you take in that then? Would you intervene and say no you can't or yes you can or just give it your grace?

Hon. Mr. Cline: — Well the role the Minister of Health should play is the role that is set out in law and regulation. And in cases where the law and regulations say that a district health board should make a certain decision, they should make the decision. In cases where ministerial approval is required for something to be done, then the matter is referred to the minister.

The decision that would be made would be whatever decision seemed to make sense in the circumstances, and the minister might approve the sale or might not approve the sale. These are facilities that were originally purchased with public funds and it is the law that the sale of real property requires ministerial approval. That is not a new concept.

Mr. McLane: — If we use an example maybe then, Mr. Minister, say the Plains, for example, if the Regina Health District came forward next week and said that they were going to be maintaining the Plains Health Centre, what role would you play in that?

Hon. Mr. Cline: — Well that's an unlucky question for the member because it just so happens that the Regina Plains hospital is owned by the Saskatchewan Property Management Corporation, so I wouldn't play any role in it.

But to answer the question fairly, if the Regina Health Board came along and said that they wanted to sell off the General Hospital, which I believe the Regina Health District owns, then we would expect that the government of the day should be advised of that so that we could ask the question whether adequate health facilities are going to be left available for the people of Regina.

And that would be part of the responsibility of the Minister of Health and we would not expect a decision like that to be made without notification to the Minister of Health. And we wouldn't expect the General Hospital to be sold off without the approval of the Minister of Health.

Mr. McLane: — Are there any other agencies across the province, or institutions, that are owned by SPMC (Saskatchewan Property Management Corporation)?

Hon. Mr. Cline: — Yes, there are. The SPMC owns the four regional care facilities that are around the province. And they own Whitespruce, for example. And they own a variety of other institutions which they lease to health districts.

I believe, for example, they own a couple of nursing homes . . . Now I was thinking they owned a couple of nursing homes in Yorkton, but actually they don't; they just manage them. So in some cases they will manage and maintain facilities that they don't own. But they do own a variety of facilities around the province.

Mr. McLane: — Mr. Minister, I'd appreciate if you could table a list of those agencies that are owned by SPMC, just for our reference.

A hypothetical question regarding gifts, Mr. Speaker, as it relates to this clause. What would happen if someone

bequeathed a substantial amount of money that would pay for — let's pick an MRI, for example — and asked that it be . . . that they would donate the MRI to one of our smaller districts. What role would the minister play in that?

Hon. Mr. Cline: — The purchase of the MRI would require ministerial approval for the reasons I've indicated. And of course it's one thing to acquire an MRI or a CAT scan or whatever; it's another thing to actually operate it. And so the policy, public policy, would not be made by someone simply deciding of their own accord that they were going to gift or bequeath money for a particular purpose.

Hopefully the two interests would coincide and if somebody wanted to do that, to provide the purchase money, hopefully public policy would also dictate that it made sense and that we could do it. But that wouldn't always be the case.

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

Mr. Jess: — Mr. Deputy Speaker, ask leave to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Jess: — Thank you, Mr. Deputy Speaker. In the west gallery is a group of 28 grade 4, 5, and 6 students from Perdue and their teacher, Brenda Kelly, and I believe something like 17 adult chaperons, as well as their bus driver.

And I will be meeting with this group shortly for pictures and drinks and I would ask the members of the Assembly to help me welcome them here today.

Hon. Members: Hear, hear!

The Chair: — Why is the member on her feet?

Ms. Stanger: — Thank you, Mr. Deputy Chair. I'd like to just introduce a guest, if I may. May I have leave?

Leave granted.

Ms. Stanger: — Thank you very much. I just wanted to add a hello to Brenda Kelly. Years and years ago — I wouldn't like to say how long ago — we taught together in the Maidstone elementary school and she was a good colleague. And I'd just like to say hello to her today and welcome her here too.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 76 (continued)

Clause 1

Mr. McLane: — Thank you. Just back to the gift, Mr. Minister. Let's say for example that somebody left an MRI and

wanted it operated out of . . . pick a place — let's say Imperial's integrated facility. And recognizing the importance of MRIs in this province and the long lists of people that are waiting to use them at all hours of the day and night virtually, what would happen then, Mr. Minister? Is that something that you as the minister would look at in consultation with the district health board, or how would you handle that?

Hon. Mr. Cline: — Yes, well that's exactly correct. I would look at that in consultation with the district health board and other districts and see if that made sense in view of provincial policy.

I wasn't aware that the MRI was coming to Imperial, but I'll be happy to take that request up with the Health Districts Advisory Committee and others.

Mr. McLane: — Thank you. I'm glad to hear that you're a bit open-minded, Mr. Minister. We'll look forward to that challenge some time, I hope.

Another section of this Bill deals with the amalgamation or the mergers of health districts, and I believe in the legislation it talks about when two or more health districts amalgamate, that the districts involved and their boards will remain in place until such a time as elections can take place for a board for the new, amalgamated districts.

Can you give me some ideas as to what time frame you have in place to ensure that when districts do amalgamate, that a newly elected board is put in place in a reasonable amount of time?

Hon. Mr. Cline: — Could the member clarify whether a particular section of this Bill is being referred to?

Mr. McLane: — Yes, I believe it's clause 7.

(1100)

Hon. Mr. Cline: — Yes, in the event of an amalgamation of two health districts, because of staggered elections, it was unclear under the legislation as it presently exists what would happen in the event of an amalgamation. This provides that members of both boards would be deemed to have been elected or appointed as members of the amalgamated district health board, pursuant to the provisions of this Act.

And so it avoids the situation where staggered elections . . . would prevent an anomaly with respect to the board and enables both boards to continue as one board of the amalgamated health district.

Mr. McLane: — I believe it doesn't just state that it can just be two — it's two or more. And for example, even with two we're talking about 24 board members. If you had three, you'd be talking about 35 — a board of unwieldy amount of board members. Unfortunately the problem with that is that the then districts are probably going to suffer, as you've got 35 people trying to make a decision on one thing or the other, and we all know the problems that boards are facing right now, making some of the tough decisions that they've been forced to make

by the provincial government.

I'm just wondering, you talk about the time limits again being set out in regulations. And of course that's another problem that we've got in regulations. So why isn't there something a little more stringent laid out in this Act to ensure people that we know exactly what's going to happen in the event of a district or two or three wanting to amalgamate, and some definite time lines that it will take in order for that process to reach a conclusion?

Hon. Mr. Cline: — I think I could do a better job of answering the question than I did in my previous answer, for which I apologize, because it wasn't very clear. What the amendment would say is that:

“. . . the members of the amalgamated district health board hold office until the first meeting of the district health board that is held after an election pursuant to subsection (7)”.

So in other words, it brings their terms of office to an end so that you don't have that large board and the problem that the member's referring to.

Then it says that:

“(7) Subsequent members of an amalgamated district health board . . . shall be elected or appointed in accordance with the regulations”.

And actually what has happened is that many of the rules surrounding the elections for district health board members have been set out in regulation. And what this section is intended to do is to say that if there's an amalgamation, then to deal with that situation, everybody holds office until the first meeting after an election, and that an election would be brought about in an amalgamated district health board pursuant to the regulations.

What cabinet would be responsible to do would be to come up with regulations fairly quickly so that an election could be held quickly and we could deal with the situation as it arises.

So rather than the previous answer I gave, which was somewhat convoluted, confusing, and I think incorrect, I'll substitute the answer I just gave which I think is clearer and actually also correct.

Mr. McLane: — Thank you. Of course the concern would be again the time limits that it takes to get a new board in place. Also I believe, Mr. Minister, that you would, in the result of a large board being unable to operate in a responsible manner and make some decisions, that you have the ability to appoint a public administrator as well.

I think section . . . I'm not just sure what section of this Act that is, the concerns that I have by not having this laid out in this Bill is the fact that you do have that right to come in and appoint a public administrator to look after those needs.

And of course that's something that the public would not want to see again because we'd virtually go back to when we started this process of districtification where you were making, or your previous minister was making, all the decisions on this, and so you would have complete control again to head those districts in the direction that possibly maybe the government would want to see them go, and not necessarily what the people that live in those districts would want to see.

Hon. Mr. Cline: — This would deal with the situation where there was a voluntary amalgamation by the boards. It wouldn't deal with the situation where the minister or the government were anxious to do anything in particular.

With respect to the appointment of a public administrator, the provisions that deal with that are actually provisions that have existed in our law for many years. A public administrator is appointed for example, if a board simply resigns and there's no legal authority in place to run an institution or a district or if the law's being breached or the safety of patients is being threatened — that type of situation. This is not a new or radical concept. This is a concept that exists in health legislation probably in other parts of the country, certainly in our legislation, for decades.

But in any event, this is designed to deal with the situation where boards have voluntarily amalgamated, and to say that if that should happen let us, through regulation, come up with an election as quickly as possible so that a new board could be elected to run the amalgamated district.

Mr. McLane: — Thank you, Minister. I realize that this appointing a public administrator has been around for a long time, and in fact most recently, in the Yorkton area that was enacted where a public administrator was appointed there, and that I believe of Mr. Elmer Schwartz. And of course that does not really help the situation in a community; that further separated many of the forces in that particular community, and that could happen again.

However, it is possible that even under voluntary amalgamations the minister does have the control to appoint a public administrator. And you've talked about accepting change and making changes and maybe this is one area where we should try and deviate from a hard and fast rule and ensure that the people affected are going to be the ones that make the decision on their health care.

Hon. Mr. Cline: — Yes. Well as I said, this deals with the situation where the communities themselves are asking . . . you know, are taking steps to amalgamate. It doesn't deal with the situation where something is happening because the minister wants it to happen.

Under the current legislation, an amalgamated health board may request the minister to terminate the membership of the members of the district and appoint from among those persons, 12 of them to be the district board. That's the present legislation.

The amendments would enable cabinet to bring about an

election, which is, we think, the preferred option.

Mr. McLane: — Mr. Chairman, I'd ask leave for some introduction of some guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. McLane: — Thank you, Mr. Chairman. I'd like to introduce to you and to the Assembly, some folks from out in my neck of the woods, from the community of Davidson — happy to see you here this morning — a bunch of bright-eyed and bushy-tailed grade 7 students; 27, I understand, students that we have here.

We also have some teachers with them; Diane Taylor — maybe I'd ask you to stand, Diane, if I could. We also have Michael Zintel and Deb Jestin, all teachers out there. And I will be meeting with you shortly to have a discussion, and hopefully the students are going to have a few easy type questions that I can possibly answer. And if not, I'll maybe ask one of my colleagues from across the floor to come and help me — maybe the Minister of Health who's having a fairly easy time in the House this morning.

So I look forward to meeting with you in a little, short while, and we'll have a drink and a little discussion, and I ask everyone to welcome them here today.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 76 (continued)

Clause 1

Mr. McLane: — Thank you, Mr. Chairman. I'd ask the minister possibly, are there any discussions taking place across the province with any of the districts that are looking at amalgamation. I realize that they have a provincial body that looks after them. I'll just be interested in knowing what discussions are taking place, and I'm sure that the department would be involved in that.

Hon. Mr. Cline: — Well I want to say that it was certainly a relief to hear that the member would be going to answer questions himself from the students because that will mean that he'll have to stop asking me questions. Not that I don't enjoy answering questions from the member from Arm River.

I would not say that there are any sort of formal discussions going on about amalgamation, but I would say that I think there are districts that are sort of chatting informally with each other about amalgamation or maybe how they could cooperate with one another and do some things together.

There are 10 service areas in the province, each of which has several districts within it. And I think as the district system develops, districts are certainly talking to each other about what

things they could do jointly that might make sense for the people and save some money.

If the member wants to know what my view, in terms of amalgamation, would be; my view, as I've said to some of the districts and at SAHO (Saskatchewan Association of Health Organizations) meetings, is that I think in view of the fact that the district system has not been with us that long — it's a new system that is just developing — I don't think that the province ought to force, if I can use that word, amalgamations. I think that if there are amalgamations, they should be voluntary. And I think if districts came forward that wanted to amalgamate, certainly we would try to accommodate that.

I would also make the point that if they want to cooperate in some ways, it's not necessary that they amalgamate. There are ways for districts to cooperate with each other that would not involve formal amalgamation.

And I realize I've gone somewhat beyond what the member asks, but I thought in view of the fact that you're rushing off to meet students, you would want me to give you the benefit of all of those views without your having to ask me too many questions about it.

(1115)

Mr. McLane: — Thank you, Mr. Minister, I do appreciate that indeed. Turning our attention from the amalgamations, and I hope, I would only hope, that those amalgamations would be voluntary and would happen as the districts themselves and the people in those districts and the communities deem necessary. So I do appreciate hearing your comments.

Regarding the affiliates, I wonder if the minister could enlighten us as to actually how many affiliate groups that we do have in the province, and possibly if we could also divide that up into sort of a couple or three different sectors?

Hon. Mr. Cline: — Yes, there are 225 health corporations that could not be included within the scope of mandatory amalgamation. And these include denominational hospitals; non-profit home care corporations; and non-profit corporations operating special care homes, both municipal and denominational. The majority of the 225 corporations have voluntarily amalgamated with health districts; 72 remain in place operating as affiliates, so presently 72.

And these are broken down as follows: under the category of hospitals or health centres, there are four municipal; one federal, which is Fort Qu'Appelle, which I think really isn't federal any more; 12 private or religious; and under special care homes, there are 19 municipal, one commercial, and 28 private or religious.

Mr. McLane: — Thank you, Mr. Minister. I'll just stray off of the affiliates for a second. Earlier you mentioned about some committees that you have structured, and I guess in conjunction with the provincial health association, SAHO. I'm wondering if you can comment on . . . if you're aware of a committee that's been structured, and what role your department plays in that,

regarding the level of physician remuneration across the province, and in particular, subsidization, and if there is indeed such a committee and who's involved in that committee.

Hon. Mr. Cline: — Is the member referring to the joint medical professional committee?

Mr. McLane: — Mr. Minister, that's why I asked the question. I'm not sure what the committee's name is. It's a committee that deals with some shortfall in funding to physicians across the province, which I understand at this point in time that the districts are having to pick up out of their budgets.

Hon. Mr. Cline: — We are unclear what committee the member is referring to. I'm not trying to be difficult at all. I'm advised that issues of remuneration are normally raised with the department and the minister by the Saskatchewan Medical Association.

Mr. McLane: — Are you aware, or is your department aware, of a committee called the framework committee?

Hon. Mr. Cline: — There was a committee made up of representatives of SAHO, the SMA (Saskatchewan Medical Association), the college, and the department, which was working on the framework agreement that was arrived at last year to set out the roles and responsibilities as between the medical community and the district health boards. That was the task of that committee and I'm advised that that task has been completed.

Mr. McLane: — And are there some results coming from that committee, some conclusions that they made, and what were they?

Hon. Mr. Cline: — Yes, it's the framework agreement that has been arrived at between government and the SMA and the district health boards, which is a public document.

Mr. McLane: — And if we are indeed talking about some funding shortfall as a result of this committee's inquiries and investigations, what's being done to rectify that?

Hon. Mr. Cline: — I'm advised that that committee was not formed to discuss questions of remuneration and financing. That was not part of the committee's mandate.

Mr. McLane: — Maybe I'll just, Mr. Minister, read to you some of the areas where there appears to be some shortfall with some of the districts, where there are some funding shortages. And they talk about emergency, in-house coverage, for example. And there's about a million and a half — a million four hundred and seventy to be exact — of funding shortfall that I understand that the districts are being forced to pick up. For example, the East Central District has about 73 grand; Regina is almost a million; Saskatoon is about 430,000; South Central evidently has a shortfall of some \$57,000.

In pathology, there's a shortfall in Lloydminster of about 77; in Parkland District, of a little over 7,000; Regina has 277,000; Saskatoon has a little over 8,000.

And then we talked about, in radiology, a fee-for-service shortfall that I understand the districts are being forced to pick up; that whole area, there's just about a million and a half dollars there. Assiniboine Valley has 4,000; Lloydminster has \$295,000; Pasqua is 15; Parkland is 106; Regina again has another in excess of a half a million dollars; Saskatoon, 400,000; South Central, 126,000.

Another area is house officer coverage. Regina has well over \$2 million there; Saskatoon is just under half a million dollars.

What's happening in light of those figures, Mr. Minister?

Hon. Mr. Cline: — The districts receive global funding in several pools, as the member knows. Obviously there are districts that believe . . . probably every district believes that they should get more money. And what will happen is what happens every year. We will go into a budgeting process in the fall to come up with the budget to finance the health districts and sometime next spring we'll come out with a new budget which will determine the level of funding that goes into the health districts globally. And then we will apply that level of funding as between the districts.

Of course this year in order to fund the districts at the same level as last year, the people of the province were required to . . . I'm not sure if I've told the member this, but I believe it's \$47 million that the federal Liberals have not provided to us for health care this year.

So I bring that to the member's attention because what we did this year was to take \$47 million extra provincial money and put that into the system. Next year, as of April 1, 1997, we will be required to put in \$100 million extra provincial money just to maintain funding.

So funding has been tight. I certainly acknowledge that, and people would like to have more money. And I certainly agree with the member that what we've got to do is bring to the attention of the Liberals in Ottawa the need to fund health care better so that we don't have the kind of shortfalls that the member is referring to.

Mr. McLane: — Well thank you, Mr. Minister. That doesn't help the districts too much and the people out there that are losing services and closing hospitals because they don't have the dollars to maintain health services that those people are entitled to have.

I think to be quite frank with you you have raised, I think, in the House a number of times about the shortfalls, shortcomings of the federal government. One thing I have never heard you talk about is some of the good things that the federal government does for the province of Saskatchewan. And I've taken the liberty over the course of this session to point those out to you and your colleagues, so that will be on the record.

But I think quite frankly, Mr. Minister, the people in the province are tired of that argument. I don't think they're really too interested in listening to that. They realize the responsibility for health care in this province is a provincial responsibility and

you should look after it.

In particular, when you have policies in place such as the CCTA (Crown Construction Tendering Agreement), which we have been arguing for . . . I recall actually, Mr. Minister, back in last summer after I was elected, standing out on Highway No. 44, one that was closed because the road was impassable, with the media, with BBS (Baton Broadcasting System), and saying . . . and being asked by the media, well where would I find the money to build Highway 44?

And I mentioned that that day, and you can go back and check the media release, that maybe some of that money that's going . . . being wasted through the CCTA could be put toward building Highway 44.

So as long as you've got programs like the CCTA which support a particular, individual group in the province and give them some advantage over the other hard-working people in this province, you're going to have some cynicism when you keep criticizing the federal government and blaming all the woes of the province on those.

You also have raped the province with millions of dollars in earnings in the casinos, in your VLTs (video lottery terminal). You've got money sitting there. There's monies in the Crowns. There's all sorts of things that people believe could be better used than what they are being used for, and health is one of them.

So I recognize that things are financially tight all across Canada — not just in Saskatchewan but all across Canada — and everybody is dealing with it. But we shouldn't be dealing with that issue on the backs of the sick and the elderly in the province.

And you have to recognize the fact that people in rural Saskatchewan are entitled to have some health services out there too. And they shouldn't have to be forced . . . our elderly people shouldn't have to be forced to be driving miles and miles and miles, which only makes the situation worse, Mr. Minister. It only makes those elderly, frail people much iller than they really are.

So I think you have a real problem here. And when I look at this list and I look at some of these districts that have the funding shortfall . . . And if you look at radiology, for example, in Assiniboine Valley, it's only \$4,000 it appears that they are short.

Now if you say that quick, it's not a lot of money. But in light of what's happening out in that country, in Canora and Kamsack and Preeceville . . . And I was out there. I know firsthand, Mr. Minister, the anxiety and the frustration and the anger — the anger, Mr. Minister — that neighbours are feeling toward each other because they're making decisions that affect everybody's lives, that you're saying, well we'll look at this down the road. Well they're closing beds today and tomorrow and they're losing services today and tomorrow.

So I'd like you to recognize that there is indeed a problem here,

something that should have been addressed by the department, by the government and by you, much earlier on. It shouldn't have to come to this point where we're pointing out that these are funding shortfalls.

Are you saying then that some of these services aren't needed? That the reason that they've overspent, because you don't need the service. Are you saying that radiology in the Pasqua or the Parkland, who's \$106,000 short, that they shouldn't have done so much radiology, so many tests there? Is that the problem? What actually are you saying in Saskatoon where there's just about a half a million dollars short in radiology? Is somebody doing tests they shouldn't be doing? Or what's the problem? How are you going to address this?

Hon. Mr. Cline: — Well I'm certainly saying that things should be done in as efficient and effective a manner as they can be. And what is happening across the province is that changes are being made to try to do so. In Saskatoon they're consolidating lab services and saving millions of dollars and they are going to provide the same service, but they're going to do it at a cost of a few million dollars less per year. And to the extent that we can do that, that's what we should do.

In Regina they are going to consolidate services in two locations and they're going to reduce their operating costs by \$10 million per year. Those are . . . there are many, many situations like that. They're all situations that some people will complain about, including yourself and members of the opposition.

But nevertheless the reality is that the health care system is changed. The system of federal funding has changed. I do not agree with the Liberal Party that there should not be a national system for funding health care. We have had a national system for funding health care. It's the position of the provincial Liberal Party now that this should solely be a provincial responsibility. We don't agree with that position. That position certainly creates problems in the provinces — not just Saskatchewan but across the country.

The member talks about people going long distances to the hospital. The fact is, whether the member wants to admit it or not, people make choices to go to larger centres for major surgical interventions. They do not wish to go to smaller hospitals. That is not something that the government encourages.

(1130)

We've discussed this in the House before, but it's part of reality that the seven largest health districts have 61 per cent of the population but perform 94 per cent of the surgeries. Those surgeries are performed for people that live outside the districts, people that come from rural Saskatchewan. And I say to the member that if somebody from Davidson chooses to go to Saskatoon or Regina for major surgery, as is often the case, that person is entitled to have their surgery paid for and we will continue to pay for it.

The logical extension of the member's argument is that people

should not have that freedom of choice, the freedom to go where they wish to get medical services. That is a position we don't agree with.

Places like the University Hospital in Saskatoon are not hospitals for Saskatoon; they are hospitals for northern Saskatchewan. As indeed the hospitals in Regina are hospitals for people in southern Saskatchewan and throughout Saskatchewan. Sixty-eight per cent of the people in the Royal University Hospital in Saskatoon — that figure is probably a few years old, but certainly the majority — are from outside of Saskatoon.

We've got to provide medical services to people that are appropriate and that are at places where people want to get them and choose to get them. That should include certain services provided in the local community, certain services provided in regional centres, and certain services provided at base hospitals. The member knows that that is a fact of life. That is how health services are delivered these days, not just in Saskatchewan, but across the country.

And our challenge is to change the system so that it will be kept sustainable. We need a sustainable, public medicare system where we support the system through our tax dollars, as opposed to a U.S. (United States)-style system where the health care you receive is dependent upon the wealth that you have.

Mr. McLane: — Thank you, Mr. Minister. I think you've missed the whole point. And I think maybe this summer, if you have some time, I'd like to invite you to come out and we'll tour around rural Saskatchewan a bit and have a look. And we might even invite the minister responsible for Highways to take a tour with us, and we can check on the roads and we can check on the health system.

We can talk to some people out there and they'll tell you what kind of services that they think they'd like to have in their local communities. And we're certainly not talking about major surgery. We've been moving away from that and recognizing that in small communities for years and years, long before your health reform started back in 1992 or late 1991, that there are many things that can't be done in these small institutions and agencies within rural Saskatchewan.

But there are many things that can be done there and those are the things that we want to keep and that we're struggling with, with you and your government, to maintain, and having a real problem with that because you don't, I don't think, fully understand what happens out in rural Saskatchewan and how we deal with things out there.

And so I extend that invitation to you this summer, if you'd like to chat and visit with some of those folks out there. I'd be happy to do it with you and you can actually pick the places where you want to go so that we can ensure that it's not a set-up for either one of us. So I'd be happy to do that.

But the fact of the matter is, Mr. Minister, that as we lose more and more services in rural Saskatchewan, it forces more and more people to go further away for their services. And as you

say, and you said earlier in the House and over the course of this session, that yes indeed the funding will . . . (inaudible) . . . But there's going to come to a point sooner or later that we will not be able to sustain anything in some of our smaller towns and our smaller agencies.

And that would be tragic because it's not any more expensive to provide those services in small town Saskatchewan, in Imperial or Craik or Davidson, than it is anywhere else. So those are the things that I hope you will be open-minded enough to look at and listen to some reasoning, and I'm sure you will be.

As I said earlier, I do have some folks I want to go and meet with and talk to and entertain their questions, and so I will relinquish the floor to a couple of my colleagues and I will certainly hurry back so that I can be in on the end of the discussion of this Bill.

Hon. Mr. Cline: — Well just to comment, I want to assure the member that in terms of what's happening in rural Saskatchewan, in fact I fairly regularly travel in rural Saskatchewan and I'm aware of what's happening. I may not have been to everywhere the member has gone to, but I agree with the member that that's something that I should continue to do.

It's my hope that services will actually be increased in rural Saskatchewan. I know that in some of the health centres, the range of services being made available is actually much broader than the range of services that was available when they had a hospital prior to it being converted to a health facility, but it is a different set of services.

Some of the money that used to go to paying for empty hospital beds now is directed to community health services and things like home care that are also very important to people's health. But I won't go on because I don't want to provoke the member who wants to go and meet with his students, and I do thank him for his questions.

Ms. Julé: — Thank you, Mr. Deputy Chair. Good morning to the minister and to his officials and welcome. Mr. Minister, the district health boards already have agreements with affiliates. The affiliates in the past have chosen not to amalgamate and to retain control over their own facilities. If that is being respected, why is there a need for this Bill?

Hon. Mr. Cline: — The Bill completes what I would describe as the accountability cycle, in the sense that if you have an institution such as an affiliate that is receiving public funds from a health district, which in turn receives public funds from the province, there should be a written agreement in place specifying what services should be provided and formalizing the arrangement between the affiliate and the district health board.

Ms. Julé: — Thank you, Mr. Minister. I notice that there is a requirement that an affiliate have an audit. Could you explain more in depth why an audit is necessary? According to what you have just said, that may be some reason, the accountability

part. However, I would like to hear your further comments on this. And I'm wondering if there has been evidence that affiliates have misused funds in the past.

Hon. Mr. Cline: — Not that I recall at the moment, perhaps because public institutions, like other institutions, regularly are audited. It is a good principle of public policy that organizations receiving public monies and expending large sums of money should be subject to audit for reasons that I think are obvious.

Ms. Julé: — Thank you. When you mention the past, to my understanding and my knowledge, there has never been any question but that the affiliates have acted in a responsible and an accountable way. So I'm wondering why the extra sort of regulations at this time. Why is there the requirement that the affiliate provide any and all information that the district health board requires? Is there a history of affiliates hiding information from the district health boards?

Hon. Mr. Cline: — Well the member should understand that it is just a normal preventive measure that organizations should be audited. And I hadn't recalled this until the member said she didn't think there'd ever been a problem. Actually, if the member would think back several years, there was a major problem with, for example, St. Paul's Hospital in Saskatoon — this is a matter of public record — where the administrator of that institution was convicted of defrauding St. Paul's Hospital of a very large sum of money.

And I can't think of other examples at the moment, and I'm not saying this is a rampant problem, but I'm saying to the member that as reasonable people, I think we can agree that the principle that there should be an audit and exchange of information between a funding organization and an organization delivering service, is not a matter for public debate. It is simply an elementary requirement of doing business in the public sector.

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, I would ask you to refer to clause 10 of the Bill, which enacts a new section 26.1 of the Act. This refers to the required agreements between district health boards and affiliates. The clause in the Bill which sets out the requirement for the agreements which will now be required between district health boards and affiliates includes the phrase, "set out the services to be provided by the affiliate". So it is my understanding that as minister you have ultimate responsibility for what happens or transpires in our health system.

So with that kind of authority, I take it then that you would have some requirements of every district health board to meet specifications of the kind of health system that we want in this province. So I look at the "set out the services to be provided by the affiliate" and I recognize that it would be the minister and the government's ultimate responsibility to ensure that the services that are being provided in this province are under the auspices of the minister.

So my question is following: is it possible that an agreement could force an affiliate to provide services which were against the religious or the ethical tenets of the organization which

operates the affiliate?

Hon. Mr. Cline: — I would say no, because the agreement referred to is an agreement between the affiliate and the district health board. If the affiliate, for moral or ethical or religious reasons, did not wish to provide a certain service then an agreement would not be reached in that regard.

Ms. Julé: — Thank you, Mr. Minister. So, Mr. Minister, are you saying then that an affiliate will continue to have complete control over any procedures or decision making regarding procedures or practices in the very near and long-term future?

Hon. Mr. Cline: — No, it would not be the intent to impose an agreement on anyone that would violate their ethical or religious convictions.

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, I'd like to ask a couple of questions regarding the mediation process set out in clause 10 of the Bill, which will create again the new section 26.1.

The Bill permits the district health boards to request that a mediator be appointed if no agreement is being reached between the district health board and the affiliate. Why not allow the affiliates also to request the appointment of a mediator?

Hon. Mr. Cline: — The rationale is that the . . . it is the district health board that is spending . . . that is receiving public funds and attempting to reach an agreement with the affiliate. If an agreement was not reached, the district health board could make a decision whether it wished to continue providing services through the affiliate or whether it wished to make other arrangements.

So the district health board is the primary funding recipient from government and it is responsible to make decisions as to what services should be provided within the district, and because of that, the Act is structured to give the district health board the option of continuing on to mediation on request, or not doing so if it chooses that option.

(1145)

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, I guess what you have been saying so far gives me the impression that you're recognizing that the affiliates have and will retain their own authority over themselves. As we all know, the government or the public does not own the affiliates — the affiliates have their own ownership.

So I would like to refer to the new section of 39.1. In the explanatory notes, the districts and the affiliates are equated, but we know that that's not so because the government does not own the affiliates. So how is it that this section can make a statement that equates the affiliates and the district?

Hon. Mr. Cline: — The member is referring to section 39.1. The section says that the Lieutenant Governor in Council, in other words the cabinet, may at any time appoint a person as

public administrator to manage the affairs of an affiliate. And then it goes on to say, if safety is jeopardized, the board has resigned, and so on.

This is really a quite standard provision that is similar to what has existed for many years in our legislation. We have the authority to appoint a public administrator for a district. We do not have the authority under The Health Districts Act as it presently stands to appoint a public administrator for an affiliate.

But if an affiliate was operating in a fashion whereby, for example, the board resigned and there was no legal authority in place to continue to deliver hospital services, for example, to the public, or if the safety of persons cared for by the affiliate was being jeopardized, then it would be the duty and responsibility of the government, as the member has said when she started her remarks by saying the government was ultimately responsible for every single thing that ever happens in the health care system.

Because of that view, it would certainly be the responsibility of the government of the day to maintain the safety of the public by taking steps that would be required. And that's the intent of the section.

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, you made the comment that in the event that the board should resign . . . how likely do you think it would be that all members of the board would resign? Are there a specific number of members that have to stay . . . rather than have to be there to constitute a board?

Hon. Mr. Cline: — That would depend upon the by-laws of the institution concerned.

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, this Act seems to mix up licensing issues with contract issues. Licences usually pertain to professional conduct — professional conduct and issues surrounding that. A contract is a business — the business-needs issue kind of thing. Through this Bill the minister can revoke the licence if the facility or the practitioner is no longer needed or deemed to be needed. This should be the contract that is revoked. The licence should only be revoked when dealing with professional misconduct.

Could you comment on that, please?

Hon. Mr. Cline: — Could the member refer to the section of the Bill that she's referring to?

Ms. Julé: — If you'll give me a moment, Mr. Minister, I will try to go through this. I don't have the reference down with me. I made these notes earlier. I'll look through this and see if I can find it.

Mr. Minister, my apologies. That question was in reference to a different Act, I think . . .

An Hon. Member: — It's The Health Facilities Act.

Ms. Julé: — Health Facilities Act, yes.

Mr. Minister, I would like to just veer a little bit off of that line of questioning I was on. I'm wondering if you can explain to me why the district boards are given their funding in pools of money. It seems to restrict them from making long-term, coordinated efforts at integrated services. Can the minister explain to me why the districts are given money in pools?

Hon. Mr. Cline: — Yes. For the reason the member indicates, to have a coordinated, integrated policy. The funding system now is based upon population and need, so that in a given district a decision is made that there are so many seniors over the age of 75, for example. And on the basis of that number, a determination is made that there should be so many long-term care beds or nursing home beds per seniors over the age of 75.

And therefore you can look at a district and determine how many nursing home beds, according to national standards, there should be, how many hospital beds there should be, and so on. And once you make that determination, then you make a decision as to how much money should go into each pool.

I understand what the member is getting at. And recently I met with the Health Districts Advisory Committee, which I regularly meet with, to ask them the question, do you want to receive your money in pools, as you do now, for nursing home care, hospital care, community care, emergency, and one other, or do you want some kind of global funding with no strings attached?

The advice I received from the health districts themselves was that they wanted to receive their money in pools. As Minister of Health I will take the advice of the health districts themselves in this regard and fund the districts accordingly.

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, I am and remain quite concerned about the authority that the government is going to be taking and the control they may be taking of the affiliates.

And I think that with each of the clauses and so on that are set out in this Bill, it is obvious that if the minister or the government chooses to do that, there's enough set out in this Bill already that could give you complete control over the affiliates in this province. That remains a major concern to me because the affiliates are privately owned right now.

In this Bill we seem to have all kinds of clauses, subsections, and so on that state that, for instance:

subsection (3), a public administrator appointed pursuant to subsection (1)

. . . has control of all assets of the affiliates that relate to the facility or program that the affiliate operates, including the power to dispose of those assets in the everyday operations of the affiliate.

That seems to me like that's some power . . . that is the kind of power that we don't want in this province.

The Lieutenant Governor in Council may set the terms and conditions governing the powers and duties of a public administrator.

That means that cabinet can certainly set out any powers that this government may want them to have.

There has been I think, some controversy as to whether or not affiliates in this province have a place. It seems to cause a little disturbance for some reason or other. And so I think that and I hope that there can be further discussion and that there can be an attitude here of freedom of expression, freedom to function, freedom of religion, freedom of whatever, according to the Charter of Rights and Freedoms.

We don't want to have a system where we're going to end up having our health care or anything else look as though we're robotic and without any sense of personal expression. So I have some concerns with those clauses in there, and so do a number of the affiliates.

Mr. Minister, I would just like to refer to a situation within my constituency. Cudworth and Wakaw are two towns that each have a hospital, and no doubt these hospitals are not huge. None the less, they are there. They also have nursing homes. And nursing homes are needed much, much more. In fact at this point, we understand that some of the hospitals in Saskatoon are sending patients back to these hospitals to recuperate. So it's pretty evident that there's a need there for palliative care and nursing homes.

Mr. Minister, the word that the people in Cudworth and Wakaw have, that are responsible for looking into trying to get a program or something going here in order to ensure that they have what they want as far as health goes, or health needs go, it's going to be very difficult for these people to do because, first of all, Cudworth has an affiliated facility, and Wakaw does not. A consultant from this province has . . . from your government rather, has come forward and told them that they have to work together.

And on top of it, Mr. Minister, they are in two different district health boards. Gabriel Springs is one of them and Central Plains is the other. How does the minister and his consultants, his people, expect this to work? Maybe I will let you comment on that at this time.

Hon. Mr. Cline: — I should say first of all that when we were talking about the various funding pools, the districts have complete freedom in terms of transferring money as between hospitals and nursing homes. So if they want to take money out of hospitals and put that money into nursing home care, they're free to do so, and vice versa.

They can't take money out of the institutional side and put it into community . . . or I'm sorry, they can take it out of institutions and put it into community. They can't take it out of community care, put it into the institutional side. But as between the institutions they can make whatever decisions they want.

I think the only way to resolve the . . . to answer the question that the member raises, is to say that there's a need for inter-district collaboration and cooperation, so that even though the two facilities are in different health districts, the two health districts can and probably should get together to talk about the needs of the area as a whole, and to try to make the best decision they can.

This sort of problem will exist whatever the system is. You could go back to the system of the 400 boards instead of the health districts, or you could have decision-making powers centralized in Regina at the Department of Health, or you could have the health district system. And you still will have the kinds of problems that the member's referring to. And it's really something you can't avoid.

The fact is there are certain resources available, and within those resources we have to make the best decisions we can to coordinate services, and the districts have to make those decisions within their districts and integrate services. They also have to talk to other districts, as the member is saying, to ensure that the needs of the region as a whole are looked at.

I'm not sure that I can answer the question any way other than saying that there's a need for collaboration between the districts, and I agree with the member in that regard.

Ms. Julé: — Thank you, Mr. Minister. Mr. Minister, your reference prior to this on . . . or I guess I was talking about mediators. If these two centres cannot come to some agreement on how they will integrate their facilities and how they will collaboratively work towards these facilities, is this where a mediator would come into play?

Hon. Mr. Cline: — This legislation would deal with the situation as between a district and an affiliate, but it would not deal with the situation as between two districts.

(1200)

Ms. Julé: — That's what I'm worried about. So my concern is, who would deal with it if they cannot come to an agreement on how to share their facilities, or share and work at what they need?

Hon. Mr. Cline: — Eventually the health plans of districts have to be approved by the Minister of Health; that's part of The Health Districts Act. So that if you got into a situation where there was no collaboration, and something was being done that was wrong, then that would be brought to the attention of the minister and the minister would have the option of not approving the health plan.

That situation has not arisen to my knowledge, and I don't think it is likely to arise, because I think the districts will make the most responsible decisions that they can.

Ms. Julé: — Thank you, Mr. Minister. Well, Mr. Minister, I think there is going to be a problem because I understand that within the Central Plains District we have a number of towns, including Leroy, Cudworth, Humboldt, Wadena, and so on, that

have come up with strategic plans for their health needs. These are coordinated plans. They've all got together with plans on making the most of integrating what they can, and we're quite sure that they could do this in a very cost-effective way.

Now we recognize that Cudworth is within that health district, and still Cudworth is being asked to coordinate some planning with Wakaw, which is not in the health district. If in fact Cudworth can come up with an effective plan within the existing district and all is going well, how are you going to resolve, or how will the government resolve the problem that is right before us as far as Wakaw and Cudworth being asked to get their act together, when they're dealing with two different districts there, and Cudworth is quite happy in the district they're in already?

There's a great deal of confusion surrounding the question of why these places were even asked in the first place to try to get their integrated system together when they're in two different districts. If they had been told that there were going to be a bigger district eventually in that area, then I think they would have understood what was happening. But no one told them that. So could you please comment.

Hon. Mr. Cline: — When the districts were created, the municipalities made a choice as to what district they wanted to go into. It is up to each district to come up with a plan for the district as opposed to each town to come up with a plan for that town. So presumably in formulating their plans, the districts will be talking to the surrounding districts and trying to make decisions that make sense not just for their own district, but for the region that they're a part of.

Ms. Julé: — Thank you, Mr. Minister. I'd like to just ask you one more question before I turn the questioning over to my colleague. Has the minister received any of the plans that I have just mentioned, the plans from the communities within the Central Plains Health District that already have facilities and primarily affiliated facilities?

Hon. Mr. Cline: — No, I don't believe that they have been submitted to myself or the department. I'm not 100 per cent sure, but certainly they haven't been brought to my attention and I'm not sure that they were created for that purpose. I think in the first instance they would submit these sorts of plans to the local health district and then the local health district would consider them in the process of making a plan for the district as a whole.

Ms. Julé: — The plans then have to be referred to the CEOs (chief executive officer) and then to you for approval?

Hon. Mr. Cline: — No, they would never be referred to me for approval in the sense that they are not district plans. The health plan is made for the district by the district health board. These community plans as I understand them, would be arrived at at the community level and submitted to the district health board which would then use them in the process of coming up with a district plan. These community plans are not something that would ever require the approval of the Minister of Health.

Ms. Julé: — But, Mr. Minister, I understand from some of your legislation here that districts must formulate a health plan and that the minister must approve.

Hon. Mr. Cline: — That's correct, but the districts refers to the health districts as opposed to communities within the health district. Those communities would go to the district health board as opposed to the minister. The district health board would then come up with a plan, and that health plan ultimately would be submitted by the district health board to the Minister of Health.

Ms. Julé: — Thank you, Mr. Minister.

Mr. Aldridge: — Thank you, Mr. Chair, and Mr. Minister, and good afternoon to your official.

This Bill contains provisions which ensure that any decisions made by boards remain in force even if the government has erred or failed to follow the proper procedure when appointing members of boards. And when you examine that aspect of the Bill, it's quite interesting, Mr. Minister, because I think it becomes a clear indication that some of the board members may have not been properly appointed. Some of the boards have made some controversial decisions such as closure of health care facilities. And I'm sure the government wouldn't want to be revisiting any of those decisions in courts.

Mr. Minister, I'd like to ask you, how many board members were improperly appointed since 1993? And could you provide a list of those individuals whose appointments were not done according to proper procedure?

Hon. Mr. Cline: — We do not know of any of the appointments that are not properly made. But the amendment is I think a fairly standard provision. And what may happen is that to be appointed, you're to be nominated by a certain number of people, and they are to be residents of the district.

But in some cases, there may be a question as to whether . . . usually a farmer, for example, is a resident of the district if there's farm land in the district but the farmer's actual house happens to be outside of the district. Situations like that may arise and this amendment is simply to say that if that farmer was one of the nominators, so that there was a defect in the nomination, that that should not invalidate the decisions that the board has made simply because there may be a defect.

But having said that, we don't know of any defect. This is a similar provision to provisions that exist in other legislation where there are board members mandated to carry out certain functions.

Mr. Aldridge: — Mr. Minister, I was referring to the section 7 here. I think your answer was related perhaps to more, disqualification of elected members of boards.

But anyway, to go on. You're suggesting that you're not aware of any that have been improperly appointed in terms of board members, but it would seem to me that the aim behind a section such as this would be to ensure that you don't have to revisit the decisions made by those boards.

Say in the instance of where a board closed a facility. It closes it and then all of a sudden the community group opposed to a decision would find out that one or two members of the board were improperly appointed, and as a result they might seek some legal recourse against the decision to close a facility like that.

And I would just like you to tell us here today, is that your primary aim with respect to this clause? Is it to avoid people using the courts to overturn decisions with respect to closing health facilities?

Hon. Mr. Cline: — No, that is not the primary reason, but I certainly acknowledge that certainly this provision would prevent people from going to court to challenge decisions of boards based upon minor technical defects in the appointment process. So that the result would certainly be that what the member says is correct.

Mr. Aldridge: — Mr. Minister, going on to . . . with respect to disqualification of elected members. The Bill before us does change the eligibility of certain persons wishing to serve on a board, where elected board members, for instance, must live within the district or else they will not be able to continue to hold their seat on the elected board.

And an item which I find amusing in all of this is that you've written into this law, such that an elected board member must live in a district rather than requiring that all board members live within a district. And I'd just like to ask why that isn't written into this particular aspect of the Bill such that elected and non-elected board members are subject to that same rule of disqualification.

Hon. Mr. Cline: — Yes, the requirement is that to be an elected member of a district health board, you must reside in the health district, and if you cease to reside in the health district, then you cease to be eligible to be an elected member of the health board.

Mr. Aldridge: — Yes, Mr. Minister, we understand that. But I ask, why don't you make the rule of disqualification the same for both elected versus appointed members?

Hon. Mr. Cline: — Well there are reasons why you want to appoint people who do not reside within a health district. For example, in Saskatoon and Regina, we consider that Saskatoon and Regina which each have six appointed members instead of four, serve the entire province. And we have appointed people that reside outside of Saskatoon and Regina to serve on those boards so that there's some representation of people beyond Saskatoon and Regina. That would be one reason you would want to specifically appoint people that live outside the district.

You might also want to appoint people who represent particular groups such as seniors or aboriginal people, and you might want to get a certain mix of people. And you might want to appoint people who are not resident in the district, but you want to represent to the district a certain interest such as rural people on an urban health board and so on.

So the election process is, I acknowledge, different from the appointment process. There are reasons why one would want elected members to be residents of the health district and why one would not necessarily require that of appointed members. Because in fact the whole purpose of the appointment may be to bring in communities outside of the district to be represented on the district board because that district may make decisions that impact on people that are beyond the borders of the district.

The Chair: — Order. Why is the member on his feet?

Hon. Mr. Scott: — With leave, to introduce guests, Mr. Chairman.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Scott: — Thank you, Mr. Chairman. It is my pleasure to introduce to you and to the members of the Assembly, 22 grade 6 students from Francis School in my constituency. They are accompanied by Don Gabel, their teacher, and chaperons Esther Lynch, Brenda Brick, Carmen Jackson, Rita Nell, and Eugene Deis.

The class is in the city today touring a number of facilities as they approach the end of another school year, and I'd like to ask all members in joining with me in welcoming them here today and wishing them a happy summer holiday.

Thank you.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 76 (continued)

Clause 1

Mr. Aldridge: — Thank you, Mr. Chair. Well, Mr. Minister, I think that one of the reasons that you neglected to point out in your most recent answer, and I'm afraid it's one of the ones that pretty well drives most of whatever the government opposite does these days, and it's one of political reasons. That would be one of the reasons why you wouldn't want to have your appointments subject to the same rules of disqualification. But I know we could argue about that for quite a while and I won't dwell on it, but I will go back to the instance of disqualification of elected members.

Could the minister tell the committee if there are any specific instances where elected board members might face disqualification if this Bill is passed.

(1215)

Hon. Mr. Cline: — The purpose of the provision is to be consistent with provisions relating to municipal government and school boards. There are similar provisions for municipal councillors and school board members, that they must be

residents of the district they represent.

I should say for the member's information that we only are aware of two cases where appointments to boards do not reside within the districts, those being the representatives in Saskatoon and Regina. Otherwise, as far as we know, all of the appointees do reside within the district that they represent.

Mr. Aldridge: — Well more specifically, Mr. Minister, I did raise as an example during second readings on this Bill, the example of a Dr. Lewis Draper, a former member of this Assembly.

Dr. Draper now resides in Moose Jaw but he still owns a residence in Gravelbourg, where he represents the South Country Health District. And as a consequence, I have to ask you here this afternoon, what will happen to Dr. Draper in this instance?

Hon. Mr. Cline: — I don't think it would be appropriate for me to comment on Dr. Draper's personal situation. It would be for Dr. Draper to indicate where he maintains his residence. And that would be a legal matter for Dr. Draper to discuss with the health board that he's a member of. It's not a matter that I should discuss or that can be resolved in this Chamber.

Mr. Aldridge: — Well, Mr. Minister, it doesn't seem to ever phase the members opposite when they like to talk about where I take up my residence.

But I'll go on to section 39. I know my colleagues here today have touched on that one quite a bit, and this is with respect to appointment of public administrators. And I know I heard you say this morning that this is a provision that's been around for some time. In fact, I think your quote is, "not a new concept; it's been here for decades."

Now I guess I can go along with that. In section 39.1 . . . And you've actually, you quite aptly laid out all of the reasons why you would need a provision or provisions such as this in 39.1(1)(a), (b) and (c). But where I really start to have some problems, and it gets back into our argument where we had last night with respect to a Bill where, under clause (d) here, it says, "for any other reason, it is in the public interest that a public administrator be appointed."

And I would maintain that's where we get into a situation where the politics of the day come to bear. And I do believe that what happens here is that this is where democracy starts to fail with respect to this particular piece of legislation.

You know, we always considered that the Tories had taken and done as much damage to democracy in this province as could ever be imagined. But in instances like this, where we see a catch-all clause of this nature, I think that what we have before us today, a piece of legislation that's probably a . . . it probably does more to destroy democracy than anything else we've saw.

But having said that, I'll just leave you to make a comment about that, and that's all I have to say.

Hon. Mr. Cline: — Well if I wanted to provoke the member, I would talk about the manner in which seven individuals sitting over there deposed of the duly elected leader of the Liberal Party. Because every time democracy is raised by the opposition, I can't help but think about that. But since I don't want to provoke the member, I'm not going to get into that.

I will just say that, as the member says, this is a fairly standard provision. It's a provision that has existed in our law for quite some time and there may be circumstances where it's in the public interest to invoke this kind of provision, but very rarely and only for the most serious of reasons.

Mr. McPherson: — Thank you, Mr. Chair. Just one follow-up on section 39(1). And I have to hear your opinion, Mr. Minister, how in fact, when I read this section — and keeping in mind we're not talking about a publicly owned facility; we're talking about privately owned facilities — how it is that you feel the government of the day can actually take control of a private facility. And we're not talking about just a health care providing facility, but take over the facility, put in place an administrator. But in fact, when I look down on 39(1) — (2)(b), is it? — you actually have the power to seize these assets and dispose of them.

So I don't want to be too far-fetched, but really what you could do is take a private facility and in fact the facility, the private facility didn't want to do certain procedures, you could force those procedures to be done in that facility or take control of it and in fact sell the facility and equipment within that facility to whomever you so wished for whatever price.

Now do you not think that that, as government, is going just a little far? This is something we would've thought of happening in Europe. You've got to explain this one to us.

Hon. Mr. Cline: — Yes, these are private facilities but they are publicly funded. But I want to point out to the member that this provision deals with management not ownership, the management as opposed to ownership. Section 39.1 does not give the government the right to take over the ownership of the facility, only to step in and provide some management where required.

And the member is not correct in his reading of subsection (2)(b) where he assumes that it means that there's a power to dispose of assets. What the section says is ". . . the power to dispose of those assets in the everyday operations of the affiliate," which means in the ordinary course of business. So that if in the normal management of a facility one would dispose of certain assets in the normal course of doing business, then that would continue.

That does not give a power and is specifically drafted not to give a power to dispose of the assets, period, of the affiliate. That's a different matter.

That power actually exists with respect to district health boards. With respect to district health boards, the section 39 of The Health Districts Act gives the public administrator — I'm referring to subsection (2)(b) of section 39, which is the section

dealing with the district health boards. It reads, the public administrator has:

(b) the exclusive control of the assets of the board, including the right to dispose of them.”

So that if you're dealing with a public institution under the power that exists, the administrator would have the right to dispose of any and all assets.

If you're dealing with an affiliate, that's not the case. What the section says is what the member read. But you can only dispose of assets in the everyday operations of the affiliate. In other words, if it would be in the normal course of events that certain assets would be disposed of because that's the way the affiliate operates, and similarly the public administrator could dispose of the assets.

But the meaning of this subsection is not to give the power to dispose; it's actually the reverse. It's to be an encroachment on the power to dispose. So that the public administrator would take over management of the facility temporarily, but could not own the facility and could not dispose of the facility.

Mr. McPherson: — Mr. Minister, that isn't clear. What you're saying is clear in section 39.1, is not. Firstly, who determines what the everyday operations of an affiliate are? Is it you or . . . yes, it would obviously be the public administrator that you, sir, would appoint. So unless you can show us a list of what all the everyday operations would be, we can only assume those everyday operations could be whatever you chose them to be.

Hon. Mr. Cline: — Well the problem with that would be that if a public administrator disposed of the assets of an affiliate, the public administrator would be . . . I mean other than in the everyday operations, the public administrator would be exceeding his or her powers under the Act, and therefore would be liable to a suit by the affiliate which pursuant to subsection (5) is entitled to “return control of the assets and the operations of the facility or program . . .”

If that did not happen because the public administrator had sold off the assets of the affiliate, the public administrator and probably the government, would be liable in a lawsuit to the affiliate which is entitled to the return of the assets and the operation. And if they exceed their power and go beyond what I have stated and what is stated in the Act, then they would be subject to a lawsuit. It would be very unwise for someone to do that.

Usually, by the way, there isn't a market for hospitals and so on, as the member knows, and so I don't think there's a great danger of it. But in any event the section is crafted so that return of the assets of the affiliate is required. If that wasn't done, I think there would be a judge of the Court of Queen's Bench that would probably have a great deal to say about it.

Mr. McPherson: — Mr. Minister, now you're letting on that the public administrator has some guidelines or parameters that he has to deal within. And if you look at the subsection right below it:

. . . Lieutenant Governor in Council (cabinet) may set the terms and conditions governing the powers and duties of the public administrator.

So what you're saying, our parameters can be changed at . . . well whatever you meet, every Tuesday or Wednesday, in cabinet.

Hon. Mr. Cline: — Well, no. When judges are interpreting powers they compare one section to another. And as I indicated before, section 39 which deals with health districts, says that a public administrator has the exclusive control of the assets of the board including the right to dispose of them.

When you go to section 39.1 which deals with affiliates, the power is not that broad. The power is restricted. It says that the public administrator can dispose of assets in the everyday operations of the affiliate.

That is different language. And it's different because it has a different meaning. What it is designed to do is restrict the power of the public administrator. And while it's not appropriate to say what any judge would do with these sections, an attempt has been made to draw a distinction between affiliates and district health boards.

So a judge must determine whether the law has been followed, and the law is set out in the subsection. And I think it's reasonably clear.

Ms. Julé: — Thank you, Mr. Deputy Chair. Just some closing comments, Mr. Minister. This Bill, in essence, changes the rules for affiliates. Essentially this is really the second stage of health care reform, bringing in a Bill that seeks to extend the same control over facilities, budgets, appointments, and procedures over affiliates that the minister already has over the district health boards.

One of the main features of this part of the Bill is the rules which govern how affiliates must enter into agreements with the district health boards. Clause 26 of the Bill says that after the minister designates an affiliate, which he does so by regulation, the district health board must stop funding the affiliate, signs an agreement with the district health board which must cover all the topics in clause 26. Naturally the list of topics includes “any other prescribed matter.”

The agreements cover what services the affiliates may provide and what money they will receive from the district health board to provide those services. They are similar to the service agreements which the district health boards must sign with the minister before they receive any money from the minister.

Some of the requirements for the agreements are oppressive and demonstrate a complete lack of trust by the minister towards the affiliates. It's the same lack of trust that the minister has shown towards the district health boards.

We should have asked — or we should ask, why call it an agreement here when it's not really an agreement at all? Why is an audit needed, as I have asked before. Why all the

information requirements from the affiliates to the district health boards? Why not some limits on the information requirements, etc., etc.

Mr. Minister, I think that we have to reconsider, as my colleague has just mentioned, what it means to be a democratic society. This Bill goes completely against democracy and we are not in agreement with it.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

Clause 8

Mr. McLane: — Thank you, Mr. Chairman. This is the first of the amendments that I introduced or announced at the start of the Bill. I would, just before I move this amendment, like to make mention to the minister that I did meet with my students and they didn't . . . although they didn't have a lot of health questions, they did have one question. And they were wondering who I was talking to. And I said, well why would you ask that? And they said, well, there was members on that side of the House that were reading newspapers, and some that were having a rest, and others doing something else, so they wondered who on earth I was talking to.

And I said, well I can assure you that the Health minister was listening and was responding, and that's who I was talking to. So I alleviated their concerns that nobody was listening to what I had to say.

To move on to this amendment:

Amend clause 8 of the printed Bill by deleting from subsection 19(3.3) being enacted all the words that follow the words "Court of Queen's Bench" and replacing them with the words "a statement of claim claiming the amount set out in the statement or any portion of that amount that is outstanding, plus interest calculated in accordance with subsection (3.2)."

And I do move.

Some Hon. Members: Hear, hear!

The division bells rang from 12:33 p.m. until 12:34 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Aldridge	McLane	McPherson
Bjornerud	Julé	Krawetz
Gantefoer		

Nays — 18

Wiens	MacKinnon	Shillington
Johnson	Goulet	Kowalsky
Crofford	Renaud	Trew

Nilson	Cline	Stanger
Hamilton	Langford	Wall
Kasperski	Sonntag	Jess

Clause 8 agreed to.

Clause 9 agreed to.

Clause 10

Mr. McLane: — Thank you, Mr. Chairman.

The Chair: — Just a minute please. My apologies to the member from Arm River. According to Beauchesne's, the chairman will call the amendments in the order in which they appear in the Bill, and I believe the minister has an amendment with an earlier clause.

Hon. Mr. Cline: — I move that we amend clause 10 of the printed Bill by:

Amend subsection 26.1(2) of The Health Districts Act, as being enacted by clause 10 of the printed Bill:

(a) in clause (b) by adding the words "for the district health board" after "to be provided"; and

(b) in clause (e) by striking out "90" and substituting "180".

Amendment agreed to.

Mr. McLane: — Thank you, Mr. Speaker. As noted earlier, we would move an amendment to:

Amend clause 10 of the printed Bill by adding immediately after subsection 26.1(2) the following:

"26.1(2.1) An agreement required by subsection (1) may not require an affiliate to provide services the provision of which would violate the ethical or religious tenets of the affiliate."

I do move.

The division bells rang from 12:40 p.m. until 12:41 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Aldridge	McLane	McPherson
Bjornerud	Julé	Krawetz
Gantefoer		

Nays — 17

Wiens	MacKinnon	Shillington
Johnson	Goulet	Kowalsky
Crofford	Renaud	Trew
Nilson	Cline	Hamilton

Langford	Wall	Kasperski
Sonntag	Jess	

Mr. McLane: — Thank you, Mr. Chairman. Further to clause 10, we'll be moving another amendment to:

Amend clause 10 of the printed Bill

(a) by adding to subsection 26.1(3) being enacted after the words "The district health board for the health district in which an affiliate provides service" the words "or the affiliate"; and

(b) by deleting in subsection 26.1(5) being enacted the words "and the district health board has not requested the minister to appoint a mediator pursuant to subsection (3)" and replacing them with the words "and no request has been made under subsection (3) for the appointment of a mediator".

I do move.

The division bells rang from 12:44 p.m. until 12:45 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Aldridge	McLane	McPherson
Bjornerud	Julé	Krawetz
Gantefoer		

Nays — 18

Wiens	MacKinnon	Shillington
Johnson	Goulet	Kowalsky
Crofford	Renaud	Trew
Nilson	Cline	Stanger
Hamilton	Langford	Wall
Kasperski	Sonntag	Jess

Clause 10 agreed to.

Clauses 11 to 21 inclusive agreed to.

Clause 22

Mr. McLane: — Thank you, Mr. Chairman. For most of this session through these hundred-and-somewhat-odd Bills that we've had, we've been talking about the problems that we have with a government that tries to govern by regulation.

And this Bill is not any different from the other ones. We have a government that's afraid to put a lot of the intent into the legislation and the meat of it is hidden in the regulations at the whim of the cabinet, at the whim of the minister in charge. And this one is no different.

And we can only hope that this Minister of Health will, over the summer months as he's thinking about some of these amendments that he has voted against today, will only realize

that maybe he made a mistake on some of them and will re-visit, and certainly try and be more open and accountable to the people of the province, and to carry that message into cabinet and then try and impress on his colleagues that there are better ways to do things.

And in the words of the Premier, it's the Saskatchewan way. So why don't we be first in Saskatchewan to do things differently and be more open and accountable to the people and be up front with them.

So with that, Mr. Chairman, I will move an amendment once again regarding the regulations in particular to clause 22 of this printed Bill to:

Amend subsection (1) of clause 22 by deleting the words "on proclamation" and substituting the words "upon consideration and acceptance by the Committee of the Whole of the Saskatchewan Legislative Assembly of regulations proposed pursuant to clauses 40(1)(b.1), (c), (c.1) and (d), subclause 40(1)(h)(x.1), and clauses 40(1)(j.1), (k), (m.1), (p.1),(p.2), (q.1), (q.2), (q.3) (q.4), (q.5), (s), (s.1) and (s.2)."

I so move, Mr. Chairman.

Hon. Mr. Cline: — Yes, even though I will be voting against this amendment, I do want to thank the member for his comments.

And we should be guided by the spirit of some of the amendments, and we certainly will be. And I certainly appreciate the member's kind help and advice in that regard.

Before we vote, I just wanted to thank the officials for their assistance today because I believe they'll be leaving for lunch which hopefully we all will be fairly soon.

The division bells rang from 12:50 p.m. until 12:51 p.m.

Amendment negated on the following recorded division.

Yeas — 7

Aldridge	McLane	McPherson
Bjornerud	Julé	Krawetz
Gantefoer		

Nays — 18

Wiens	MacKinnon	Shillington
Johnson	Goulet	Kowalsky
Crofford	Renaud	Scott
Nilson	Cline	Stanger
Hamilton	Langford	Wall
Kasperski	Sonntag	Jess

Clause 22 agreed to.

The committee agreed to report the Bill as amended.

THIRD READINGS

**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**

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

Motion agreed to.

Hon. Mr. Cline: — Mr. Speaker, by leave of the Assembly, I move that the Bill be now read the third time and passed under its title.

The division bells rang from 12:54 p.m. until 12:55 p.m.

Motion agreed to on the following recorded division.

Yeas — 22

Wiens	MacKinnon	Lingenfelter
Shillington	Johnson	Goulet
Kowalsky	Crofford	Renaud
Bradley	Scott	Nilson
Cline	Stanger	Hamilton
Murray	Langford	Wall
Kasperski	Sonntag	Jess
Flavel		

Nays — 7

Aldridge	McLane	McPherson
Bjornerud	Julé	Krawetz
Gantefoer		

The Bill read a third time and passed under its title.

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. I am presenting petitions on behalf of concerned citizens from throughout Saskatchewan, Mr. Speaker, concerned about the 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 names on these petitions, Mr. Speaker, are from all over the province of Saskatchewan.

Mr. Bjornerud: — Thank you, Mr. Speaker. I would also like to present 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.

Mr. Speaker, some of the communities that we have involved today are Regina, Lipton, Fort Qu'Appelle, Rocanville, Weyburn, Moosomin, Wolseley, Rockglen, Assiniboia, Mossbank, Coronach, Moose Jaw, White City, Lancer, Cabri, Yellow Grass, Drinkwater, Esterhazy — virtually every corner of this province, Mr. Speaker.

Ms. Julé: — Thank you, Mr. Speaker. Mr. Speaker, I rise today to present petitions of concerned citizens throughout the province concerned about the closure of the Plains Health Centre. 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.

The names that are on these petitions, Mr. Speaker, are from Weyburn, Lampman, Alysham, Regina, Margo, Moose Jaw, Fife Lake, Mortlach, Corning, and numerous places throughout the province. I so present.

Mr. Krawetz: — Thank you, Mr. Speaker. Mr. Speaker, I also rise to present petitions of names, probably hundreds and hundreds, 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.

The people that have signed these petitions, Mr. Speaker, are from so many towns throughout Saskatchewan. I so present.

Mr. Gantefoer: — Mr. Speaker, I also rise 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 the petition today number in the hundreds, from Regina mostly but also from southern Saskatchewan.

Ms. Draude: — Thank you, Mr. Speaker. I rise again today to present petitions of names from people throughout all of Saskatchewan regarding the Plains Health Centre. 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.

Petitions are from places . . . I would think virtually all over Saskatchewan.

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

Mr. Speaker, this petition is signed by a lot of people from right across the province of Saskatchewan. I notice there are a lot from the city of Regina; they're from Fort Qu'Appelle; I notice Central Butte, Riverhurst, Dubuc, Regina Beach, Moose Jaw, Buena Vista — from virtually right across the spectrum of southern Saskatchewan, Mr. Speaker.

Mr. Aldridge: — Thank you, Mr. Speaker. I too rise to present petitions of names of concerned citizens 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 these petitions, Mr. Speaker, pretty much span the province, from communities from Shaunavon to Regina, from Ogema to North Battleford, from Moose Jaw to Prince Albert, Mr. Speaker. I so present.

Mr. Belanger: — Good guess, Mr. Speaker. Once again I rise today to present petitions of names from throughout Saskatchewan regarding the Plains Health Centre. And, Mr. Speaker, I've got 15 sheets of hundreds of names of people throughout Saskatchewan. 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 again the people that have signed the petitions, Mr. Speaker, they're from Regina, they're from Moose Jaw, they're from all throughout the land. And as official opposition we'll present all petitions from north, east, west, and south to fight for the common injustice being served by this government. And I so present. Thank you.

Mr. McPherson: — Thank you, Mr. Speaker. I rise with my colleagues and the people of Saskatchewan today to present what is the last of the petitions regarding the saving of the Plains Health Centre here in Regina. To date there is somewhere between 70 and 80,000 petitions that we have presented during this session in the Assembly. 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.

Mr. Speaker, the people that have signed these petitions, the 70 to 80,000 people that have signed these petitions in desperation in their efforts to stop what the government is doing to the Plains Health Centre, are from virtually every community within my constituency. And I would think, by looking at half of these here, hundreds and hundreds of names, that each of the members across, from Regina and the rural constituencies, are also in this group. I so present on behalf of those people that are so desperate.

Mr. Heppner: — Thank you, Mr. Speaker. I'd like to present a petition and I read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to reverse the decision to raise SaskPower rates and freeze any further utility rates until a three-party utility review committee is in place in order to debate, review, and revise any utility rate increases in the future, in order to restore fairness to the utility rate process in the province of Saskatchewan.

As in duty bound, your petitioner will ever pray.

And these come from the Aberdeen area, as well as Saskatoon.

Mr. D'Autremont: — Thank you, Mr. Speaker. I would also like to present a petition today that was missed earlier. These petitions come from the Gull Lake, Shaunavon, Tompkins, and Webb area. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to support Bill 31, An Act to amend the Saskatchewan Human Rights Code (Property Rights) which will benefit all property owners in Saskatchewan, and specifically firearms owners, in order to halt the federal Liberal government from infringing upon the rights of Saskatchewan people.

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

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Speaker, I'm happy today to present petitions on behalf of people from Saskatoon and Regina. They accompany, of course, the hundreds of names that were presented earlier on this subject. And I will read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to immediately repeal the Crown Construction Tendering Agreement and replace it with a fair tendering policy which awards all government contracts to the lowest qualified bidder, union or non-union, with no union hiring quotas.

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

And, Mr. Speaker, we sincerely hope that the government will be listening to the call of the people. Thank you.

READING AND RECEIVING PETITIONS

Deputy Clerk: — According to order the following petition has been reviewed, and pursuant to rule 12(7) it is hereby read and received:

Of citizens of the province of Saskatchewan humbly praying that your Hon. Assembly may be pleased to reconsider the closure of the Plains Health Centre.

INTRODUCTION OF GUESTS

Ms. Hamilton: — Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly, 29 grade 4 students from Wilfred Hunt School that are seated in your gallery, Mr. Speaker. They are accompanied today by their teachers, Evelyn Girard and Lisa Markestyn. And they are going to have a tour after they've watched the proceedings from the gallery, and I'll be able to meet with them in the members' dining room for refreshments.

I know they're nearing the end of their school year and so they're excited about the time for their summer holiday. And I would like all members to welcome them — and I would hope close to our wrapping up of the year in the Assembly — join me in giving them a warm welcome and wishing the best for their summer holiday.

Thank you, Mr. Speaker.

Hon. Members: Hear, hear!

STATEMENTS BY MEMBERS

70th Anniversary of Baldwinton Wheat Pool Elevator

Ms. Murrell: — Mr. Speaker, over the weekend I was honoured to take part in a special anniversary celebration in my constituency. I am referring to the 70th anniversary of the Saskatchewan Wheat Pool elevator at Baldwinton. As one of the few remaining original structures still in use, the Baldwinton elevator serves as an important reminder of the early days of farming in Saskatchewan.

Mr. Speaker, approximately 150 people attended events for this anniversary, which included a parade of tractors, a barbecue, a dance, and official ceremonies.

Over the past 70 years there have been many changes in farming practices and in agriculture in general. In today's high-tech world of agribusiness and transportation, it was interesting to celebrate the anniversary of a structure that reflected the beginning of our farming industry in Saskatchewan.

I would like to congratulate everyone who was involved in organizing this special celebration, especially the men and women who built, supported, and maintained the Baldwinton elevator, and acknowledge agents such as Bob Mantie, who has served as elevator agent for some 25 years.

Congratulations to the Saskatchewan Wheat Pool, which works to unite farmers, and gain for them as a group what individuals alone cannot do.

The first members of the Baldwinton elevator were determined, organized, and dedicated to a cooperative movement promoting the success of all farmers, with a vision to the future. Thank you.

Some Hon. Members: Hear, hear!

Fetal Alcohol Syndrome

Ms. Draude: — Thank you, Mr. Speaker. On April 17 I stood in this House and asked the Minister of Health to support my private member's Bill to require all liquor outlets and licensed premises in Saskatchewan to post signs that warn drinking could be harmful to the health of an unborn child. At the time, the minister responded by saying that he was awaiting the recommendations by a working group on the fetal alcohol syndrome issue. He said he would not support my proposed Bill because it was too simplistic and hoped to arrive at his own proposals by the end of the session.

The committee examining this issue was founded in 1992. That was four years ago. And here we are at the end of the session and this government has still not come up with any legislation to warn expectant mothers about the risk of fetal alcohol syndrome. FAS (fetal alcohol syndrome) is the third-leading cause of mental retardation and is affecting all cultural, social, and economic groups.

I would like to express my extreme disappointment that the minister does not consider this legislation a priority. He claimed he did not want to make politics out of this issue, but that is exactly what is happening, and it is at the expense of our unborn children.

Some Hon. Members: Hear, hear!

Agriculture News

Mr. Jess: — Thank you, Mr. Speaker. Agriculture is an important industry in my constituency and today I have some

good news regarding this sector of our economy.

Millstreet Development Corporation and Rockwell International have signed a distribution contract for Global Positioning System equipment. This equipment can precisely evaluate and recommend crop inputs to enhance crop yields for specific portions of land. The equipment is attached to seeders and combines and gathers field data for efficient seed, fertilizer, and pesticide use.

The contract provides for Millstreet, a Regina-based company, to be the sole western Canadian distributor.

The other good news involves the Saskatchewan Wheat Pool. The Wheat Pool's three major business segments posted strong performances as the company recorded before-tax earnings of 40.1 million for the nine months ending on April 30. The earnings were 32 per cent or \$9.9 million higher than last year. Sales and other operating revenues were 2.9 billion by the end of the third quarter, an increase of 236.5 million over last year.

Agri-food processing led the way with \$145 million increase due to higher sales by CanAmera Foods, Prairie Malt, and Dawn Foods Canada. Farm supply sales were also strong. Operating earnings for the grain handling marketing segment showed a \$2.2 million improvement for the current quarter compared to last year.

Some Hon. Members: Hear, hear!

Better Roads Coalition

Mr. McLane: — Thank you, Mr. Speaker. A new public awareness campaign has unfolded across Saskatchewan this week pointing out the deplorable road conditions we are forced to face here in Saskatchewan. The Better Roads Coalition unveiled the billboards which declare: "caution, rough road ahead for the next 26,000 kilometres." The huge sign encourages people to call their MLAs (Member of the Legislative Assembly) and I hope the people do that, especially the government side. There's absolutely no doubt in my mind, Mr. Speaker, that that will happen, that we will get even more calls about the road situation.

Time and time again I have stood in this House, Mr. Speaker, to ask the minister to seriously consider the safety risks we all face because of his neglect of Saskatchewan roads. I also urge all government members, maybe this summer, to take a drive across rural Saskatchewan and get firsthand knowledge on what deplorable state our roads are indeed in. Maybe then this government will finally start listening to the hundreds of complaints from people across this province who put their lives in jeopardy every day by travelling on neglected highways and roads.

Some Hon. Members: Hear, hear!

10th Anniversary of the Mackenzie Infant Care Centre

Ms. Hamilton: — Thank you, Mr. Speaker. Today I'd like to congratulate the Mackenzie Infant Care Centre on its 10th

anniversary. I was very pleased to attend the open house on behalf of the minister, the hon. member from Moose Jaw Wakamow, and to be able to have an opportunity to chat with the staff, with the volunteers, with the young moms and their happy children.

The Mackenzie centre started as a pilot project initiated by the junior service league of Regina and the special tutorial class for pregnant teens at Balfour Collegiate. The idea was that teenage moms would have a much better chance of finishing high school if affordable, high quality infant care was available to them.

The Mackenzie centre provided child care near the school and in 1992, a second centre in the school itself was opened. Today both centres operate as a part of a more comprehensive support program that also encourages good parenting skills and helps young mothers develop networks for emotional support.

Mr. Speaker, we all need help along the way when it comes to raising children. Teenage mothers need extra help. The right support at the right time can be critical for the teenage mother and her child.

The Mackenzie Infant Care Centre was the first of its kind in Saskatchewan. A second teen-infant centre opened the same year in Saskatoon and both led the way for development of similar programs across the province. Now there are 14 such centres operating in or near high schools.

I'd like to thank the staff and the volunteers for their hard work, foresight, dedication, and immeasurable contribution to the future of our province — our children. Thank you.

Some Hon. Members: Hear, hear!

Liberal Party Leadership Process

Mr. Aldridge: — Thank you, Mr. Speaker. Mr. Speaker, as this session closes, I'd like to share a few frank thoughts with other members. The last few months are among the most trying I've ever encountered. We faced doubts, but at times dealt with them by doubting ourselves. We faced challenges. We struggled to meet these challenges but sometimes faltered. We've hoped, often only to see those hopes dashed.

The trying times, Mr. Speaker, have been worth it because the people of this province are worth serving. The measure of one's worth isn't found in avoiding difficulty, it's in the courage to persevere in spite of difficulty. My colleagues are men and women of strength, will overcome each and every challenge, and do so to serve the people of Saskatchewan.

This past weekend the Liberal Party finalized its leadership selection process. By November, Saskatchewan residents will be given real leadership, a real alternative, and the real hope they so desperately seek.

Perseverance, courage, and a commitment to service will be our legacy to the people of Saskatchewan. Thank you, Mr. Speaker.

Treaty 6 Powwow

Mr. Sonntag: — Mr. Speaker, an event of important historical significance will be held in my constituency from July 4 to July 7. The Waterhen Lake First Nation will be celebrating the 75th anniversary of its signing of Treaty 6. Activities over the four days include the main event powwow featuring dance competitors from Saskatchewan and Alberta. Prairie Oyster will be in concert Saturday evening.

A world-class canoeing marathon will be held on July 4, and Solomon Carrier, a world-champion paddler, will be competing along with many other professional paddlers for \$10,000 in prize money. Assembly of First Nations Chief, Ovide Mercredi, will formally start the marathon. Also in attendance will be Chief Blaine Favel of the Federation of Saskatchewan Indian Nations.

Mr. Speaker, Treaty 6 was originally signed at Forts Carlton and Pitt in 1876 between the Plains and Woodland Cree and the British Crown as represented by the Government of Canada. When the signing of Treaty 6 took place on November 8, 1921, RunningAround was the first chief of the Waterhen Lake Band.

I would like to congratulate Chief Richard Fiddler, his councillors, and the band members of the Waterhen Lake First Nation for organizing all of these events and for celebrating a part of their history. And I invite everyone to attend these exciting celebrations. Thank you.

Some Hon. Members: Hear, hear!

Frontier Days Regional Fair and Rodeo

Mr. Wall: — Thank you, Mr. Speaker. Beginning this Thursday, the Frontier Days Regional Fair and Rodeo will be held in Swift Current. The Swift Current Agricultural and Exhibition Association has lined up some exciting entertainment and new promotions for people not only in Swift Current, but in the south-west region.

On Thursday, a kiddies' day parade will be hosted by Beta Sigma Phi. On Friday there will be a pancake breakfast hosted by the student employment centre. On Saturday the Frontier Days parade, of which I will be participating in, is sponsored by the ag and ex association and hosted by the Swift Current Lions Club. There are over 80 entries in the parade and the theme this year is: "Celebrate the Great South-west". On Sunday the feature attraction is picnic in the park.

Of course throughout the four days there will be events such as the annual CPRA (Canadian Professional Rodeo Association)-sanctioned professional rodeo, midway, casino, machinery displays, talent show, horse and cattle shows, 4-H shows, heritage village, crafts and exhibits, grandstand shows daily, children's shows, and a chilli cook-off.

Mr. Speaker, I would like to congratulate the Swift Current Agricultural and Exhibition Association for all of their hard work in organizing this year's fair. And I would like to invite everyone to visit Swift Current from Thursday to Sunday to

enjoy the many things that Frontier Days has to offer.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Political Donations

Mr. Osika: — Thank you, Mr. Speaker. My question today once again is for the Minister of Post-Secondary Education. Mr. Speaker, the Chief Electoral Officer has launched an investigation of the political donations of the three main political parties in Saskatchewan. Each party has received a letter asking certain pointed questions about their finances, and as I understand it, each letter is different, containing different questions.

Mr. Speaker, my party has made public our letter and has committed to cooperating with the Chief Electoral Officer in every way. But the people of Saskatchewan have not yet heard that same commitment from either the NDP (New Democratic Party) or PCs (Progressive Conservative), so they ask the minister today whether his party will make public the letter his party received and make the same commitment to cooperate fully.

And since I can't ask the Leader of the Third Party to do the same in this particular forum, I'll do so by way of a letter which we'll deliver right now, Mr. Speaker. And with the help of a page, I'll also send a written request to the minister.

Again, I'll ask: will he make his commitment today?

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Thank you, Mr. Speaker. I must say to the member that I haven't seen the letter addressed to the New Democratic Party. I understand by newspaper reports however, that a letter has been received by our party, and I understood Mr. Proctor to say that he intended to make it public. So I believe that'll happen.

Some Hon. Members: Hear, hear!

Health Care Reform

Mr. McLane: — Thank you, Mr. Speaker. I would like to bring to the attention of this House today the fact that the New Democratic government in B.C. (British Columbia) has indeed slammed the brakes on plans to restructure the health care system in that province. This plan called for the creation of 100 community-based boards much like the government has done in this province, Mr. Speaker. Pressure from the public during the recent election and a strong Liberal opposition have forced B.C.'s New Democratic government to scrap its plans.

Health minister Joy MacPhail says the changes were, and I quote, "bloating the bureaucracy, not trimming it."

Will our Minister of Health explain why his government has refused to come to the same realization and when will they

come to their senses and take some action like the B.C. government has done?

Some Hon. Members: Hear, hear!

Hon. Mr. Anguish: — The hon. member obviously has not been following the proceedings of the House or the activities within the province concerning this issue, which is basically a management-labour issue. There was legislation passed within this legislature. I don't know how the member opposite viewed it personally. It's good legislation and what the legislation does is pave the way for putting in place a commissioner to sort out the issues.

The legislation was modelled on the British Columbia example which we think was very successful there. We're following basically the same route. We're in the very final stages of deciding, between SAHO (Saskatchewan Association of Health Organizations), the organization that represents the health care districts in Saskatchewan, and the five major unions that are involved in organizing employees in the health care sector — and it's very, very close to deciding — on who the commissioner should be and what those terms of reference should be.

So if the member followed a little more closely he'd know we're following a very good example set by B.C. which is going to be beneficial to us here in Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. McLane: — Thank you, Mr. Speaker. I'd like to thank the minister for that. But maybe we could pay a little closer attention and listen to the next question. Maybe we can get . . . if he wants to answer as well, I guess . . . I'm not sure.

Mr. Speaker, Dr. Roberta McKay, the former president of the SMA (Saskatchewan Medical Association), is among those who would not classify herself as a fan of this government's version of health reform.

In a recent *Leader-Post* article, McKay questions, and I quote:

Wasn't it a bit bold to stake a major part of the health reform on something that no one is sure works better than the old way? (She adds) This is a massive social experiment with no evidence it will work or be less expensive.

Mr. Speaker, yes, this is a health question. And yes, dollars and cents are at work here — not common sense . . . is driving the NDP's vision of the health reform. The true cost of this failed process can be found with every person who is sick or elderly but is not being provided the quality of care that they need or deserve.

Mr. Speaker, will the Minister of Health, I hope, follow the lead of his B.C. counterpart and admit his government's restructuring of health reform has been a dismal failure?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Well, Mr. Speaker, I'm not really sure what I can add to what the Minister of Labour said, but I'll make an effort anyway. Yes, they had an election in British Columbia where the Liberals, yes, came in second, I believe, but blew a 20-point lead in the process, much like the Liberals have done elsewhere.

But I would remind the member that we had an election just about a year ago in this province. And in that election the record of this government on health care was put to the voters, put at issue by the members of the opposition. And of course what happened is that this government received, I believe the largest mandate of a second term government in the history of our province.

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — So we believe, Mr. Speaker, that no system is perfect, but that the people support our approach to health care, which is to do everything we can to maintain the public medicare system, unlike the U.S. (United States)-style, two-tier system advocated by the member from Arm River.

Some Hon. Members: Hear, hear!

Rural Health Care Funding

Mr. Aldridge: — Mr. Speaker, as the Minister of Health is all too aware, health care rallies have taken place in communities throughout Saskatchewan over the past few months. People are coming out in the hundreds to protest this NDP government's abandonment of rural health care.

Mr. Speaker, another such public meeting is slated to take place this evening in Morse, where locals fear the closure of the nearby Herbert hospital or nursing home. Will the minister tell this House if he plans on attending this meeting and what he plans to do to address the concerns of area residents?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Mr. Speaker, I commend the health boards around the province for doing what they're mandated to do, which is to have at least two public health meetings a year so that the public can have some say in health care. It's the first time that this has occurred. And I have every confidence that the health district will consult with the people of the area and come up with an appropriate plan to meet the health care needs of the people of the district.

We have a very good health system, Mr. Speaker, and it's our goal to keep it that way.

Some Hon. Members: Hear, hear!

Mr. Aldridge: — Mr. Speaker, Herbert faces a possible loss of its hospital or nursing home because of the fact that this government has reduced funding for the Rolling Hills District Health Board. Another board facing the same situation is the Moose Jaw/Thunder Creek District which faces a 3.3 per cent reduction in funding.

Mr. Speaker, since April this district has been using its reserves to maintain the present level of service. However, these reserves will soon be depleted. It is expected that as many as 50 front-line care-givers will be eliminated to address this funding shortfall. Will the minister explain how the people residing in this district can continue to have any confidence in their local health care system when this government is driving it into the ground?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — I want to inform the member from Thunder Creek, Mr. Speaker, that this year this provincial government and the people of Saskatchewan are putting \$47 million extra, provincial health care spending, into the health care system. The reason being that the Liberal Party, with which the member is associated, in Ottawa, has cut back on health care spending in this province by that amount.

As of April 1, 1997, the Liberals in Ottawa are going to cut back on health care spending to the province of Saskatchewan by \$100 million. Now if I was a member of the Liberal Party, I wouldn't want these facts to be revealed to the public and I wouldn't want to talk about these matters either, Mr. Speaker. But the fact is we have to deal, our province, every province, has to deal with the largest cut to health care spending in the history of Canada, and that cut has come from the Liberal Party, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Aldridge: — Mr. Speaker, the number of communities seeking legal action against this government now totals five, with possibly more to come. When Providence Place officials announced last week that it was proceeding with a lawsuit, the minister indicated to the media that this action is inappropriate. He stated that, and I quote: "It is unfortunate that public funds will now be used to pay legal fees in defending the claim rather than for the provision of health care services."

Given these comments, will the Minister of Health explain why his government is inviting such action by failing to properly fund rural health care?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Mr. Speaker, I think in this session we have found the member's commentary with respect to lawsuits and court proceedings to be less than accurate. And I want to say to the member what I said before, and that is that many lawsuits are started but at the end of the day, the best way to deal with a situation where one party is suing another, just like any other dispute, is for the parties to sit down and try to resolve the issue.

And I say to the member that that's what should be done in this case as well. And if we're going to have a long-term solution to this problem, then I suggest to the member that he should join with us in suggesting to the parties concerned that they sit down, negotiate in good faith, and attempt to resolve their differences.

Some Hon. Members: Hear, hear!

Highways Maintenance

Mr. Goohsen: — Thank you, Mr. Speaker. Mr. Speaker, today my questions are for the Minister of Highways and potholes. Mr. Minister, yesterday some more signs went up across this province warning people about the terrible shape of Saskatchewan highways. Only this time it wasn't the Department of Highways that was putting up the signs, probably because they've already run out of red flags.

Several organizations calling themselves the Better Roads Coalition are putting up billboards in several locations throughout the province. You probably saw a picture of one in today's papers, and I know that you look at the pictures first so you've probably seen it.

The billboards say:

Caution! Rough road ahead. Next 26,000 kilometers.
Speak to your MLA

Well, Mr. Minister, Saskatchewan highways are a disaster. And now a public campaign has been launched to drive this point home to you and your government. So, Mr. Minister, what are you going to do to address this embarrassing and dangerous shape that Saskatchewan highways have come to be in?

Some Hon. Members: Hear, hear!

Hon. Mr. Renaud: — Well I want to thank the member for the question. I understand that Mr. Manley McLachlan is a spokesperson for this organization. And I do understand that Mr. McLachlan is quite active in many issues, and actually I would be quite worried if I was the member from Wood River because there's a leadership convention coming soon in that party and maybe this is what Mr. McLachlan is doing.

But I want to say to the member that once I explain to the people of Saskatchewan what the Conservatives did in their administration under Mr. Devine — spent millions and millions and millions of dollars, costing us an interest bill of \$851 million each and every year; we could actually twin No. 1 Highway 10 times each and every year with just the money that we spend on interest that we're paying on your debt — when I explain it to them, the people of Saskatchewan are very understanding and they appreciate the work that we are doing.

Some Hon. Members: Hear, hear!

Mr. Goohsen: — Thank you, Mr. Speaker. I have a supplemental for the same minister. Well, Mr. Minister, the truth of the matter is that you've got \$5.2 billion to spend; you've got 7-plus billion dollars in the CIC (Crown Investments Corporation of Saskatchewan) and the minister brags about all the money you've got. You've got money running out of your ears. The simple fact of the matter is that you and your government wouldn't know how to manage a kindergarten piggy bank, let alone the affairs of the province of Saskatchewan.

Mr. Minister, this is not just the members of the opposition who are complaining about the shape of Saskatchewan highways; even one of your own cabinet colleagues, the Minister of Agriculture, has complained in his local paper about the shape of Highway No. 15 and 20. And apparently those highways are now being repaired, Mr. Minister. Yahoo! What do you know?

Well we're glad for the people that live in the Minister of Agriculture's constituency because we're happy that they're getting their roads fixed. But what about the rest of us, Mr. Minister? What about those of us that live in the rest of the ridings, including the back-benchers in the NDP? What do they have to do to get some of their roads fixed in this province? Do they have to become the Minister of Agriculture?

Mr. Minister, why do you treat the people of Saskatchewan, and particularly my riding and the rest of the back-benchers, why do you treat them like first-class taxpayers and second-class citizens?

Some Hon. Members: Hear, hear!

Hon. Mr. Renaud: — Well thank you for the question, to the member opposite, Mr. Speaker. And when you talk about robbing piggy banks, you know the members of the third party haven't got a lot of credibility when they want to talk about that.

But what I want to say to the member opposite, Mr. Speaker, and he knows very well, in the south-west where he is from, the area that he represents, there's a transportation council with over a hundred municipalities involved, prioritizing their road needs; realizing that we have to change the way we do things, to spend the limited funds more wisely. Why? Because of the way they spent in the 1980s, the debt that they created, and the interest that we have to pay.

They also realize, Mr. Speaker, that the Liberals across, their federal government is taking away transfer payments from the province in health care, education, and social programs, and we and other departments have to back-fill. And once you explain that to the people, Mr. Speaker, they understand and they appreciate the work that our crews are doing now.

Some Hon. Members: Hear, hear!

The Speaker: — Now the — order, order — the Speaker quite understands that all members of the House have great enthusiasm for question period today, but I'm finding it increasingly difficult to be able to hear both the questions being put and the answers being provided. So I'll ask all members to cooperate and allow the Hon. Leader of the Third Party to be heard.

Government Election Platform

Mr. Boyd: — Thank you, Mr. Speaker. My questions this afternoon are for the Premier or his designate. Mr. Premier, last year you campaigned on a platform of improving health care, cutting taxes, and creating jobs. We then waited nine months for a legislative session, and then when the session finally

arrived, you have failed to address any of those important questions.

Have you improved health care? No. Hospitals and nursing homes continue to close all over the province. Have you cut taxes? No. Saskatchewan people continue to bear one of the highest tax burdens in all of Canada. Have you created jobs? No. Through the first five months of 1996 you have averaged 800 fewer jobs than last year.

Mr. Premier, why have you abandoned all of your campaign promises? Why have you failed to address all of the important concerns of the people of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — I thought the member was going to have a tough question for his last question of the session, but it's actually, Mr. Speaker, a very easy one to answer. Obviously the health care system in this province, and education, are two of the biggest reasons why the United Nations formula applied to Canada show that Saskatchewan is the best province in Canada to live, in the best country in the world.

So what you're saying is absolute nonsense.

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Speaker, I say to the member opposite, when he talks about jobs, he can't be farther from the truth. And he does the companies of Saskatchewan a great disservice, the companies like Pelorus Manufacturing that's going through expansion, Thomson Meats, Komis gold mine, Saskferco, the Alcatel expansion, and the list goes on and on.

I say to the member opposite, we are booming in Saskatchewan. I can't understand why you are so negative, but it might explain why you have only five seats, and if you keep that negative attitude, I can assure you five seats is the most you're going to have for a long, long time.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Minister, we keep hearing from NDP members about what a great job they're doing . . .

The Speaker: — Order, order. Order. Now the Speaker's having difficulty hearing because of the support from behind the Leader of the Third Party and I will ask all hon. members to come to order.

Mr. Boyd: — And I appreciate all that support as well. We keep hearing what a great job the NDP is doing from the NDP members, but a great job for who? A few weeks ago you announced record profits from the Crown corporations, and on that very same day you closed down a seniors' home in Swift Current.

That's been the pattern of the NDP — a government that cares more about its family of Crown corporations than the families

of Saskatchewan people. A government that cares more about its own political health than the health of the sick and the elderly in this province. A government that finds \$4,000 for each of its back-benchers and cabinet members, but can't find tax breaks for the average Saskatchewan family.

Your government has really screwed-up priorities, Mr. Minister, and you've really showed it during this session. Mr. Minister, why have you failed to address the real issues, the important issues, for the families of Saskatchewan?

Hon. Mr. Lingenfelter: — Mr. Speaker, the member opposite is using some lines obviously written for Grant Devine back before the 1982 election, and I can understand, this being the last day, why the researchers were finding it hard to find new lines, but I would give those away. You're talking about the family of Crown corporations. Those old words are what got Grant Devine . . . the guy who was well-known for, "give her snooze" and "don't say slow down in a mud hole," and also said that we were so well off "you could mismanage the province and still break even". Give up on those lines.

Join with the business people and men and women in this province who are building a community, the working people, to form a partnership in order that we can continue to build on the strength of this province. I say to you, if you stick with those old Tory lines, you're doomed to third party, and that new image you're trying to create isn't going to be there.

Some Hon. Members: Hear, hear!

Health Facilities Closures

Mr. McLane: — Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Health and not the Minister of Labour this time.

The Speaker: — Order. Order, order. Order! Order. Order. I'll ask all hon. members to allow the hon. member for Arm River to be heard.

Mr. McLane: — Thank you, Mr. Speaker. Once again my question is probably for the Minister of Health as opposed to the Minister of Labour. Mr. Speaker, this government's total abandonment of our seniors is clearly demonstrated in the recent closure of the Swift Current Care Home. In this case, more than 1,300 — 1,300, Mr. Speaker — people have signed the petitions opposing the closure. I'd like to send this over to the minister if I could.

But again this government refuses to acknowledge or address those concerns. Mr. Speaker, I could just as easily be presenting petitions from the residents of Melfort or Leroy or Rose Valley or Regina or Estevan, all over the province, all communities in which long-term care have been cut back substantially or closed. However, the minister and his government fail to realize that pressure is mounting in these and other communities to protect our sick and our elderly.

What is the minister prepared to do to address the many problems that he and his government have created?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Well I certainly believe that we should protect our sick and the elderly, and I'll tell you something, Mr. Speaker, the last group I would ask or rely upon to protect the sick and elderly would be members of the Liberal Party.

But I want to say to the member that what the member doesn't acknowledge when he gets up day after day and talks about how the Liberal Party will support the sick and the elderly is that there are other ways of delivering health care, Mr. Speaker. There are two visions here: one vision is that you put everybody in a nursing home once they get old — that's one vision. That's seems to be the Liberal vision.

The other vision is you have nursing home beds for people who need them, which includes the people who are presently in nursing homes, and you also have home care and community-based services to keep people healthy, independent, active in their own communities as long as they don't need to go into a nursing home, Mr. Speaker.

That is a progressive, positive vision which this government embraces and which progressive people all over the province embrace. And I can tell the member that we're going to have that progressive vision. We're going to do things in new ways. We're going to take care of the sick and the elderly far better than the Liberal Party ever will as well.

Some Hon. Members: Hear, hear!

Mr. McLane: — Thank you, Mr. Speaker. The Premier and the government, including the Minister of Health, claim to be in touch with the people of this province.

Some Hon. Members: Hear, hear!

Mr. McLane: — They claim to have the best interests of Saskatchewan residents at heart. The fact is they have clearly demonstrated neither.

A perfect example of this fact involves the debate that has been raised over this NDP government . . . to close the Plains Health Centre. In spite of the fact that the Liberal opposition has presented petitions in this House on behalf of more than 70,000, Mr. Speaker — 70,000 Saskatchewan residents, this government refuses to acknowledge the feelings of these people, much less address the concerns that they have registered.

Instead they put a gun to the board of the district health board that forced them to make the decision. Will the Minister of Health explain in this House today why he and this government continue to demonstrate such arrogance and contempt towards the people of this province, the very people that they're supposed to be representing?

Some Hon. Members: Hear, hear!

Hon. Mr. Cline: — Now of course what the Liberal Party says to the public, Mr. Speaker, is misrepresentation because what

they say is that the services that are now provided at the Plains Health Centre are not going to be available. Nothing could be further from the truth, Mr. Speaker. Those services are going to be consolidated in two other centres in Regina.

The problem with the Liberal Party is they cannot accept change, and the reality of the closure of this centre, Mr. Speaker, is that times do change.

I say to the members of the Liberal Party that they should join with us in changing the medicare system to make it sustainable, instead of advocating, as the member from Arm River does, that we go to a two-tiered system or, as the member from Kelvington-Wadena does, that we embrace the American style of health care or, going back to the member from Arm River, that we dismantle the national medicare system, which the member from Arm River was advocating in the House yesterday and which he has advocated before.

We say, Mr. Speaker, that we're going to adhere to the history of this province and this party and keep the medicare system we've got, not adopt the two-tiered, U.S.-style system as advocated by the opposition.

Some Hon. Members: Hear, hear!

Education System Review

Mr. Krawetz: — Thank you, Mr. Speaker. Mr. Speaker, throughout Saskatchewan, schools have been taking part in all sorts of pilot projects to help deal with this government's cuts to funding. School boards are experimenting with alternate school years, four-day weeks, and many other cost-saving ideas, all under the supervision of the Minister of Education.

Minister has also initiated a series of consultations to determine how we can best work together to structure our education system for the future. Will the minister explain how she is evaluating the information from these meetings and all the pilot projects, and will she be sharing the results with other school boards and the Saskatchewan public?

Hon. Ms. Atkinson: — Well, Mr. Speaker, as the members know, we announced a major public consultation process with the public, I think at the end of May, where we are asking people to come to public meetings and talk about the future of how we structure public education in the province.

I am pleased to report that as of last night we've had 51 meetings with close to 4,000 people in attendance. We've had over, I believe, 700 written presentations that have been sent to myself and the department, and we've had over 220 visits to the Internet site with people talking about how they would like to see the governance and structure of public education in the province.

Now this process will go on throughout the month of July, August, September, and October.

And I can assure all members of the House and the public that we will, at the end of the day, make a decision based on what

the public had to say to us. And then we will ensure that if a decision is made to alter the way we presently structure public education, all of the various stakeholders involved will be properly consulted, and there will be a collaborative process.

Some Hon. Members: Hear, hear!

ORDERS OF THE DAY

GOVERNMENT ORDERS

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

Hon. Mr. Nilson: — I'd like to request leave to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Nilson: — Mr. Speaker, I'm very pleased to introduce to you and to all members of the Assembly, visitors from Montreal, Quebec, in our west gallery. Eli and Henning Ross-Jensen are here visiting with my father, Tom Nilson. And they are here as guests of western Canada, but also I think now on a . . . maybe annual tour, to come and see how we're doing and also report on how things are going in Quebec. Let's all give them a good hand.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 92 — An Act respecting Elections

Clause 1

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, I welcome you back here today. It's great to have you back here today in fact, Mr. Minister, because as you had stated yesterday, on many occasions, that really our problem here is all in interpretation. And I know that you have spent hours and hours and hours pouring over this Act in the last while to . . .

The Chair: — Order, order. The Chair is having a hard time hearing the member and we want to get the questions out and the Bill through, so I could bring order to the House, please.

Mr. McPherson: — Thank you, Mr. Chair. So, Mr. Minister, what we're going to start with today is having you step me through where the interpretation problem is that I supposedly am having and you don't have.

Just a quick recap of where we were at from yesterday. You had told me — told the House, Mr. Minister, on a number of occasions — that there was nothing wrong with the present Act but that you were going to fix it. And we went all through that and maybe later today we'll revisit what it is that happened in 1974 and 1978 that would cause you to think that we have to fix something here today, because you didn't make that clear to me. And I think at some point today you will have the

opportunity to make that very clear — what it is that we have that actually needs fixing.

We're going to start, Mr. Minister, with the definition of an agent. Now we had left off with that . . . I'd really, really appreciate it if the member from Cypress Hills would have his conversation elsewhere. But if in fact you would step us through exactly what an agent is, because when I look in *Hansard* and yesterday your explanation of an agent is someone who is authorized to act on the principal's behalf and who's actions are subject to the control and direction of a principal. And this is only under 219 of the Act where they are referring to agents.

So can you give me some examples then, of who an agent would be, say for your party?

Hon. Mr. Mitchell: — No I can't. I can say that the member asked me for a definition of agent and I drew upon the advice of my officials and my own background and gave him what I consider to be the definition or the understanding of the term agent as it is defined and understood in law. That's all I was trying to do.

Mr. McPherson: — All right. But now the Act is very clear, I think, and until you convince me otherwise, there's only a few ways that your party is going to have monies . . . In fact there's only two ways that your Act is going to have monies. And it's going to fall under either section 207 or section . . . which in essence is an individual bringing forward monies and they'll go through the disclosure as stated in section 207; or section 219, where you use an agent.

Now does your party — just so I understand what an agent is — does your party use an agent to in fact fund . . . I'll leave it at that. Do you use an agent?

Hon. Mr. Mitchell: — Mr. Chair, with great respect, I'm not sure I follow the member. We file a return, as we're required to do by the Act, which I understood was pursuant to section 210. And the mechanisms as to how those things happen within the party, I'm not certain I can answer with any clarity.

The member probably knows as much about that as I do. He was a member of this party for many, many years and would know how those mechanisms work. But the return that we file, I thought was filed pursuant to the requirements of section 210.

Mr. McPherson: — Well no, Mr. Minister, in fact if you're bringing in monies . . . Well let's recall what's happened here in the last month. There have been a couple of funds, secret funds, that have become known to the public through the media. Firstly, we started out with the PC metro fund and through the Tommy Douglas fund . . .

An Hon. Member: — That's not a secret.

Mr. McPherson: — Oh, you're saying it's not a secret? Good. Well we'll get into that then because you're going to have to tell me why it isn't secret.

If it isn't secret, then I'm sure what you brought with you today is a list of all the people that donate to that fund so we can see that it's not secret.

But under section 219 — and, Mr. Minister, I know that you're getting back to your problem of yesterday where you think that you're going to play a bit of a game and that we're just going to step over this — but under section 219, if in fact you're using monies as a registered party . . .

(1430)

And you can't let on you don't know if your party is doing this because you're bringing in amendments that affect this — these sections of the Act. Now you wouldn't bring in an amendment if you don't know even what your own party is doing or what the third party there is up to. I mean we'd all like to know what they're up to. But you wouldn't bring in amendments unless you actually knew for sure what you were already doing, and unless you knew for sure how the Act is working within your own party, and the funding that goes to your registered party.

So the question is quite simple, I think. In fact 219(2): "Where a person uses an agent as authorized by subsection (1), the agent . . ." And this was yesterday's question. I asked you what an agent was and you gave me the answer of registered agent. But here, I think it's very clear that you're either dealing with a lot of individual donations, which would fall under section 207, or you're using somebody to collect monies for your registered party, which would fall under section 219.

And I'm asking you to give me an example of who raises monies for you, or for your registered party. Give me some examples of people that would do this that you would consider to be agents.

Hon. Mr. Mitchell: — Well I don't know. I couldn't answer the member's question. I'm not certain there would be anybody on this side of the House who is that familiar with the operations of the party.

It is not the operations of our party that leads us to bring forward these amendments. These amendments are being brought forward because of an issue that was brought, that was created, that was driven, by the Liberal Party. We understood that you were coming forward with a novel interpretation of the sections of the Act that would be quite different than the Act had been applied over these many years.

And that was an interesting series of ideas. And we considered, tried to understand what it was that the Leader of the Opposition was talking about; and tried to fashion amendments that would meet some of those ideas. I mean they're not bad ideas. They speak to the transparency of political contributions.

This has been a developing area of the law in this country over many years, as I've said to the member before. And I don't want to waste the time of the committee, but I'm just trying to answer the member's question here.

We were trying to meet what we understood to be the Leader of

the Opposition's point about the transparency of the political contributions. And we could see immediately at the press conference where Garrett Wilson was one of the participants that he had another interpretation of the Act, and he was alleging that we were not in compliance with the present law.

We are. I mean we think we are. Our position is just as firm as it can possibly be. This is our law and we prepared it and we passed it in this legislature. And we followed it over all these many years.

But we could see the point that Garrett Wilson was driving at and which was being enunciated by the Leader of the Opposition. So we tried in the same spirit as the rest of the Act that's been put forward, to change the Act to accommodate all of the ideas that we have about what the election law of this province should have.

This was not an attempt to deal with something within our party or deal with some particular situation anywhere else. It was an attempt to produce a better election law for this province and it was based upon ideas that were enunciated by your party. It's as simple as that.

Mr. McPherson: — Mr. Minister, I fail to see what is novel about this interpretation. So our interpretation . . . I'm going to work clearly from first, the two sections in the Act — 207, which is subject to other provisions in this section, and the only other provision is 219. All right? But 207(1)(a):

all moneys provided by any person, for the use of a registered party, whether as a gift, contribution, loan, (and of course those loans to Tommy Douglas House would fit in here because it's to the registered party) deposit or otherwise, shall be paid on his own behalf, out of moneys to which he is beneficially entitled, to a registered agent of the party;

Tell me what that means to you. Let's start slower then, today.

Hon. Mr. Mitchell: — Well it means exactly that. I mean it means exactly what it says. Those are very simple words, and they're clear. I mean I can't help the member there. All I can do is read the same section back to him that he read to us.

I don't want to play games here and I don't want to be cute, but I don't know what the member wants from me.

Mr. McPherson: — All right. Then with section 207, anyone, any person that is making these contributions for the use of a registered party, do you feel that those people, the names and the amounts that they so provide — monies or loans or gifts, contributions, advance deposits — should they be disclosed?

Hon. Mr. Mitchell: — I think we're getting right down here to the argument, if I can use that term, that is going on between your legal advisers and our legal advisers. Not to say that they've been arguing with each other. But they've been advising us, putting forward their interpretation of the Act. And I think the member is getting right down to the nub of that now.

Now I don't know whether it's appropriate for you and I to duke it out here or whether it's for Garrett Wilson and Wil Olive to duke it out somewhere else. I don't know.

But to me those words are just as clear as they can be. And we have complied with them. I think you have complied with them too as best I can see. I don't know about the Tories; it's not my job to judge that sort of thing. But I want to be responsive to the member because these are serious matters. But I don't know what more I can say.

The member mentioned loan, and I'm not aware that Tommy Douglas House loaned any money. I'm not aware that they loaned any money. I just picked up on a word that you used, which seemed to indicate to me that they had loaned money. I know that they guaranteed a bank loan, which was interim financing, as I understood the media reports on it, for an election campaign. And the loan came . . . the commercial loan from a commercial bank or a chartered bank, and then of course it was repaid as the election money came in.

Mr. McPherson: — Mr. Minister, I don't think you got to deal with my question. My question had to do with, does the person who is providing any of the things that I had read here — a gift, contribution, loan, advance deposit or otherwise, for the use of a registered party . . . so if a person is giving monies of any kind to a registered party, do you believe that those names should be fully disclosed?

Hon. Mr. Mitchell: — Well as I read 207, the thrust of subsection (1) is that money that is contributed has to be paid to a registered agent of the party. That's what subsection (1) seems to me to be all about. It's directing where the money will be paid, and it cuts out all other possibilities.

I apologize to the member if I'm not grasping the question, but we're both being a bit distracted, I think. But that's as I understand the requirement — 207 is not a reporting section. That's right, yes. Okay.

Mr. McPherson: — Thank you, Mr. Minister. I would agree with you. What I'm getting at are the people that are providing monies to a registered party and providing them through an avenue . . . what avenue are they providing them through? In your case, in your party's case, it would be through a constituency association — right?

Hon. Mr. Mitchell: — Could be, yes.

Mr. McPherson: — All right. Now do you consider that constituency association to be an agent in accordance with section 219?

Hon. Mr. Mitchell: — Well the way that I see this is that when my constituency association forwards money to the provincial office, to the NDP, it does so as an association under section 210. That's one of the entities that are named there.

I mentioned 210 earlier, and that's the one that requires reporting. It's a return and shows the amount of money provided for the use of the party by individuals, corporations,

societies, trade unions, unincorporated organizations or associations, and any other persons. So that when my — to repeat myself — when my constituency association pays money to the provincial party, it does so in that capacity and the party has an obligation to include that in the return.

Mr. McPherson: — All right. Well that moves us along here a little bit, Mr. Minister. So under section 210, you feel that all of the donations over more than \$100 that flow to your constituency associations should then be reported under section 210 because your constituency association is of course listed as an association.

So if I look at 210(2)(b):

the name of each member of each class of persons mentioned in clause (a) who made a loan, advance, deposit, contribution or gift of more than \$100, or who made loans, advances, deposits, contributions or gifts the aggregate of which is more than \$100, in the fiscal year for the use of the party, and the amount of each loan, advance, deposit, contribution or gift, or of the aggregate of the loans, advances, deposits, contributions or gifts, made by any such person;

So now what we're saying . . . what you're saying, what you said was that your constituency association would fall under (v) — 210(2)(a)(v); it's an association. And clearly, right below that, it's asking that the name of each member of each class be listed. Can you tell me where I would find those lists?

Hon. Mr. Mitchell: — In the case of my constituency . . . I shouldn't be answering questions in my personal capacity as an MLA; I'm here as a minister. But I'll do it just by way of example.

Mine are tax-creditable contributions and they flow through the provincial party to the federal party. And the information is public that way, in the same way that I think all parties function.

Mr. McPherson: — So, Mr. Minister, we'll deal with your own constituency for awhile. You're saying that every donation that you received to your constituency association flowed through the federal tax credit system, so it would fall under the Canada Election Act and we would be able to see the list of donors I guess in Ottawa, if they're sitting there. It's exactly what we tabled in the House today.

But are you saying that you then have no other donations to or through your constituency association, other than those?

(1445)

Hon. Mr. Mitchell: — I'm not sure, again, what the member is asking me and I apologize. And it's probably my fault and not yours.

What we're talking about here is the return that is required to be made by the — what's the term? — by the chief official agent of the party. And that's under subsection 1 and that return sets

out the amount of money that they receive from my constituency association and everybody else's constituency association and all the other people, organizations, persons named under subsection 2. I mean I can't answer as to what my constituency association . . . how they report that matter.

I mean I know it's done and the member will know how that works. I mean it's not the sort of thing that an MLA does, and not appropriate for me to answer anyway as in my capacity as a minister. But the point I want to make to you is that the constituency associations do provide money for the use of the party as associations under subsection 2, and it is in the obligation of the chief official agent of our party to transmit to the Chief Electoral Officer a return. That's what we do.

Mr. McPherson: — Well this is getting confusing, Mr. Minister, because a moment ago you told me, you told this House, that your constituency association would fall under 210(2)(a)(v) because it's an association, and I accept that. But directly below that, which would be 210(2)(b), it states that any of the above . . . I'll paraphrase it. Any of the . . . well I'll read it: "the name of each member of each class" from 1 to 6 should be disclosed.

And so what you're saying is that now you don't know how they do it in your own constituency. Let's say if I were to look at a return, your return then, because of section 210 . . . well because of The Election Act, you're telling me firstly that I would be able to see the full list because they've all run through the tax credit system and would fall under the Canada Elections Act.

So if I look at your return, what am I going to see? Am I going to see any other donations that perhaps didn't fall under the Canada Elections Act? Will I see donations from trade unions or corporations or your constituency association, which does have to disclose every name of every individual that donated over \$100. It's right there, Mr. Minister. You're the lawyer, I'm not. I mean how can you not understand what this says? What am I going to see on your return?

Hon. Mr. Mitchell: — We're talking in 210 about the party's return. We're talking about the party's return. This is the Liberal Party's return to the Chief Electoral Officer and the detail that has to be there. That's all section 210 speaks to. It doesn't impose any other obligations on your constituency association or anything like that. It is all about the return that has to be made by the party to the Chief Electoral Officer. It's perfectly plain in subsection (1).

Mr. McPherson: — All right, if you don't want to look at it as an individual . . . as a party return, then as the party return, would we be able to see the list that would fall under 210(2)(b) of each constituency association that would be listed in your party's annual return. Would we then be able to get that list of people that have, through your association being an agent, provided monies for use of that registered party?

Hon. Mr. Mitchell: — The answer is no. It is the association that is the person. I mean it is the . . . you know you're talking here about the return that your chief official agent prepares and

files with the Chief Electoral Officer. And on that return, the chief official agent is to report contributions from individuals, from corporations, from societies, from trade unions. Take the case of corporations just to clarify the . . . they are the persons there, the corporations, that have to be included in the report.

Section 210 doesn't ask the corporations to say where did you get this money. It simply asks the chief official agent to report that so much money came from corporations. I'll leave my answer there. I'm just going to take some more advice on the question, but the point I just want to make is that this section is all about what has to be included in the report that is filed by the chief official agent to the Chief Electoral Officer, and doesn't speak to what your constituency association has to . . . what kind of reports it has to file. It doesn't require your association to file any reports.

Mr. McPherson: — All right. Let me give you some indication where this is going then, Mr. Minister, because if in fact we don't . . . if we're not able to see the list of all people donating to your constituency association through the reporting requirements of 210, then where would we find it? If in fact you want to deal with yours as a personal level, then we're dealing with section 218. Because if it went through your constituency association then, Mr. Minister, you would have used those monies for the funding of your own election, would you not have?

Hon. Mr. Mitchell: — I thought we were speaking generally about the obligation of parties year after year, rather than candidates at election time. So I've been answering in that manner.

Mr. McPherson: — Well in essence we are, because monies that you're raising this year and next year and the year after are all going towards your re-election, are they not?

Hon. Mr. Mitchell: — In a broad kind of sense, I suppose, in a broad sense. But when you come to the election campaign, the amount that will be spent on the campaign is governed by law and we can't exceed it. And over the course of a year, in a broad sense I guess you could say, the function of political parties is to elect members. So in a broad sense, the member's right. Although it seems to me that we do precious little politicking between elections that requires the constituency to spend any money.

But I give the member the point. Obviously political parties are there for a purpose and the purpose is to get us elected. So I think the member's probably right.

Mr. McPherson: — Well, Mr. Minister, let's talk about how precious little politicking we do, because the reason that this mess got to be the mess it is, is because of some precious little slush funds which are in the millions of dollars, and those monies are raised outside of the election year but to be used by a registered party or the candidates of those parties, so they do fall in the Act. And it doesn't matter if we're talking about this year or election year, we're really talking about one and the same, are we not?

Hon. Mr. Mitchell: — In a sense, in a sense, I think the member's right. But we have been talking about 210 and that's probably why I've been focused on that side, because 210 deals with returns other than election expenses. And that's why I've been answering in the way that I have.

Now the rules with respect to election expenses I don't think are much different, but they are different.

Mr. McPherson: — Well we'll focus on 218. I think you'll be more comfortable dealing with section 218 for awhile. And if you look at 218: "Within three months after the candidate returned . . ." Well I'll just cut to the chase here: "detailed statements of:" This is what you're going to have to report, I guess. Right?

Look at 218(1)(e):

the amount of money and the commercial value of goods and services provided for the use of the candidate, by way of loan, advance, deposit, contribution or gift, by:

- (i) individuals;
- (ii) corporations;
- (iii) societies;
- (iv) trade unions;
- (v) unincorporated organizations or associations;

And associations there we're talking constituency, as you had said before. Or:

- (vi) any other persons;

So under your personal return or one of the say cabinet members' personal return, would we then see individuals listed as the Act is laid out?

Hon. Mr. Mitchell: — Looking at section 218, I think it's quite clear what the candidates have to include in the report of the business manager. This is a reporting requirement of business managers, as the member has observed, and is transmitted to the returning officer along with an auditor's report.

And what has to be reported are the matters that are specifically listed under section (e), and there are five spelled out, and "any other persons." And the number of donors in each class of persons mentioned in those clauses. And then (f) goes on to deal with the naming the member of each class of persons who made a loan, etc., for more than \$100, \$100. So we all have to do that. And I think we all do. I don't know if we see it or not, but our business manager has to comply with that.

Mr. McPherson: — So, Mr. Minister, if I were to look at a return — I don't know, pick a return, pick the Premier's return — because of section 218, as you have clearly laid it out, and under (v), associations, constituency associations . . . and of course you stepped me through (f), which is asking them for the names of each of the contributors to and through those constituency associations — so if I were to say to look at the Premier's return I would . . . give me an idea how many donators I would see. Like 2 or 500? But they would all be

there if they were over in fact \$100? Is that right? It's very clear in the Act? Is that how you read it?

Hon. Mr. Mitchell: — I have no idea how many would be included at all. I have no clue.

Mr. McPherson: — But the Act is clear enough, I think, for all of us — isn't it, Mr. Minister? — that in fact any contributions to or through that constituency association would be listed in that return. Would that be right, regardless of the number?

(1500)

Hon. Mr. Mitchell: — Well my understanding of this section is as follows. Let's say that in your — do you mind me using you as an example? — in your election campaign, the Wood River Liberal Association makes a cheque . . . gives a cheque to your business manager for \$3,000. Then it is the obligation of the business manager to show in the return to the returning officer that that contribution of \$3,000 was received. That was one of the contributors to your campaign.

An Hon. Member: — Of who? What? I'm sorry.

Hon. Mr. Mitchell: — Of the Wood River Liberal Association. Is there a Wood River Liberal Association?

If you got . . . if \$3,000 came from the association to your business manager for your campaign, then your business manager would have to report that contribution from the Wood River Liberal Association. That's clear. Now having done that, I think that nothing more is required of your business manager than to do that.

Mr. McPherson: — All right, Mr. Minister. And then if we go down to (f), the name of each member of each class. A class being (v) unincorporated organizations or associations, meaning one of our associations — party associations, Wood River or Riversdale.

So the name of each member of each class of persons mentioned in that clause would also have to be listed. Correct?

Hon. Mr. Mitchell: — I don't think so. I don't think so. I think that it would have to identify it as the Wood River Liberal Association. But there is nothing in clause (f) that requires any breakdown of that number beyond that.

I mean the association itself is a person under this Act and is . . . You're no more required to break that down than you are when you look at a corporation to say, where did that money come from, that \$3,000 that you received from wherever? How did you get that? Where does it come from? Who contributed to it? Or who are the members or whatever? Those questions don't arise.

This I think, is the nub of the problem we're having in . . . Your advisers are reading that one way and we're reading it another. And I think there's the nub of it.

Now that's precisely why we brought this House amendment,

to make it clear . . . Just use this example as being a perfect example. We propose to change the law in such a way that it is clear that the member's question will have to be answered — that the member's question will have to be answered in the return that is filed by the business agent.

Mr. McPherson: — Mr. Minister, we're busy looking for some documents. The stack that I have for your enjoyment here today is rather deep, so I'll be a moment until I can revisit that point.

So if we look at this interpretation the way you have laid it out then, would that be following not only the letter of the law of this Act but the intent? As we step through that *Hansard* from the then attorney general, now Premier, of 1974 where he laid out what the Act was to do and the intent of the Act, and that is to disclose all names of all individuals and persons and corporations who donate to a registered political party or to a candidate, so with your interpretation, you feel that the intent of the Act is being lived up to.

Hon. Mr. Mitchell: — Well I'm certain it does because those are the very words used in the statute — the individuals, corporations, societies, trade unions, unincorporated organizations, unincorporated associations, and any other persons, and they just caught everybody.

Now we're coming right to the nub of the point here, Mr. Chair, and, Mr. Member, and let me just . . . I just want to take a moment on this because I think it's so important.

This is exactly how we perceived the problem to be. The debate we're just having . . . we figured out where you are coming from with respect to the point that you were raising. You were reading into this Act far more than we had seen over the years and far more than anybody else had seen.

And so we came with our House amendment, which the member has seen, to add clauses to what is now section 240 to cover these situations totally; so that when a contribution comes from a constituency association, it will have to have the detail that the member's talking about — the step in clause (f).

And when it comes from a corporation, or I should say a trust fund, it has to have that same information, just to make perfectly clear that people could look at it and not have the kind of questions and the kind of debates that we've just been having in the last few minutes.

And we figured out from the press conference and the public statements of your leader that this was the problem and it got us thinking about this problem of political contributions. And we believe, we believe that we should improve that law.

What we feel we're doing is taking the member's suggestions, the suggestions that come from the Liberal Party by virtue of this issue, and put them into the law. So that from now on there is no question that the position will be as Garrett Wilson has said it now is. We don't think it now is, but we think it should be that. So we want to amend it to be sure that from now on there's no question — there's no question.

Now I think that's a significant toughening up of the law. It's a significant advance towards transparent political donations and the reporting of donations, and it is precisely why we prepared the amendment that we prepared. Not only did we grab the constituency associations, but we required the reporting of the federal income tax-creditable contributions, which up to now have been difficult to obtain.

You've got to go to Ottawa to obtain them. Maybe they're available in the provincial party offices, I don't know. I think it depends on who you are, if you ask Emmet Reidy, and I don't know what the situation is with respect to my party. But our amendment, if it's accepted by the House, will make those contributions reportable as well, so that there is a significantly higher degree of transparency than there has been under the 1970s law.

Mr. McPherson: — So, Mr. Minister, so now what you're telling me is when I read (f) and it's saying the name of each member of each class — we know what the classes are — but the name of each member of each class of persons . . . so you're saying the Wood River Liberal Association is a person? That's essentially what you're saying?

Hon. Mr. Mitchell: — Yes. And I say that because it's a defined term in the Act. And it includes everybody — an individual, corporation, companies, society, trade union, unincorporated organization or association, syndicate, trust, blah, blah, blah, it goes on and on and on. And I don't think there's an organism alive that isn't identified as a person.

Mr. McPherson: — All right. I'll accept your argument for a moment and we'll consider constituency associations to be persons. So under section 219(1):

. . . a person (or your constituency association) who makes a gift, contribution, loan, advance or deposit or provides other financial assistance to a candidate or registered party (now we're taking in both) may use an agent for that purpose.

Would this person be that constituency association?

Hon. Mr. Mitchell: — I think that in the case of all of our parties the associations make their contributions directly to the party. They don't use an agent; they make it directly to the party.

Let's just, while I'm on my feet, let me just take an example of what I would see to be an agency situation. Let's say that John Doe wants to make a contribution to the Liberal Party, but doesn't want to make it directly and so asks his friend Charlie Brown to take this money and give it the Liberal Party and to take it down to Emmet Reidy, and deposit it with the provincial office of the Liberal Party.

Now there is a situation where Charlie Brown is the agent of John Doe for the purpose of getting that contribution to the Liberals. And the provisions of the Act would clearly cover that situation. So I can't give indirectly by hiding behind an agent. That has to be disclosed. But in the case of the association, I

don't think there is any agency. I think it's a direct contribution.

Mr. McPherson: — Well it's got to be disclosed one way or another. Do you agree with me in that sense?

Hon. Mr. Mitchell: — The Act has to be complied with. And in the case of the Wood River Liberal Association making a contribution to your campaign, I've covered that situation. In a non-election year, it may send its contribution by way of quota or however you do that in the Liberal Party, directly to the provincial office. And then that is a contribution from the Wood River Liberal Association to the provincial office. And there are disclosure requirements about that.

Maybe if I just . . . an example, it would not be acceptable, I don't believe, for a chief official agent to say that we received \$5,000 from corporations and put that in the return. It would not be acceptable for a chief official agent to file a return under 210 that just said we received from corporations \$5,000. The subsection (b) of 210, (2)(b), would require that those corporations be identified, I think, as I read the Act.

But if the Wood River Liberal Association sent \$5,000 in, that is a contribution from the Wood River Liberal Association and the following subsection doesn't apply to require that all of that be underpinned by a bunch of detail about where that money came from. And we're right down to the nub, I think, of the difference in our lawyers' interpretation of this section.

(1515)

Mr. McPherson: — No, Mr. Minister, I don't think we have a problem with interpretation. Now if you're saying that corporate donors must be disclosed, I would agree with you. And you're agreeing with that right now. You're shaking your head yes.

But what if those corporate donors were to donate heavily, thousands and thousands of dollars, to a constituency association to be then moved into the party. Would that have to be disclosed — those corporate donors?

Hon. Mr. Mitchell: — This is exactly what we're trying to answer with the amendment. We're trying to make it perfectly clear that in those circumstances all those contributions must be disclosed. Because the constituency association, in forwarding its money to the provincial party, is going to have to, under the amendment, disclose who it is that is making those contributions. That's why we want to do it. And it's your suggestion so we expected that there would be some enthusiasm for that on your side of the House.

Mr. McPherson: — Well, Mr. Minister, there is enthusiasm for having lists of donors published, disclosed.

Now if, as I hear you correctly, you're saying that a constituency association is a person — and you told me that was the case in section 210 and 219 and . . . yes, in those two sections. So if I look at 219(3): "Where a person receives . . ." Where a person — now "person" meaning your constituency association of course, by your own words, definition:

Where a person receives any gift, advance, loan, contribution, deposit or other financial assistance for a candidate or registered party . . .

So that makes sense. If your association, your constituency association, is taking in any dollars at all, in any year, because it's all going towards your re-election campaign:

. . . for a candidate or registered party, that person is deemed to be the agent . . .

And that makes sense:

. . . of the person giving such financial assistance and he shall disclose to the business manager of the candidate, or to the registered agent of the party, the identity of the person for whom he is deemed to be an agent.

So 219(3) would have you giving full disclosure of your constituency association every donation over and above a hundred dollars, right?

Hon. Mr. Mitchell: — We get with subsection (3) the perfect example of my hypothetical example, the perfect . . . a perfect section with respect to the kind of arrangement I was describing where John Doe gives to Charlie Brown to give to the Liberal Party. And those are often difficult to trace and to prove.

So what subsection (3) does is say that in some circumstances here is what the law is going to presume. And the circumstances are, where a person receives a gift or deposit, contribution, for a registered party as in my example — John Doe gives the money to Charlie Brown and it is for the political party — then in those circumstances it is clear that there is an agency. I'm the principal, that's the agent, I'm in control of that. There's no discretion to be exercised, not the agent spending it how he wishes or anything like that, but it's clear what the purpose is and that that person is an agent; then the law deems that person to be an agent.

Now if he's not an agent it then becomes incumbent on him — the agent — or the principal, to show that that wasn't an agency situation. It's deemed to be by law, and unless they can satisfy the court otherwise, it will be so found. So the agency is deemed. The prosecutors don't have to prove the agency; the agency is deemed. And that's how subsection (3) is intended to operate. Everything depends upon the agency relationship and the purpose for the money, the purpose for the contribution. You've got to read the whole section you know, and consider what its purpose is.

Mr. McPherson: — Well, Mr. Minister, the purpose of The Election Act is to have complete, full disclosure of anyone making a donation to a political party or a candidate so that we would then know who is donating to that party in the event that they get government; and the public need to know if in fact, when large donations are being received by a party which is able to get government, gets contracts or gets favours from the government. That's why we have disclosure.

So getting back to 219(3) where a person . . . are we in

agreement? You were saying a person is a constituency. Are we in agreement at that point? We are. Then I'm just going to change it to put your own words in here and if I get off track you stop me.

(3) Where a person (or where a constituency) receives any gift, advance, loan, contribution, deposit or other financial assistance for a candidate or registered party, that person (that constituency) is deemed to be the agent . . .

So you're admitting that the constituency association is then the agent. Are we clear up to that point?

An Hon. Member: — No.

Mr. McPherson: — No? Where did I lose you?

Hon. Mr. Mitchell: — Mr. Chair, I'm not sure why the member is dealing so extensively with these details. I mean we're not going to be able to solve the interpretation dispute that our lawyers' advice has created for us in this House. You and I can badger away at each other about what subsection (3) means and what "person" means and all the rest of it, but we're not going to solve that dispute. That's going to be solved some place else . . .

An Hon. Member: — We'll get a long way down that road . . .

Hon. Mr. Mitchell: — Well you can go as far as you like down that road. I don't care.

But I just point out to the member the obvious thing. And I think that the House would appreciate knowing that you and I can go as long as we like here and we're not going to solve that dispute. That question is going to be solved somewhere else. Either the Chief Electoral Officer is going to decide it or the courts are going to decide it or somebody is going to decide it, but not you and I and not on the floor of this Assembly.

But this is exactly what we're trying to do with these amendments. And I'd like to focus the member's attention on them. We are accepting the idea, we are advancing the idea, and we're vigorously supporting the idea, that these contributions ought to be transparent.

I mean I don't know where the member thinks he's going with this line of questioning because we have amendments to propose to Bill 92 which are completely responsive to the member's point, completely responsive to the member's point.

So why are we at each other about the meaning of these words in those circumstances, where we have right in front of us the means to adopt the member's ideas, put them into the law? You can take credit for it. If you don't, we will, because I think it's a significant advance in the law. We can look back at '74 and say they should've done it then. But they didn't do it then.

And why don't we get on with it?

Mr. McPherson: — Mr. Minister, we were fine up to a point here. You agreed that where a person or constituency

association receives a gift, advance, loan, contribution, deposit, or other financial assistance for their candidate or registered party, that person is deemed to be the agent. And this seems to be where we lost one another because you agree that that person is a constituency association but as soon as they become the agent, then you become very uncertain.

So let me tell you where the problem lies. And either . . . it's interesting, Mr. Minister, because you see a number of the MLAs in the House — and we'll use . . . you're the government, so we'll use your MLAs — have followed this Act. And they have listed their contributions, and others haven't. And you know we can talk about whether this is interpretation or fine detail, but let's talk about how much detail we're talking here.

The transfers from NDP constituency associations to candidates and to the party in 1995 — in that one year alone and we already know that it's not just in that year that we're banking up for elections — but transfers to the campaigns of cabinet ministers come to \$349,996.68; to campaigns of back-benchers — \$581,572.06; to the campaigns of unsuccessful NDP candidates — almost \$207,000; and transfers through constituency associations to the New Democratic Party office is just about \$149,000; totalling \$1.331 million.

So if you think that all we are is hung up on a little bit of terminology, that's not the case. It's not interpretation. You, Mr. Minister, and your party have either found a way, in your view, to circumvent the Act and channel millions of dollars that don't have to be disclosed . . . well how else do you read it?

Mr. Minister, we take certain candidates or MLAs. Now some, some were . . . Regina Victoria, good point. Some were able to, in fact, follow the law quite closely. I mean if we're talking about transfers of constituency association monies of some, you know, 8, 9, \$10,000, that's possible. Is it not? Would you agree that's possible?

And we have the bake sales and the Hawaiian lottos and perogy sales — the Government House Leader is selling perogies, well in fact out of his constituency office. But I mean that's legit. That could happen. But if we're talking a million dollars, I say it can't happen.

And some of the members that you sit with in fact, well they follow it quite closely. Let me give you some examples here. Some of them in fact show just about all . . . well I guess all of their donations. Every personal donation, they show on their returns, and a lot smaller proportion coming through their constituency transfers. Now others . . . we have one here that . . . well we have more than one. We have several that are in the high 90s. Some are at a hundred per cent.

Prince Albert Carlton, where is that member? He was in here just a moment ago. The member from Redberry Lake, 100 per cent constituency transfers. No donations? You don't think he got a donation in the campaign? It all came through his constituency? That's the point. What if in fact it was all from one corporate donator? You don't think that would be the right thing to do, is to have that disclosed?

(1530)

Hon. Mr. Mitchell: — We're proposing in the amendment that's before the House that this indeed be disclosable. That's the purpose for the amendment. And my copy is all marked up with orange marker here, but the member has the same copy in front of him and it would put beyond doubt the question of reporting.

Now I haven't examined the returns and if I had I wouldn't comment on them in this House. It's not part of my responsibility in this Assembly and to this committee to start dealing with individual situations. But I point out to the member, and indeed to all members of the Assembly, that we have a proposed House amendment which will cover this matter in exactly the terms that the member is talking about. Exactly.

Mr. McPherson: — So, Mr. Minister, what about the \$1.331 million? Do you feel . . . or can you tell me where I would find those lists of donators? I mean that's almost a million and a half dollars, Mr. Minister. And clearly when we step through the Act, section 219(3) where you yourself informed me, you informed me that a person is a constituency association and when they receive these gifts and advances of the loans, contributions, deposits and other financial institution, either for the candidate or for the use of the party . . . and that's what they've done, as I've laid out here, the \$1.331 million — it's got to be disclosed. And if it's not disclosed then of course there's penalties.

And I guess eventually that any monies that aren't disclosed have got to be returned back to the Chief Electoral Officer, and of course then going into the General Revenue Fund to the province. So tell me where the \$1.331 million of donations are disclosed. And if they're not, can you tell me why?

Hon. Mr. Mitchell: — Yes, I can tell you that all of our advice, including from the very best lawyers that we're able to consult on these matters, is that the New Democratic Party is in compliance with The Election Act. So all has been disclosed that the law requires to be disclosed.

I would have no way of answering the member's question. There's no way I could know that. But I can tell the member that the position is as I have stated — we're in compliance. But we recognize from the line of questioning today, as we have from all of the previous utterances on this point, that the law ought to be toughened up. And it makes sense to introduce into the law the very notions and concepts that the members are talking about in this committee. And we propose to do that in this amendment.

Now if we can look at this amendment and see how it can be toughened up, how it can be improved, then we're glad to take a look at that. We're quite pleased to take a look at that.

These questions about whether or not the old law has or has not been complied with is not the business of this committee. This committee is not constituted to decide those questions. You and I will talk about it for as long as you wish, I suppose, but it won't come to any resolution. That will be decided somewhere

else. And the very arguments that the member is putting forward will no doubt be made in respect of those proceedings, whatever form they take. But we're not going to do it here. I implore the member to . . . Let's move ahead with a law that will, as I have repeatedly said, incorporate many of the member's own ideas. Put them into the law so that it is perfectly clear in the future what the law is.

Mr. McPherson: — Mr. Minister, I say to you, the law is clear. And an example I'll use would be the member from Regina Coronation Park.

The Chair: — Order. I simply caution the member that the Chair is not to be involved, in any sense, in discussion. And I ask the hon. member to select another example.

Mr. McPherson: — All right. Well I have some people going through a list. I will say this to the Chair, that it was a favourable comment that I was going to be making to that member.

Let's just for a moment get back to what an agent is, because that's really where we started and we're still there. You haven't defined an agent to me. You're telling me constituency association is a person until we get down to section 219(3) where it creates a bit of problem for you in disclosure, and all of a sudden, well no, it's not a person. So is it an agent? Well you don't know. Tell me who an agent would be.

You have some well-known people within your party organization that raise funds. Reg Gross, for one. Everybody who's involved in politics in the province knows Reg Gross has for years raised money for the New Democrat Party and he gets a commission of 15 to 20 per cent, depending on who he's dealing with. So would you consider Reg Gross to be an agent of your party?

Hon. Mr. Mitchell: — Mr. Chair, with great respect, I have no idea.

An Hon. Member: — Pardon me?

Hon. Mr. Mitchell: — I said, Mr. Chair, with great respect to the member, I have no idea.

Mr. McPherson: — Well, Mr. Minister, I'm surprised you have no idea because we have those ideas. We know that. I mean everybody knows that Reg is raising a lot of money.

Well let me pick another one. Here we have a member from Saskatoon Sutherland. Now this member is following The Election Act as it's laid out, and of course views it very clear, has zero constituency transfers. In fact he has recorded all of his donations; some \$29,513 of donations are all clearly listed. Can you tell me why that member would know the provisions of the Act and why it would have to be followed — and he does follow it — but yet . . . let's use the Premier; maybe the Premier didn't do it. Can you tell me why even some of your own members follow the Act and others don't.

Hon. Mr. Mitchell: — Well as the member will know, I

couldn't possibly answer that question.

Mr. McPherson: — Let's get back to Reg Gross for a moment then as an agent, whether it be Reg or somebody else that you have in your operation to raise these funds. Let me give you an example. And I don't know if this happens; perhaps it does. Let's say the Premier went on a speaking tour and he's in Calgary speaking to whomever — some associations. Maybe he's down East talking to some trade union people and after he tells them all the great things his party is doing or where it's going or . . . you know, I can only imagine he had some of these things to say before he brought in some the regressive labour laws that he did a few years ago.

So let's say this happened. And of course he would have, you know, I guess they refer to them as bagmen come by three, four days later and hit up on all of these people that were at the meeting.

Now that person that would go out and receive those donations, would that be considered an agent?

Hon. Mr. Mitchell: — Well the requirements that — I mean I don't know what the member wants of me — the requirements of the Act have to be complied with. I mean, there is a limit to how much I can interpret the Act. I'm only the minister responsible.

I've tried to answer the member's question, and I think we've canvassed all of these questions. It's difficult for me to deal with a hypothetical example like the member puts forward, except in the most general terms, and say that whoever did that, whoever makes those . . . you know, receives those contributions better take a good look at The Election Act and make sure they comply.

That's all I can say.

Mr. McPherson: — All right. We can only assume that you're going to have people complying with The Election Act if they are out there raising the hundreds of thousands, or in fact millions of dollars that you're running into, or through your constituency associations or into your Tommy Douglas fund, or whatever that bank account is.

And could you tell me then where I would find those lists of donators? Because those would be very interesting ones to have a record of, wouldn't you agree? I mean much more than the \$100 or \$200 that an individual living within a constituency would want . . . or we would want them disclosed.

But if we're talking 50,000 or 80,000 or \$150,000 from an organization or a trade union, say, cutting a cheque, and then we have laws coming forward, wouldn't we want to see who was cutting the cheque and why, and what happens immediately before or after that cheque is cut?

Hon. Mr. Mitchell: — I think the hon. member knows my thinking on that and the thinking of the government by the House amendment that's before the House. I don't know how else I can say this except to repeat myself.

We are interested in the concepts that underlie the position that the opposition has taken to the point where we propose . . . (inaudible interjection) . . . Now just a moment. The member doesn't seem to be listening to me again. We are interested in these concepts to the point where we decided it was appropriate at this time to toughen up the election laws, the reporting of contributions. And that's what this House amendment is all about.

Now obviously in advancing that amendment, we agree as a matter of policy that those contributions ought to be reported. What more does the member want of us? I mean are we going to fight out the court cases though, or the investigation of the Chief Electoral Officer, right here on the floor of the Assembly? If so, we better get him in here and get him acting like a judge and we can pretend we're lawyers and go at this thing. I don't know.

I don't know what you're trying to do. I don't know what you're trying to do with this exchange that we're having this afternoon. These are serious questions that you're raising. You've raised them often enough; obviously you're serious with them. And you're alleging that the law has not been complied with, and that's a serious question. And it's got to be resolved, but not here.

All I can say is that you're making some very interesting points — I just want to be sure that the members hear this, Mr. Chair — you're making some very interesting points with respect to the very difficult issue of the transparency of political donations, to the point where we have proposed a House amendment that, in our view, incorporates all of the ideas that you're putting forward, and others, and will embed them into the law. Now we're in committee discussing Bill 92, clause by clause, and we're offering a House amendment that covers your points.

Now you and I are having an exchange which seems to me to be more like trying to paint me into a corner with respect to what's happened in the past. And that can't work and that shouldn't work. This is not the place to have that out. The place is somewhere else, either in the Chief Electoral Officer's office, or in the courts, or somewhere, but not in front of this committee. So I urge the member to consider the proposed amendment and see if it doesn't exactly cover what the member is talking about in terms of what the law should be.

Mr. McPherson: — Mr. Minister, you would agree with me that The Election Act is to provide complete and full disclosure of people making donations to parties or candidates. I mean can we start with that simplistic statement?

Hon. Mr. Mitchell: — The Election Act contains provisions with respect to disclosure. They were crafted in 1974 and amended later in the '70s, I remind the member, over the opposition of the party that he now represents, but they were adopted by this legislature anyway. And it does contain provisions for the disclosure of contributions, and the provisions are there. We've been arguing about them all afternoon this afternoon, and all morning yesterday, and there will be a determination of that in an appropriate place at an

appropriate time by an appropriate person.

But what we're doing in this House is adopting the member's thinking. In effect, adopting the thinking of the Leader of the Opposition and offering to embed in the law the very principles that he's putting forward; what greater compliment could we pay than that?

Now remember, these are provisions that were in the drafts that we worked our way through when we were in the consultation phase with respect to this Bill. None of us picked up that these laws ought to be changed or amended. It was the disclosure of the Tory fund that riveted our attention to them.

(1545)

You pointed out your view of what the law was and we said, well that's certainly not our view of what the law is and it's not our legal advice, but, by George, those are good ideas and let's embed them in the law. I mean we're trying to approach this in the same spirit that we've approached this Act from the beginning. We accepted many of your recommendations as we were working the Bill through and in effect we're prepared to accept this one.

Now I plead with the opposition to approach it in this way, and let's toughen up this law and make it the kind of law that the members obviously want. But what we're doing, Mr. Member from Wood River, is threshing old straw. That's what we're doing. We're trying to usurp the function of the Chief Electoral Officer or the functions of the court, or whatever, and I don't think we should be wasting your time and my time in doing that.

Mr. McPherson: — Mr. Minister, you know, when we're talking about \$1.31 million of monies not being disclosed, I don't think it's a waste; it's not a waste of my time. And I hope you wouldn't see it as though I'm wasting your time either, because you're the one that's bringing in amendments which, well, I say were poorly drafted, and a last ditch attempt to get out of some trouble here.

But the fact of the matter is, when I look at the Premier's own return, it's whether or not . . . we have to have an understanding of whether or not you understand what The Election Act requires or not. Well in the return there are a number of individuals — I shouldn't say a number; there's about 10 of them — and/or corporations listed in the Premier's own return. But the dollar value is quite small. It's, you know, \$4,000. And it was disclosed, as it should be.

But contributions in excess of \$100 on the first page, and it states on here, gifts from Riversdale NDP, and then it lists, you know, to cover cost of cheques, pay election expenses, signs, bumper stickers, on and on. So what we have, gifts from Riversdale NDP totalling \$35,702. So if in fact we weren't going to have to disclose that list, then we're talking what? — \$99 per donation. So would we then expect that Riversdale received 360 donations to amount to this money? How else would you explain it? How does the Riversdale NDP Association fall into the Act?

You're making it very confusing. Because for a while you're saying that they would be a person until you find out, when you read on, that they would then have to disclose these names, so you didn't buy into that. So is that association an agent?

Like I'm still not sure how you would view this association. Because many of your members — you're right, you're one of them — do disclose their donators. But the Premier doesn't. And this is the person that brought the Bill forward in 1974 as attorney general. His intent was clear. We could revisit the *Hansard* of yesterday and talk about his intent . . . and how clear it was.

But can you tell us how Riversdale . . . well you can let on this is a joke, Mr. Minister. You're bringing in amendments, and we're saying and half of your members are saying it's not needed. Well tell us what Riversdale is and how they are going to report. They have got to report in one way or another. You're talking about the Premier, who has done a great deal for certain companies, corporations, but especially trade unions. Don't you, Mr. Minister, think that there should have been some disclosure of where the \$35,702 came from?

Hon. Mr. Mitchell: — Well the member knows perfectly well, Mr. Chair, that in asking me that question and those questions, he knows that I am not able to answer those. That is a fact. Now I have no way of answering on behalf of the business manager of the Riversdale campaign. That would be impossible. And the member knows that when he asked me that question.

I know that the Premier knows this Act better than anybody because he brought it in. The election expenses are in there because of the way in which . . . because of the Bill that he brought to this House. And he understands those laws far better than, with respect, the member from Wood River would.

And we are in compliance with the law.

Let me try this again, because I have the feeling, and I made a sign with my hands a moment ago indicating, that the member and I seem to be missing each other. He seems intent upon wanting to revisit the '95 election campaign or the returns filed pursuant to that campaign or the returns filed in other years, as though that were going to help us in deciding what the election law should be for this province.

Well I'm sorry, it's not. It's not going to do that. And I say to the member again, for probably the sixth or seventh time, that the proposed House amendment that we put before him covers the very matters that the member's talking about.

An Hon. Member: — You're talking about a joke, what you're doing.

Hon. Mr. Mitchell: — I don't think this is a funny matter at all. Not a bit. I get no enjoyment out of this exchange whatever and I do not treat it as a joke.

An Hon. Member: — You're embarrassing yourself. You're embarrassing all of us that have to watch . . .

Hon. Mr. Mitchell: — And the member should not talk to me about embarrassing oneself. The member should definitely not do that.

Mr. Osika: — Thank you, Mr. Chairman, and through you to the minister. Mr. Minister, do your concerns about the \$2.7 million trust fund . . . did those cause you any concerns?

Hon. Mr. Mitchell: — Well I think we're all concerned. You know, obviously there was a great deal of media interest in it and, as far as I'm concerned, a fair bit of public interest in it, a lot of questions asked. And I'm glad that the Chief Electoral Officer is looking into that. I think that's entirely appropriate. I think that's responsive to the member's question.

Mr. Osika: — Thank you. I appreciate that and I know that your expression of concern then would support and substantiate the fact that there need to be a lot of questions asked of the principals, if you wish, the parties involved, to whatever extent. Would you agree with that?

Hon. Mr. Mitchell: — I think, judging by the letter that the Liberal Party received from the Chief Electoral Officer and knowing that we received a letter, I would assume that a similar letter has gone to the Tories. In fact I think that that's known, and that it asks the appropriate questions. And I'm glad it does.

Mr. Osika: — Those questions that are now being asked by the Chief Electoral Officer, being asked of all the three political parties, gives us, gives a lot of people, cause for some concern as to how the amounts that we have brought forward have been amassed over a period of time.

Mr. Minister, I guess, and this was not . . . And again I'm going to commend your staff and the people that worked a hundred-plus hours or whatever on the Bill that's been presented. At the time that that Bill was being closely scrutinized, this concern was not an issue. Everything was felt to be strictly in order and above board.

It was only after it was brought to our attention about the \$2.75 million PC metro trust fund that the Bill was revisited and some House amendments proposed, among some others. This was not even a concern when we initially discussed it with your staff and the other parties.

I guess . . . And in reviewing the amendment, and I'm not sure if perhaps there might not be some more thought go into it because it detracts somewhat from what the law initially stated. It in fact I believe, lessens the effect of The Election Act within . . . particularly as it applies to the old section 219. That, with all due respect, Mr. Minister, is a concern.

And I once again would just like to say — without losing any of all the work that's gone into it — we have, since this issue has come to the attention of the public, have had other areas of the Bill brought to our attention as far as some concerns. One particular being section 30 of the proposed Act with respect to privacy of information with respect to individuals, Mr. Minister. That's one.

The Act will leave it to orders in council to determine which database may be used and what information may be gleaned from that — be left to orders in council, after all three parties are consulted. But what if one of those parties . . . or what if there's no agreement? Then what happens?

There are . . . I guess what I'm saying, Mr. Minister, is there are some very serious concerns; there are inquiries being made. Can we not allow those inquiries to be made full tilt without detracting from all the work that's gone into the Bill, and deal with it in its finality with those other areas of the Bill where there may be some weaknesses that might be strengthened as we see . . . as we've found?

Perhaps these House amendments need to be revisited when comparing them to the effectiveness, the stringency, if you wish, I guess I just . . . I find it almost unacceptable that, given what has just recently occurred, transpired, that we can't wait until the next session to put it through.

It will not change. It will not affect the by-election. The law the way it is now is fine. Those proposed amendments that we had discussed and we agreed to — the one about members' election expenses; the advertising — that's no problem. There's no general election for at least two years, three years. The by-election will not be affected by this.

Mr. Minister, I guess once again in this House I make a sincere plea, and given what we're trying to determine, allowing perhaps you an opportunity to review the direction that we believe we will have to take in order to underline what our serious concerns are.

By that time the Chief Electoral Officer, the auditor . . . We will have people, and as you suggest, we may . . . perhaps should not be debating the interpretation of the law here. We make the laws and we should understand what they mean when we go out there.

We're in a little bit of difficulty here about interpreting the interpretation. The folks, and I include myself as a lay person, we have an extremely difficult time saying hey, what's going on here? How can those people get away with that? And why aren't you doing something about it? Why are you changing laws that appear to have been broken?

Why don't you wait until you determine beyond a reasonable doubt that either the current law is good and sound — let's leave it the way it is; let's not waste any more time on it right now — or if there are some improprieties that have come to light . . . and there seem to be very serious ones. And if our party gets caught up in it, so be it.

If, Mr. Minister, the PC trust fund is one that surfaces and perhaps it spills over into the Tommy Douglas House and some part of the Liberal Party, then so be it. But then let's step back and say, all right what we set out to do, we now have to do a little more work on. And instead of having to do the hundred hours all over again, it will just be a matter of doing an extra two, or three, or four, or half a dozen hours and saying yes, this section 30 maybe we should revisit. This section 233 we should

revisit because we overlooked it; we missed it.

And now that it's part and parcel of all these inquiries and investigations . . . There will be an investigation. There merely be . . . it's an investigation of sorts, but not one that would be a full-scale, full-blown judicial inquiry but yet it's better than what we had hoped for or . . . I said that wrong. We had hoped for something better than what we're getting. But at least we're happy that someone has taken the interest and will help both you and us determine if the original Act was weak, or if in fact the intent of the Act is right, and all we're doing here is trying to push through a Bill that could be better dealt with in the next session without affecting anything that's going to happen within the next 12 months.

(1600)

Hon. Mr. Mitchell: — Mr. Chair, and to the member, I appreciate the sincerity of the member's request. The member knows the respect I have for him and I accept that this is a genuine request for the purposes for which he states. Although one could draw a different conclusion considering the line of questioning that has been going on here.

But I choose not to. I accept the Leader of the Opposition's remarks on their face. We have spent a lot of time considering this very question because we have tried from the beginning to make this a consensus document. And I think it is a remarkable consensus among political parties in this Assembly who don't always get along that well.

And I think it was . . . we're all to be congratulated for it. I just want to remind the member that we came out of that process with a problem about election advertising. We've made some progress on that with respect to a House amendment that we propose, and we could consider other ideas there to tighten that up. And the member will remember the pre-election expense issue, and that has already been addressed in the work of this committee, in the sense that we have debated that question.

And so far as this business of the transparency of election contributions is concerned, I repeat, I'm not sure if the leader was in the House when I made this point or not, but we have, in effect, taken the thinking of the Leader of the Opposition and embedded it into the amendment, and perhaps even included more. And we still then have a consensus document which reflects a remarkable degree of unanimity in this House.

And there are procedures and processes and requirements in this Act that require the administrative people, the administrators of this Act, to get on with it.

And they tell me that if this is to be postponed to the next session it would so cramp them for time that some of these things just couldn't be done. Now I'm not in a position to say which things could and couldn't be done, but let me use an example. If they are to make any progress with respect to the enumeration in the ways that we have provided for in the Bill, then they have to get about that, and they just simply can't be delayed a year in doing that. So that's one factor.

The other factor is that we are here with this consensus document and we've spent so much time doing it and we have very little debate about what's in the Bill, and very little debate about what is the proposed amendment with respect to the reporting of election expenses.

So as we see it, the logic of the situation practically demands that we just complete this work by passing the Bill. And we're all going to come back here next year and we're going to go through another session, and if something comes to light between now and then that requires the Act to be amended, then let's open it up and amend it. We all want the best Election Act we can get.

I remind the member just one more time before I take my place, we are agreed on its contents. There are some experimental things that we're not sure how they'll work. The member mentioned one about the use of data banks, and we've had that debate already before this committee about the importance of respecting privacy as we do that. Your member spoke to this. I spoke to this. We agreed completely on the need to be vigilant.

So again, may I say with great respect, we just don't see the logic in postponing it. And it seems to us that the logic points in the other direction — namely pass this law, and if it later becomes necessary to amend it, let's resolve to amend it.

Mr. Osika: — We're really having a tough time agreeing on that particular thing, despite the fact that we've had consensus on a lot of other issues, Mr. Minister. And I have to agree, when I can't contest the fact that you're right, we did have consensus until . . . And there was consensus on those issues that did not deal, did not deal with the situations of trust funds that allowed donations to political parties to remain anonymous.

Until that issue came to light, that there were these things in place and that there appeared to be . . . not appeared to be . . . well there appeared to be, and yes there was some evidence that the Act had been circumvented, the law had been broken.

So now to propose amendments to that very area of the Act without determining . . . or at least having that matter of interpretation resolved, seems to me to be a little bit too soon.

I guess what I'd like to see is have it determined whether or not that Act has been violated, that section. If it has not, then there's no need for amendment. If it's tight enough as it is, which it appears that it is, then why do we proceed with amendments that we will get into discussing?

But I still have that concern that there's not . . . And I appreciate if there are some parts of that Act that there's consensus on and there needs to be work done, groundwork done, to get things under way — like the databases and what not. That shouldn't affect this Bill waiting until the next session to be finalized. I wouldn't think that the preliminary work should not be able to go ahead. Perhaps I'm wrong.

Hon. Mr. Mitchell: — Well I'm not the one to call the member wrong, except that my clear advice from the officials is that they just can't do the job that we're going to set for them to do

if we don't do this now. That's why we came with it in this session rather than next session, you know. That's why we moved right now to do it.

We're in the first year of our mandate. If it were as simple as the member's remarks might indicate it is, then it could've waited until next year. But it couldn't. That was the advice of the Chief Electoral Officer and the other officials who are concerned with how this Act will be implemented. And I'm sorry that I can't agree with the member, but in the face of that advice I just simply can't do it.

I know I've acknowledged how this issue arose. And I want to impress on the Leader of the Opposition that we made a special effort, in crafting the amendment, to accept what we understood the Leader of the Opposition to be saying as to what the law should be. It struck a very responsive chord in the government because for endless years the NDP has been arguing that the election contribution disclosure laws should be toughened up. And it struck a responsive chord and that's why we came with this particular House amendment.

Mr. Osika: — Mr. Minister, if in fact . . . would there be . . . would it make any difference if the Chief Electoral Officer himself indicated that there's . . . you know, from his perspective that it may be wise to leave this Bill until the next session? That's my first question and perhaps it's not even an issue, but I'd like to ask that.

The other one was, if you in fact have some advice from your Chief Electoral Officer on this matter, could you table it for us or could it be made available to us? The interpretation or any advice that the Chief Electoral Officer may have given with respect to this new Bill . . . has there been any given from his perspective?

Hon. Mr. Mitchell: — Well the Chief Electoral Officer of course has been intimately involved in the reform of the law. He has a perspective that none of us have, and his contributions to Bill 92 have been considerable. I have nothing that I would like to table. I mean it would just amount to piles and piles of drafts and discussion notes and all kinds of things, and I wouldn't table that. I mean our officials have to work without having their drafts and their notes and their advice to ministers tabled in this House. That would be most unusual.

I don't think the member was asking for that. What I understood the member to be asking for was whether, in the implementation of this Bill, there had been any advice. And I have to say that I got no written advice with respect to that. My discussions have been verbal and I'm just simply reporting them to you as they came to me.

Mr. Osika: — We talked about this earlier, Mr. Minister, and you had indicated that the Bill going through the House would not affect any decisions that may come to light with respect to violations of the Act. That is unequivocal. Is that . . . go without saying?

Hon. Mr. Mitchell: — Yes, the Act is not retroactive in any way. The Act will go into effect on the date of proclamation,

and my advice is that that can't realistically be before January 1, 1997. So what is happening in the Chief Electoral Officer's purview now with respect to the letters that he wrote will all be under the old Act. And the new Act won't have any effect at all except on situations from that time forward — from that time forward.

Mr. McLane: — Mr. Chairman, Mr. Minister, I've heard you comment over the course of the afternoon a couple times about what got us started on this whole business of disclosure in funds, and of course that's the PC metro fund, then earlier than that was the \$400,000 secret fund that the new third party came up with.

Can you enlighten a new member as to what the difference is between that PC metro fund, in your mind, and the Tommy Douglas fund?

Hon. Mr. Mitchell: — I can't, no. I know next to nothing about the Conservative fund and I know the bare bones of the Tommy Douglas House fund. It was established to build the provincial office building down on Saskatchewan Drive and to maintain that building. And that's what I know. I don't know who the officers are or anything like that.

Mr. McLane: — Just, Mr. Minister, as well, listening this afternoon and perusing your amendment, and the discussions that have taken place, do you not think that what the amendment does is . . . serves as an escape or tends to exonerate or forgive some of the activities that have already taken place, those activities that we're concerned about?

Hon. Mr. Mitchell: — We were at great pains to try to capture the ideas that were being discussed as to . . . mostly by the Leader of the Opposition. We in no way, shape or form present the Bill or the amendments as being retroactive at all. People are going to have to deal with their problems, whoever they are, under the old law. We're not . . . that will continue to be in effect. If people have violated the law, they're going to have to answer for it. If they haven't violated the law, well and good. But it is the old law that is going to be applied.

This Act, if we pass it — and I tried to make this clear to the Leader of the Opposition — will not come into effect until the date to be proclaimed. And my advice is that the earlier practical date for doing that will be January 1, 1997. Hopefully these investigations will all have been completed by that time.

Mr. McLane: — Thank you, Mr. Minister. So what will you do, as the minister, to ensure that in the past that there is no irregularities and that disclosure has been in agreement with what the Act says over the course of the next six months, or a year, or two years?

(1615)

Hon. Mr. Mitchell: — Mr. Chair, and to the member, I don't plan to take any initiatives, for the reason that I think it's already under way.

Probably the institution that is responsible, primarily

responsible, for sorting out the kind of questions that have been raised is the Chief Electoral Officer, and that's already in the works. The auditor has written a letter indicating what he will be doing. And I have said all over the place, including here I think, that if anybody can get standing in the courts to question this — whether that's a political party, or an individual, or whoever it is — the courts are there to deal with questions of statutory interpretation.

I'm not saying that as a lawyer — I'm considered that — but my life experience tells me that when you get a breach of a statute, there are remedies available to people who have an interest in it, to bring that breach into the courts. So I assume that's there too, but I don't plan to start any such action. I think that the matter can probably be resolved by the Chief Electoral Officer.

Mr. McLane: — Thank you, Mr. Minister. Just one further question on the proposed amendments. I think I heard you say earlier in the House today that a person, a definition of a person, might include any living organism. And in this amendment you talked about restricting a person to three classes — and that being a constituency association, corporation, or trust fund. I'm wondering why you would restrict it to those three and possibly why not include a trade union into that same category?

Hon. Mr. Mitchell: — I'm advised that the term "person" under Bill 92 covers exactly the same ground as person under the previous Act.

I think the member mentioned trade unions, and they are covered in what is now section 150(2) in that a return from the chief official agent must set out contributions from trade unions and that's in the same way as contributions from corporations or contributions from individuals.

The Chair: — Why is the Government House Leader on his feet?

Hon. Mr. Shillington: — With leave, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Shillington: — Thank you very much, Mr. Speaker. I want to introduce some distinguished visitors in the Speaker's gallery. One of the nations with whom Canada's trade is increasing rapidly is the Philippines. This is a nation of some 60 million people living on some 3 to 4,000 islands, and it is a nation which in some ways is politically complex like ours. For whatever reason, our trade is increasing, and these are becoming increasingly important contacts for Saskatchewan people.

We are honoured today to have with us the following, and I'll ask you to stand as I read your name perhaps. Mayor Vicente Bermejo, who is the mayor of Pan-ay in the Philippines. He is accompanied by his wife, Mariter Bermejo. They have with them Dante Bermejo, who is a planning coordinator for the city.

And accompanying them are two Saskatchewan business people, Glenn Dynna and Donna Dynna of MuniSoft. And finally they're accompanied as well by Bill Hamilton, who's administrator of the town of Bridgetown in Nova Scotia.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 92 (continued)

Clause 1

Mr. Osika: — Well thank you, Mr. Chairman, once again through you to the minister. Dealing with your amendments, sir, I just want to . . . you indicate in those amendments that you're requesting the names of people who contribute to corporations, constituencies, associations, and trust funds to be revealed. But you don't want to do the same thing with the trade unions. There's no indication that trade unions will be treated similarly. I just wondered why. Would it not make sense to treat those the same way as you would the other organizations?

Hon. Mr. Mitchell: — The trade unions and corporations are of course covered, as I observed earlier, in section 250, which is a requirement under the old law that is being carried forward under the new law. The trade unions, or at least some of them, have money that comes from contributions and dues from their members, and check-offs, and that sort of thing, and the trade union makes its contribution to the political party, and not always but often our political party; depends on how the mood is, I guess. And we report those and that's appropriate. Similarly, donations by corporations are reportable.

It's included in these amendments because we would assume that the Assembly would want this to apply to Tommy Douglas House Inc. Tommy Douglas House Incorporated is not a constituency association and not a trust fund; it's a corporation. You know we couldn't proffer this amendment without covering that situation. We think you're right. We think those contributions ought to be disclosed, so that's why it's there.

Mr. Osika: — Okay, so that clarifies that the names of those donors, not unlike the corporations, etc., will also be included in the list.

Forgive me if I've missed it, and I'm not sure whether it may be in there or not, but do we have a definition of trust fund within the Bill or the amendments?

Hon. Mr. Mitchell: — The draftsman of the Bill, Ian Brown, is assisting the committee today and he advises that the term trust fund is a recognized term in law and that its inclusion in this Bill will be easily interpreted by the courts. They'll know what we're talking about.

Mr. Osika: — So, just to confirm and clarify, there will be nothing, no interpretation of a trust fund, in the new Bill.

Hon. Mr. Mitchell: — That's right. In the Bill, both the Bill

and the amendments we propose, there is no definition for the term. And I just repeat, the reason is that our legal advice, the draftsman, regards trust fund as a commonly understood term in law and that it will serve our purpose.

Mr. Osika: — Thank you, Mr. Minister. Again, not being a lawyer, forgive me for asking this next question. Is a trust different from a trust fund or could it be interpreted . . . could those be interpreted in different ways?

Hon. Mr. Mitchell: — They would be taken to be the same term. They would be taken to mean the same thing. In the context of what we're talking about here, they'd be taken to be the same thing.

Mr. Osika: — Would it not be wise to have an interpretation of trust fund for the purposes of The Election Act, given that there is now being changes made and this new Bill proposed?

Hon. Mr. Mitchell: — I'm advised that it's a very, very broad concept. A trust can arise in all sorts of ways. It can be deliberately set up as a trust fund. It can arise as a result of operation of law. It can arise by virtue of the operation of statutes. It can happen in many different ways.

And if we start defining it, we really set our self a task of work, because we then, as soon as we start defining it, we start limiting it. And as soon as we start limiting it, somebody somewhere will find a way around it and set up a fund that is not a trust fund because it doesn't fall within this definition. At least that's always the danger — that's always the danger — in statutory drafting. You get too precise, you begin to limit the effect of what you're doing. You take a term like a trust fund, which is well understood at law and which covers a very broad field indeed, and if you define it, you begin to limit it.

And I think we would be getting onto dangerous ground there because we want this to cover a wide field and not a narrow one.

Mr. Osika: — Thank you. I understand that, and I appreciate that, Mr. Minister. And I guess that was one of my concerns, is again getting into interpretations that for the purpose of a particular statute, or a particular law, or dealing, or business dealing, it's interpreted one way. I would have thought that perhaps if there was an interpretation for trust fund under the meaning of The Election Act — or within the meaning of The Election Act, pardon me — then there would not be the argument or the interpretations saying that in a broad sense it's this, that, or whatever, for all intents and purposes in a global sense; as opposed to if it was interpreted within the meaning of The Election Act, a trust fund will be considered to be something that people donate into without having to . . . or by not disclosing their names, their identification, the source of the monies, or the fundings.

That would be my only concern. And there would not be the need for any wrangling about that interpretation's right, or that one's right, under this statute or the general interpretation of trust and/or trust funds.

(1630)

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

Mr. Krawetz: — With leave, to introduce guests, Mr. Chair.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Krawetz: — Thank you, Mr. Chairman, and thank you to the minister for allowing and other members of the House. To you, Mr. Chair, and to all my colleagues in the House, I'd like to introduce three gentlemen in the far top row of the Speaker's gallery, Mr. Jim Shields, Mr. Ron Walter, and Mr. Don Lloyd.

These three gentlemen are members of SASBO (Saskatchewan Association of School Business Officials), which is of course the association of school business officials, and have been working very diligently through the year with their own school divisions, and being part of SASBO, I understand that they're in deliberations right now.

Welcome to the legislature and enjoy your visit. Thank you.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 92 (continued)

Clause 1

Hon. Mr. Mitchell: — Thank you, Mr. Chair. I got some good legal advice during the break. The advice is that The Interpretation Act directs the courts to give a broad, liberal interpretation to the terms that this Assembly adopts . . . (inaudible interjection) . . . Liberal with a capital L.

The advice given by my two advisers, who are really expert at these things, is that we can best accomplish our purposes in this legislature by not defining the term. If we try to define the term we will limit it. We all know our intention is . . . (inaudible interjection) . . . Well I'm trying to explain to the member exactly what it is.

Let me start back and do it again. The professional advice that I have with me today, which I regard as being the finest available because of the experience that these advisers have had, is that we can best accomplish our purposes by going with the term, trust fund, which is a term which the courts will have no difficulty interpreting, in the context of this Act, to cover exactly the kind of situation that I think the members of this House are all concerned with, namely the PC metro fund and however that's set up.

But if we begin to define it, we will of necessity, start to limit it because the courts will then look at it and say, well the legislature intended to cover this type of trust fund — no others but this — and that will limit the application of our law.

And I don't think we should do that. I think, based on the advice that I'm getting, we should use the general term and thereby cover more ground than we will if we try to define it.

Mr. Osika: — Just getting back to another definition. Is there a definition of a constituency association in the Bill? If I've overlooked it, excuse me.

Hon. Mr. Mitchell: — No, there is not. A constituency association is caught by the definition of person under section 2. It is a person, but it is not a defined term in itself.

Mr. Osika: — Thank you for the pre-pause that I had when I stood up before. That was for station identification.

Just a question on . . . some parties have youth organizations, women's organizations, men's organizations, seniors and so on, and other clubs all at the constituency level. Would all these be considered as constituency associations?

Hon. Mr. Mitchell: — Mr. Chair, the member raises a very interesting question. We want to cover things like youth clubs and women's clubs and whatever kind of organizations there are, but there are so many that you don't know how to define them, and if you use one term, who are including . . . why aren't you including . . . but it's a perplexing matter.

We want to cover people like the Young New Democrats for example, and the New Democratic Women, two organizations of long standing in our party. They have a constitutional life under our constitution and . . . (inaudible interjection) . . . Pardon . . . (inaudible interjection) . . . You'd be surprised.

Here's what our plan is. The Chief Electoral Officer will issue guidelines under the Act which will make it clear that the idea of constituency associations includes these broader groups. And our back-up to that, if that doesn't work, is to use the power to make regulations to sweep these organizations in underneath the term. We can do that in the first clause of the regulation section.

But we do not intend to let this be circumvented. I would tell the member that on the public record.

Mr. Osika: — I take it then that that will include the broad range of youth groups, as you mentioned, university clubs, political action committees, and so forth. So that will all be inclusive. Okay.

If I may just continue to deal with the proposed House amendment, the lengthier one, in clause no. 12, I wonder if you could just help me with that one a little bit, please. Your officials may refer to that . . . I find it a little bit confusing. It says:

“(12) No constituency association, corporation, trust fund, registered party, chief official agent, business manager, office of constituency association, officer or director of a corporation or trustee of a trust fund shall fail to comply with subsections (5) to (10) or with a request made pursuant to subsection (11)”.

But the request under subsection (11) made by the Chief Electoral Officer provides . . . only apply to constituency associations, corporations, or trust funds, not registered parties. I just wondered why the discrepancy there.

Hon. Mr. Mitchell: — The purpose for (12) is to set up the mandatory requirements to comply, so that failure to comply sets up an offence under the offence section of the Act, which I think is 216 in the new Bill, in Bill 92. So that's the purpose for section 12 . . . subsection (12).

Now speaking directly to the member's point, the words here have to be read in the context of subsections (1) to (11). So that when you come to (11), there is a . . . It doesn't apply to everybody; it applies to only certain people. And of course you can only . . . you only have to comply with what the Act requires you to comply with.

So that it has to be read in the context of the rest of the subsections. And it's done like that for simplicity of drafting and so that you don't repeat yourself endlessly as to who has to do what.

Mr. Osika: — Thank you, Mr. Minister. And I'm sure . . . I can now understand why people say, how come you make these laws so complicated? But I understand the need as well.

This clause 240, am I correct in suggesting that that now replaces, virtually replaces, 219 in the existing Act?

Hon. Mr. Mitchell: — Yes. Mr. Chair, and to the member, section 219 as it is in Bill 92 is intact. The definition of registered party is put in at the top of the section. And then the subsections are added after the existing provisions in the old section 219. So the old 219 comes into the new Act as section 240 intact, with these subsections added to it.

Mr. Osika: — I wonder if you could help me once again and point out what specifically has been added to 219.

(1645)

Hon. Mr. Mitchell: — Let me just summarize the subsections that are included in the proposed House amendment.

Where a constituency association or a corporation — Tommy Douglas House being the example we used a few moments ago — or a trust fund makes a contribution to a registered political party or a candidate, then that entity has to provide the chief official agent of the party or the candidate's business manager with a statement setting out the name of the person who authorized the contribution; and secondly, the name of and the amount contributed by each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the constituency association, corporation, or trust fund.

So that's (5); (6) takes in the federal situation where a registered party, for which read, a federal registered party, makes a contribution to the provincial party or to a candidate — then that has to be included.

And (7) is a time question, a timeliness question. Subsection (8), if the statement is not there then the agent or the business manager shall not accept the contribution. Subsection (9), if the federal party, the registered party, does not provide the statement mentioned in subsection (6) to the official agent or the business manager, then that person shall not accept that contribution from the registered party.

Subsection (10), if the official agent or business manager learns that the registered political party, that would be the provincial party, or the candidate has accepted a contribution from one of these entities contrary to subsection (8) or from a federal party contrary to subsection (9), then the chief official agent or business manager shall return the contribution to that entity.

And in subsection (11) the Chief Electoral Officer may request the entity to submit a statement setting out the name of the person who authorized the contribution and the names of the contributors in excess of \$250 in a year. And then 12, we discussed a few moments ago. So that's the sum of it.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, I had to step out for a moment so I'm probably going to ask a couple of questions that you've already answered. But what I believe I just heard is that the amendment, the proposed House amendment, 240, is replacing the present section 219. Is that correct?

Hon. Mr. Mitchell: — The section 240 that is in Bill 92 is the former 219 brought forward, and the House amendment would add to the former section 219. So it doesn't change but adds to.

An Hon. Member: — This replaces 219?

Hon. Mr. Mitchell: — Yes, 219 is brought forward into Bill 92 as section 240. And then we're proposing to amend section 240 by adding subsections 5 to 12 to it.

Mr. McPherson: — And so then I have it correct, that you believe that your amendment to clause 240 is much tougher than the present 219. Right?

Hon. Mr. Mitchell: — Well I think it is. It certainly is in our view, based upon the interpretation that we placed upon the existing Act and all the advice that we have in that regard. So we think this is a very significant contribution to the law, a very significant toughening of the requirement to be transparent about political donations.

And also it makes clear that the federal party information, which we all know is difficult to get, the tax-creditable contributions — the information is there but it's very difficult to access it — we have ensured that that is plainly visible in Saskatchewan and will be included so that people who are interested can find out.

Mr. McPherson: — Well I don't think anybody asked for the federal situation to be cleared up because that has full disclosure under the Canada Elections Act, so I wouldn't want . . . well I would hope, Mr. Minister, that what is before us isn't just enough words to make it appear that it's something

worthwhile. Because what we really have in 240 is in fact a very weak sister to 219.

And we'll take a look at why. In your proposed House amendment, you're dealing with constituency associations, corporations, or trust funds. And it isn't much broader than that, is it? Is that exactly what 240 is dealing with?

Hon. Mr. Mitchell: — Well as the member knows, 240 is the old 219. Section 240 under Bill 92 is the old 219. So all of those requirements continue in existence. They're there. And then to that is added specific requirements to cover constituency associations, to cover corporations, and to cover trust funds, to make it perfectly clear the degree of disclosure that is required with respect to those.

So I think we've done a great thing here. And I had expected the member to recognize that these were the Liberal Party's ideas that we are trying to capture and include in this Bill, in addition to the requirements that are already there.

Mr. McPherson: — Well it's not that we were putting forward any ideas that needed capturing. We were saying the present Act fits the bill, takes care of all the problems — it just has to be followed.

An Hon. Member: — Yes, I know that's your position. Yes.

Mr. McPherson: — I know you know that's our position and now that I've listened to questions from the member from Arm River and the Leader of the Official Opposition, asking some questions on definition, I'm even more convinced that what we had is all we needed, it just had to be followed.

As we talked about earlier, half of your members report in that way. And all of our members do. And the third party, who have vacated once again in this session, especially when it's on The Election Act, we don't know how they report. They've obviously got some serious problems. They'd rather not be here today.

Under definitions, a person, and beyond the living organism or whatever you were talking about before, it already . . . well let's read it into the record. Person includes an individual, a corporation. Even though you felt you had to add corporation once again. We don't think you did.

Corporation, a company, society, trade union, unincorporated organization, or association. And as you and I have had the discussion today, and you've offered up your opinion of association, your officials also, that association in these definitions is deemed to be in a constituency association. I mean we have beaten that one to death.

A syndicate or a trust. Minutes ago you and your officials said that this trust is a trust fund. Firm, partnership owners, political party, registered party, and a political party that was registered pursuant to the Canada Elections Act as amended from time to time. It basically covers absolutely everything we can think of. That's the present Act, not yours. All you've done is try to appease us by throwing in some very simplistic, I think,

solutions here.

Because if we take a look at section 219 and what the present requirements are, a person — and that person would be under the present definitions in section 219 — would already include to be a corporation, constituency association, or a trust fund — right? — in the present Act, who makes a gift, contribution, loan, advance, or deposit or provides other financial assistance to a candidate or registered party may use an agent.

Then it goes on to say that in fact it must be fully disclosed in 219(3): “Where a person receives . . .” — a person being once again that corporation, that constituency association, or that secret trust fund or trust fund or however you word that — “. . . receives any gift . . .” — gift meaning the kind of gifts that the Premier would have had in Riversdale. And if you want, we can go back through there. It’s listed as gifts from Riversdale NDP. So that clearly is covered.

“Advance, loan . . .” — you weren’t sure about loans, but I’m sure about loans.

I just read a news article. And of course I’ve set it down here and won’t find . . . Oh, here we go: “Loans to NDP missing from reports” — this is a Dale Eisler column — \$2 million worth of loans never reported. If you want a copy of that, I can send it across. But I think it covers it, what we’re getting at here.

Loans, contributions, and of course there again the trust funds, the constituency associations, corporations, trade unions — they’re all covered in there. Any contribution . . . (inaudible) . . . make “deposit or other financial assistance for a candidate or registered party . . .” That takes care of either/or coming through that candidate or through the party central or through that party’s constituency office.

. . . that person . . . (and I won’t get into that; you know exactly what the person is) . . . is deemed to be the agent of the person giving such financial assistance and he shall disclose to the business manager of the candidate, or to the registered agent of the party, the identity of the person for whom he is deemed to be the agent.

How, Mr. Minister, can you not accept . . . or how can you make some argument that it’s interpretation? The definitions are too clear. Your answers to our questions are too clear. This is very clear — what’s being said here. It’s not confusing.

I have seen some of the legislation that’s been brought forward by your government and it is confusing to me. Firstly, the reason why you bring some things forward. But also in the way it’s written. But this I think, is very clear. It’s just not being followed.

Mr. Minister, let’s take the definition of trust as a person, right? And it’s right here and you’ve agreed to what it is. All right. So the PC metro fund is a trust, and under section 219(3) that trust, that person . . . that trust, having received any monies — and you can go through the whole list of loans and contributions and the like — basically had to disclose every name.

And so in your opinion, with that very clear, with that very clear definition and part of the Act, do you believe that the PC metro fund, by having that fund and not disclosing that fund . . . I have another article here about where one of the Conservative . . . I don’t know if it’s a director, executive director, or in fact the Leader of the Third Party himself said they don’t have to disclose it.

But, Mr. Minister, firstly, do you believe they should’ve had to disclose it? And secondly, by not disclosing it, in your opinion would then 219(4) . . . well if they don’t disclose it, it basically goes right to where it would have to be considered an anonymous donation and given to the Chief Electoral Officer. Not too far off of what you’re trying to bring in in the House amendment, but clearly already there. Right or wrong? And we’ll stay to the PC metro fund for the time being.

(1700)

Hon. Mr. Mitchell: — Thank you, Mr. Chair, and to the member. I have said before, I can’t pronounce on the PC fund. I don’t have enough information to pronounce on it and it’s not my . . . it’s not appropriate for me to pronounce on it. That’s a question that, as we speak, is before the Chief Electoral Officer and that’s probably where it should be. And that will play itself out.

As to the earlier part of the member’s question, we’ve been debating this very question for the better part of two days now. And you have your interpretation of the Act based upon the legal advice that you get and how you read the words. We have our interpretation based upon all of the advice that we have and the words. And we’re obviously not agreeing to it. And you’ve tested me for a couple of days on my views as to the Act and I have answered your questions as best I can. There’s no point in repeating them.

Obviously we have a different view. What you are saying that . . . in effect is that your view is the correct one and no other views are correct and therefore no changes to the Act are necessary. And I caution the member that that’s not how things work. We have a difference of opinion here which . . . put forward by very reputable law firms who are advising us to the opposite effect, as to the meaning of that section, and that’s why we’re introducing these amendments.

And these catch situations that the member wants us to catch, where funds are bundled up and sent on in the name of the entity that does the bundling, without any information being included — you say it’s in the present Act; we say it’s not. Let’s put it beyond doubt by introducing the requirement in clear, precise terms so that in the future there will be no doubt about it. And I think it’s a very significant advance in the law and I’m enthusiastic about it.

Mr. McPherson: — Mr. Minister, I don’t think you think that at all because I think these definitions are too plain. I’m going to send this across to you . . . (inaudible interjection) . . . oh, you might as well have a copy, it’s bigger print. Maybe that’s the problem. Maybe that’s the problem we can’t get at.

A person is a corporation, association, a constituency association, or a trust. And you're saying, well that's our interpretation. No it's not. That's the interpretation in The Election Act. That's how it's defined in The Election Act. Do we have to just start one word at a time and work through this?

Now I think the question was rather simple. Is the PC metro fund considered to be a trust as defined in the current Election Act?

Hon. Mr. Mitchell: — Thanks, Mr. Chair, and to the member, I repeat, I don't know anything about that particular fund, but just on the face of the definition, it includes trusts. The newspapers are reporting that fund and they describe it themselves as being some kind of a trust, as I recall, some kind of a trust fund or whatever. So just on the basis of the newspaper reports, I would expect that it would fall within that definition. But I can't pronounce on that, nor should I. That's something that the Chief Electoral Officer is already investigating.

Mr. McPherson: — Mr. Minister, now, this trust that you know nothing about though is donating — what was it — hundreds of thousands of dollars each year into the Conservative Party, the registered party, to be used for election purposes. So would that be in contravention of the Act if they didn't disclose?

Hon. Mr. Mitchell: — Now with great respect, that's not a fair question. That very question is before the Chief Electoral Officer and it is just not appropriate that I stand here in this committee and start pronouncing on those things. That's not my . . . any part of my function, to pronounce on that. That is going to have to be determined by Mr. Kuziak, or in any event somewhere else, not here.

Mr. McPherson: — Are you, Mr. Minister, are you ensuring that Mr. Kuziak has ample funds to have this very complete and thorough inquiry? Are you adding to his budget? Are you allowing him to continue with the present budget? Or how do you expect him to address, under the tight fiscal restraints that you put on everybody in this province . . . how do you expect him to have this full inquiry?

Hon. Mr. Mitchell: — That issue, that question, hasn't arisen in my presence, but I can say to the member that if the Chief Electoral Officer needs more money in order to do his job with respect to these or any other issues, he'll get the money. No question about that.

Mr. McPherson: — Are you going to make that offer to the chief electoral office or are you expecting him to try and work within a certain budget and approach you, Mr. Minister?

Hon. Mr. Mitchell: — Well he will . . . he's no doubt watching us right now. He heard me; it's a matter of the public record. And you know he will, if he can, do it within his existing budget — fine and good. If he needs more money to do it, that's fine too. We certainly won't compromise his performance of his duties here by a lack of funds.

Mr. McPherson: — Mr. Minister, certain sections — well not

certain sections, I'll have to go through it — 226 . . . bear with me a moment.

Well, Mr. Minister, I'll just take a shot in the dark. I think it's 226, dealing with anonymous donations.

An Hon. Member: — Old Act or new Act?

Mr. McPherson: — The present Act.

Hon. Mr. Mitchell: — Mr. Chair, my copy of the old Act has 226 as being an offences section that defines the penalty for contravention of certain sections of the Act.

Mr. McPherson: — Thank you. A new Mr. Minister here. So we will . . . I'm not sure where to take this. Is the minister coming back?

An Hon. Member: — What you want to try to do is get me contradicting him.

Mr. McPherson: — Pardon me?

An Hon. Member: — You want to try to get me contradicting what Bob said.

Mr. McPherson: — No, I'd rather have him contradicting The Election Act. So should we take a brief recess while we wait for him to come back?

An Hon. Member: — Well just ask the questions and we'll . . . he'll only be a few minutes.

Mr. McPherson: — All right. How then, because somehow we haven't been able to establish who contravenes the Act or how it's done, how do you actually come up with who is an anonymous donor under the current Act? Who could possibly . . . it? If it's all in interpretation we'd never get to that part. Why was it ever put in the original Act if there is no way of deciding who would ever be an anonymous donation?

Hon. Mr. Upshall: — In this Act that I have, it's section 221, page E-6, deals with the anonymous donors:

(1) No business manager or registered agent who receives any gift, contribution, loan, advance, deposit or other financial assistance in an amount exceeding \$100 from an anonymous donor or in an amount referred to in subsection 219(2.1) shall use the money for any purpose.

(2) A business manager or registered agent who receives an amount mentioned in subsection (1) . . .

So that's the part that covers the anonymous donor.

Mr. McPherson: — Thank you, and welcome back, Mr. Minister. Can you tell me how one would become an anonymous donor?

Hon. Mr. Mitchell: — I think that the term is self-explanatory. It would be a donation from you don't know who. Well the

member laughs. I'm sorry, but . . .

An Hon. Member: — That's kind of the point I've been making for hours.

Hon. Mr. Mitchell: — The Act says in section 221 for example, in the old Act, no business manager or registered agent who receives any contribution, etc., in an amount exceeding \$100 from an anonymous donor shall use the money for any purpose. There the term is; it's not defined in the Act, and so it bears its ordinary, plain, simple, grammatical meaning. A donor who doesn't have a name.

Mr. McPherson: — Well believe it, Mr. Minister, I actually think we're getting somewhere here now. That is the point we've been making for hours, is that if the donator doesn't have a name, if you can't attach a name, then the money can't be used for any purpose. And if in fact it is used and you can't attach a name to it, then as you read on in the Act, you have to give it to the Chief Electoral Officer who will then put it into the General Revenue Fund.

So the question is, following up on your very clear statement, if an anonymous donor is somebody that you don't know the name of, then the people that have donated to the PC metro fund, and you don't know their names, are they, in your opinion, anonymous donors?

Hon. Mr. Mitchell: — Well I don't know. Again the member is trying to put me into a position as though I were the Chief Electoral Officer and had some responsibility to determine in a specific fact situation what was the legal outcome.

And I can't do that. I mean nobody can do that. You can make all the allegations you like, but I'm not in a position to pronounce as to whether or not any specific fact situation is or is not anything.

We have been talking about the Act for many days now, and it is perfectly clear that we have a serious disagreement as to the interpretation of the obligations to disclose donors under the Act. You're acting on the basis of your legal advice. We're acting on the basis of ours. We respect the fact that you're getting contrary legal advice.

And so we propose to amend the Act, considerably toughen it up from what we regard as the present provisions, by adopting practically all of the arguments, I think all of the arguments, that you're making about what the donation law should be, and here we are.

I don't know what the member is seeking to get from me. I don't know what you're looking for. If you're looking for me to usurp the role of the Chief Electoral Officer and start deciding who's right and who's wrong here, forget it. I can't do that. It's not . . . It would be not be appropriate for me to do that. It's not part of my responsibility.

(1715)

Mr. McPherson: — But, Mr. Minister, you do have a

responsibility, because for days the Liberal official opposition brought forward through the House, through different avenues in this House, ways that you could have called for a judicial inquiry to have these things answered. So why didn't you do that? If you feel you can't answer it, why didn't you allow others to answer?

Hon. Mr. Mitchell: — We have mechanisms in place that can be used to answer that question. One of them is already in full flight, as I understand the correspondence, and that is the Chief Electoral Officer, who does have jurisdiction to sort these things out.

There are other ways to do it also.

We will not resolve that question in debate in this House. That is clear. You can say what your understanding is; I can say what mine is. We can quibble away about words, but in the end, it's not going to resolve anything. And what we are here to do and what we should do is to decide on what should be the election law that will go into effect on or about January 1.

Mr. McPherson: — Mr. Minister, the \$1.331 million that was transferred through your constituency associations, would you consider those to be firstly anonymous donations if they're not listed?

Hon. Mr. Mitchell: — Certainly not. I mean unless they are. I mean I have no idea. I don't know how I'd begin to answer that question. I can tell the member this. We have complied with the existing law in the reporting of these matters. We have been meticulous about doing that. But I have no way of answering the question with any degree of specificity.

We have been talking for days now about what is the interpretation, and you put forward your interpretation and ask me questions about it and I answer with my interpretation. And basically what we've got is conflicting legal advice by very, very prominent lawyers. It's a situation that cries out for a remedy, and the remedy we propose is included in the proposed House amendments.

Mr. McPherson: — Mr. Minister, the \$1.331 million that your party hasn't disclosed, in your opinion, that transfer, even though it wasn't disclosed in any way, shape or form — we have no idea who put that money through those constituency associations — in your view though, that is legal, and in your view, that follows the intent of the legislation as it was brought in in 1974?

Hon. Mr. Mitchell: — Well the answer is yes. We consider that we have complied with the law. We have been doing it ever since the law was introduced by the now Premier back in the '70s. We have been complying with it. And yes, we consider we're in full compliance.

Let me just repeat this point. We take the member's point, though. This issue sprang up less than three weeks ago — I guess it is exactly three weeks ago — and it's captured all of our attention, and we're moving with the House amendments to try and ensure that the law is tougher than we considered it ever

was, perhaps in line with what Garrett Wilson always considered it was. But in any event, it will resolve the problem for the future.

So far as the problem in the past is concerned, what's already behind us, that's going to have to be sorted out by appropriate authorities.

Mr. McPherson: — So in your proposed House amendment, in the proposed House amendment, can you tell me how political action committees of the sort that they have in the United States, how they would be dealt with in your amendment?

Hon. Mr. Mitchell: — They will either be a corporation or a trust fund or they will be included in the concept of a constituency association. One way or another, they will be caught directly, depending on . . . well it may be a corporation in the event of an incorporated body. It may be a trust fund. That's a very wide concept in law. Failing all that, we can get it included in the concept of constituency associations.

I'd indicated to your leader some time ago that that's going to cover more than just the Wood River Liberal Association or the Fairview Constituency Association, because we will sweep in our youth organizations and our women's organizations and all of those things, to ensure that any of these groups that are bundling up money to hand over to the party are going to have to comply with that law.

Mr. McPherson: — So then as you're saying, it's the present Act that's going to catch anyone such as a political action committee or your youth groups. So really then if we can accept . . .

An Hon. Member: — The amended Act.

Mr. McPherson: — Pardon me? The amended Act? . . . (inaudible interjection) . . . Well no, no, that's not what I heard you say, because you're telling me that it would fall under the definition of persons under corporation, and that would catch it.

Hon. Mr. Mitchell: — I said that with respect to any of these groups that are bundling up money and sending them over to the party, they're going to be caught by these terms, one or the other of them, and will have to comply with the disclosure requirements here in the proposed House amendment to Bill 92.

Mr. McLane: — Thank you, Mr. Chairman. Now, Mr. Minister, when you're defining . . . you have the constituency associations defined in the Act. How many constituency associations can you have for each constituency?

Hon. Mr. Mitchell: — It is not a defined term. We all know what our constituencies are. In the case of the member, it's the Arm River constituency. And we have a sense of the traditional meaning of "constituency association." But association could be any group that is engaging in activities that are covered by this Act, so it's not a confined term. It will cover our traditional constituency organizations and any other organizations that have a similar purpose in mind; namely, to get us elected.

Mr. McLane: — Thanks, Mr. Minister. Do you think it would be appropriate, however, to have that term defined, in light of some of the events that have happened in the past, have it tightly defined and go so far as to include how many constituency associations you can have per constituency, as opposed to leaving it wide open and I guess at the discretion of an individual constituency?

Hon. Mr. Mitchell: — Again "constituency association" covers a lot of ground, an association in respect of a particular constituency. And if we start defining it, we run into the same problem as with trust funds. We start to limit it as soon as we define it.

If you want to limit something, define it, because the courts will then read it strictly. If you want it to cover the maximum possible ground, then just use the general, commonly understood words and know that by doing that you've covered more than you would if you tried to define it.

Mr. McLane: — Thanks, Mr. Minister. We talked before about what brought us to all this and to this discussion. And certainly, as I mentioned before, I do believe that it was the disclosure of — whether by accident or by media or whoever it was — of the first secret fund of the third party, the new Progressive Conservative Party, and of course the opening up by the media of the \$2.47 million fund, whatever it was, of the Conservatives.

And that's prompted a lot of calls to me and discussion to me by constituents and people from across the province asking, well where did this money come from, in light of some of the events that have happened over the past year with court challenges and court cases and convictions and what have you.

And so I guess as an MLA representing a constituency, people want to know how we're going to address this problem, how we're going to fix it and to ensure that it doesn't happen again. So that's where I think a lot of our discussion within caucus and in this forum has come from, and in particular my short bit of questioning and dialogue on this very topic.

So I think, I hope, you understand and I hope the people of the province understand, where we're coming from in trying to address the problem and get some credibility back for our elected people, which includes yourself and myself and our caucus and a lot of your caucus members as well.

So just in closing, and I'll turn it back to my colleagues, that I hope that the discussion here has helped in ensuring that appropriate steps are being taken, whether it's by the Chief Electoral Officer or by the Provincial Auditor, to ensure that the concerns of the people of the province are addressed. And I hope that . . . and I know you will be certainly supportive of those actions in the future.

Hon. Mr. Mitchell: — Well I agree. The discussion here has certainly highlighted the issues in all of our minds, and we're the better for it. And I just want to say that if, you know, as this situation develops, if the law needs further buttressing, let's come back next year and buttress it, because we have common

ends here in so far as the future is concerned. We have a common purpose.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, in your proposed House amendment, I really don't see a lot of difference or change. If a party isn't prepared to follow the intent of section 219, why does section 240 change? I mean if you're not prepared to follow the intent of a law then it doesn't matter what you're going to bring in or play with here. The intent is very clear. I know that you know it's very clear. And the Premier has put you to lead a charge which I'm sure that you're not comfortable leading. Well that's my interpretation. We're back to interpretations. And I think you know very well that you're in a tough spot and we'll accept that you don't have any alternatives. You have your marching orders and must see those through.

However you are the minister that's bringing forward amendments, and in the amendments I would like you to explain to me . . . especially after yesterday's comments, because you had told me or this House that in fact you looked at several other jurisdictions before bringing forward the amendments and reopening The Election Act, which surprised me because the intent can be easily not followed in 240 as in present 219, unless in fact you had some guidelines to follow as they do in Alberta.

And I noticed in the Alberta Election Finances And Contributions Disclosure Act . . . and this is why I'm really not sure why, if you've recognized now, it's come to light that there's all these problems, why in fact you wouldn't move in the area that Alberta did and in fact have an annual reporting by a constituency association. I mean if you really and truly wanted to clean up a problem, why wouldn't you take it to that level, because that's where the problem is.

I mean for the longest time, for the longest time, your government and of course the PC Party wanted to confuse this, that it was something to do with the Canada Elections Act. There was these federal contributions . . . (inaudible interjection) . . . well you can shake your head no, but that's exactly where you were trying to lead us for the longest time.

(1730)

But it's the constituency associations. That's where the problem is. That's where the 1.331 million problem that you have . . . It doesn't address the PC metro fund where they have — what is it? — two and a half million dollars. And it is so clear in definitions, and you've admitted that definition is clear under person being a trust and the trust being a trust fund, that section 219 (3) clearly deals with it.

And yet when you stand up to give an answer, well you have no idea; it's interpretation problems. I know that that's not the case, Mr. Minister. You know, really, you've got the majority. You're going to ram this through. So be it. But in one way I think it's . . . well it's disappointing that if in fact you looked at the other jurisdictions, that you wouldn't go right to where the problem is for your own sake, for your own members' sake, and deal with it at the constituency level as they did in Alberta. Can

you tell us why you didn't address that?

Hon. Mr. Mitchell: — Well granted we've taken a different formulation from Alberta. As the member knows from an answer I gave yesterday, I was operating on incomplete briefing with respect to Alberta. But we have here a requirement that I think accomplishes the same purpose as the member is urging, namely that the monies that are brought forward from constituency organizations to the party or to a candidate have to disclose the source of the funds. And that's the same position that Alberta winds up in.

Shall I repeat some of that answer?

An Hon. Member: — Please, would you?

Hon. Mr. Mitchell: — Yes, I don't mind at all. I, for some reason, was not aware of the Alberta law at the time of the drafting of these provisions. My information was that Alberta really didn't have any law in this area. That was wrong, and I received briefing this morning that indicated that, what the true situation was, and I apologize to the House for that but that sometimes happens.

But I think that what we have here in the proposed House amendment gets us to the same end, because the constituency association, if it passes the money to the party or to the candidate, has to disclose where the money came from. So in effect, if it's using the money for political purposes, it has to comply with this law, and I think this is a good law.

I want to say, you know, the member doesn't do me justice. With all respect, I have tried as hard as I can, with all the ability I have, to be fully responsive to the member's questions. And he's asked some zingers and not intended to make me look good. So be it and that's fair. But I want to say plainly to the member that I have tried very, very hard to deal frankly and forthrightly with the questions that you've raised.

Now maybe taking my answers through your perceptual screen, you have a different interpretation, but I say to the member that I stand here as sincere as I can be about these questions, and tell you and give you the answers that I've given — all of which indicates that our parties and our advisers have different views as to the obligations under this Act.

If we will pass this Bill with these amendments, there will be no confusion any more.

Mr. Osika: — Thank you, Mr. Chairman. And through you to the minister, again from the perspective of lay people and perhaps what we discussed earlier about unequivocally, if there is in fact improprieties found as a result of the inquires that are going on, they will be dealt with under this existing Act, the concern still exists that the amendment as proposed now to be implemented at this point in time, furthermore may undermine possible . . . possibly undermine or could undermine prosecutions under the old rules.

And again in legal terms and perhaps from a legal perspective maybe, I'm totally wrong. However it might give or it could

give defendants in the future the opportunity to argue that in the absence of the material that now exists, they would not have done anything wrong. I guess that's a concern with now changing a law to say, well it's okay if you did it today, but because you did it last week, you're going to be prosecuted.

And it could very well undermine — undermine — any prosecutions if there is a defence by defendant saying, well in the absence of the regulations, the rules, the new law, okay we've done nothing wrong had those been in place before. So why are you prosecuting us now.

Hon. Mr. Mitchell: — I appreciate the member's question and I finally understand the reluctance to amend section 219 or what is now 240 in the Bill.

This law will have no effect on any proceedings that arise from events that have occurred before this Act comes into force. The Interpretation Act, I'm told, is perfectly clear, that any violation of the repealed Act will be continued and will be dealt with under the terms of the old Act. And what we're doing today with Bill 92 will have no effect whatever on those situations, whether they're investigations or court actions or prosecutions or what have you. They will continue in every respect as though we were doing nothing today, that we were gone golfing and not bothered with Bill 92.

But I understand the member's concern now and I give him that answer, which I know to be so myself and which I'm advised by my officials is so.

Mr. Osika: — Thank you and forgive me for asking it one more time with respect to . . . given your esteemed legal advisers and counsel. Could it in fact be used . . . Now that this is in the new Act, in a new Bill, could it be used by the defence to say, well evidently had this been in before, this should not be a problem, and would that weigh the decisions or concerns or defence?

Hon. Mr. Mitchell: — Mr. Chair, and to the member, the law is clear that what we are doing today will have no effect on those situations. The law is clear.

Ms. Julé: — Thank you, Mr. Chairman. Mr. Minister, does present legislation, any time legislation is . . . the present legislation or the ongoing legislation, does it always override any previous legislation?

Hon. Mr. Mitchell: — A new piece of legislation, it will be clear from it if it's properly drafted, what its effect will be. It will not have any retroactive effect unless this Assembly gives it retroactive effect. It will speak only from the day in which it comes into effect. Some pieces of legislation, as we all know, come into effect on the day that they're approved by the Lieutenant Governor. Others come into effect on a date to be proclaimed, which is the situation here. It's coming into effect on a date to be proclaimed and the best guess is January 1, 1997. Until that date, the old Election Act continues in force and the new amendments have no effect at all until they're proclaimed. I think that's the question I was asked.

Mr. Osika: — Thank you, Mr. Chairman. I just want to follow up on that. In going back to again a concern I expressed, can I use an analogy to try and explain the feeling that . . . The speed limit is 100 kilometres per hour and a person gets a ticket for it and is pending prosecution. In the meantime, there is legislation change for that stretch of highway to put it up to 110. So when the individual goes before the judge, the judge looks at it and says, well yes, you were going 110 when it was 100, but now it's 110. It lessens the impact of the offence, or whatever you did, we're letting you off, absolute discharge.

That is, in very simple terms, what the concern is, what I've been trying to express as a concern, if in fact there are improprieties and prosecutions, heaven forbid. But if it's necessary and then it's viewed as, well had the law been like this before it would've been no problem so everybody gets off and nobody then answers for having breached the law since it was passed with amendments from 1974, amendments in '78, to this day.

And someone's amassed \$2.75 million in direct contravention of the Act and someone else may have perhaps amassed \$1.33 million in contravention of the Act. Now to have the inquiries reveal that yes, there's been a contravention; however, when it does come before our learned courts and they look at the whole exercise and say, well had this been in place before, this wouldn't have happened so the intent was not there, and the impact is not as great, and let's not worry about it, it's over and done with, and everybody's off scot-free.

Hon. Mr. Mitchell: — I could repeat my previous answer with respect to the application of the law. And we can be completely confident in this Assembly that the courts will follow The Interpretation Act and will apply the law as it existed at the time. That's perfectly clear.

The member will know from his experience that it's difficult to predict how any individual judge may handle a sentencing situation in the event that there's a conviction. Again the law is clear. People have to answer for their actions . . . (inaudible interjection) . . . Right. I mean no. To quote myself, no.

You know, with judges the law is clear, but there's nobody can give assurances about anything. I would expect that, you know, if there are offences connected with this kind of money that the penalties would be significant, but who am I? I'm only a cabinet minister as you're only a leader of an opposition.

Mr. McPherson: — Thank you, Mr. Chair. Mr. Minister, I guess if we added up all the hours in the last month in question period . . .

An Hon. Member: — We got to know each other well.

(1745)

Mr. McPherson: — Oh, we've got to know each other well. And the hours that we put in yesterday and the full day today, it has become very clear that you're not going to pull the Bill, let it die on the order paper. I think you should. I think it would be the best thing to do given I think what transpired and where

we're at with the Chief Electoral Officer and the investigations by the Provincial Auditor and where this is going to go. I think to do the Act now is wrong.

I don't think there's any reason why it should be hurried through right at this time, given that it's still, you know, three years away from an election. I guess you'd know that better than I. We could give you a written commitment that it would be dealt with first order of business in the next session if you would choose to pull it, I think for both . . . or for everyone's sake, but that'll be your decision to make right away.

There's not much more that we can say about the present Act and the one that you're in fact proposing, some of the amendments, other than it's very clear to us and always has been for those of us . . . or for those in our party that have to follow these rules, that if you get money for either your candidate or your party, you must disclose it. And in the definitions right here, of persons, it so thoroughly covers all the angles that could be dealt with — trusts and constituencies.

And we've went through that. Just when I think I've got agreement from you that we're at that stage, then I can't get answers. And I know the difficulty that you are in. As I said before, within your own cabinet, if you have instructions to put it through, it's going to go through.

I also want to at this time thank the officials that you brought with you. And I also know the difficult position that they've been in, because, Mr. Minister, they're trying to help you get through something that I don't think any of you are very comfortable with at all. Nor do I think that you believe that it's necessary or in fact that it's well-planned or thought out.

And so with that, we're going to let things move along, unless of course all of a sudden we're going to see the Conservative Party step in here and answer some of the questions that you should have been answering on the PC metro fund. I see many enjoy that, except the Tories who are never here. And I can't comment on them not being in their seats today, can I, Mr. Chair. But it's definitely been an ongoing problem.

So with that, I will say that we're going to stop asking questions today. We won't be supporting what your efforts are here today, even on the proposed amendment, because we've clearly stated on several occasions, not that the amendment doesn't have all the right words for what you're trying to have it achieve, but in fact because that it's not needed.

Let's make it very clear. I'm sure that when you'll take *Hansard* and show everyone that firstly the Liberal Party are asking that something get cleaned up, and my God you brought forward amendments to help clean it up and they didn't vote for it. Oh, you go and do that politics if you want, but quite frankly I'm too tired for it . . . (inaudible interjection) . . . pardon me?

An Hon. Member: — Twenty-two years from now.

Mr. McPherson: — Twenty-two years from now. Oh, whatever. I'm sure some of your colleagues will enjoy that little bit of politics, but the truth of the matter is we're not supporting

it because we just don't think it's required. I'll leave it at that but in wrapping up — and we won't support the Bill either, by the way — but in wrapping up, I'm going to ask for one commitment from you. And we can argue definitions on constituency associations and whether that money was rightly or wrongly handled or dealt with or disclosed. But something is very, very clear, and that is there are funds; there is a PC metro fund and maybe more; I mean they may have a metro fund and a rural fund and how many funds, we don't know.

But I want your commitment, Mr. Minister, that because you're the one championing this amendment, this Act through, that in fact you will do what is in . . . well that you're able to do either . . . with the funds that are going to be required by Provincial Auditor, by Chief Electoral Officer, to get to the bottom of these huge millions of dollars in secret funds. I think it's incumbent upon you to stand in this House today and give that commitment to the people, that you will get to the bottom of that. That in fact the abuses that happened all throughout the '80s won't happen again.

The Liberal Party, by the way, in our view and in the view, I'm sure, in many . . . are the only ones that have always fully disclosed those types of donations, and I would like to see what you feel about giving that commitment here today.

With that, I once again thank your officials.

Some Hon. Members: Hear, hear!

Hon. Mr. Mitchell: — Mr. Chair, I just want to reply to the member's request. I think that I have made clear that if the Chief Electoral Officer requires more resources in order to deal with these cases then we will be responsive to him on his describing the problem to us and doing what would normally be done in those situations. We will not compromise in any way these investigations because of funding problems.

The member maintained his position right to the end, and I know he was sincere in putting his position forward. And he has to give me the fact that I was sincere in responding to them, because we believe very, very strongly in the concept of the transparency of political donations. And the law that was passed in 1974 and amended later in the '70s in this Assembly reflected our commitment to that idea.

It surprises me in retrospect that when we were working on this Bill, when we were working on this Bill, we didn't think about this. We didn't, you didn't, the Tories didn't. We just didn't have any conversation about it at all. And I think it's to our credit that when we . . . all of us, that when our minds were directed to this issue, we responded in the way that we did.

Because, you know, when you boil down all the rhetoric, when you eliminate all of the politics here, the fact of the matter is that we are on the same path. We believe that there ought to be far more transparency in political donations. And that's a remarkable thing. This, as I mentioned earlier a number of times, has been a subject of huge debate across this country for years and years. And here we are in little old Saskatchewan agreeing on a formulation of the law which in my view is a

substantial improvement over what we had before.

Now you may not share that view, fair enough — you've made that clear right to the end. But that is certainly our view, and that we have the concurrence of the Liberal Party to that kind of formulation is a very interesting idea. Because for better or for worse, your party in this province has not been behind these kind of initiatives in the past. It is now and I think that speaks well.

I want to say to the member, finally, I just got to wrap this up though. I want to say once again how much I and my colleagues appreciated the level of cooperation and consultation that took place with respect to this Bill. It was remarkable and we are very pleased that it went — very pleased that it went. Now the member says, not asking to support it. That's fine, but we did a lot of work together on it and we accommodated each other's wishes on it to a remarkable extent, and I want to say that in closing for the record and to my friends opposite.

The Chair: — Before we start on the Bill clause by clause, I would ask leave of the committee that we do the clauses in groups seeing as there are 291 clauses. Is that agreed?

Leave granted.

Clause 1 agreed to.

Clauses 2 to 239 inclusive agreed to.

Clause 240

Hon. Mr. Mitchell: — Mr. Chair, I have tabled a proposed House amendment to clause 240 of the printed Bill. It consists of . . . the amendment consists of two parts.

(a) by adding the following subsection before subsection (1):

I will read the proposed new subsection 1:

“(1) In this section, ‘registered party’ means a registered party within the meaning of the Canada Elections Act”;
and

Now the (b) part of the proposed amendment to clause 240 is as follows:

Amend Clause 240 of the printed Bill:

(b) by adding the following subsections after subsection (4):

“(5) If a constituency association, corporation or trust fund makes a contribution to a registered political party or a candidate, the constituency association, corporation or trust fund shall provide the chief official agent of the registered political party or the candidate's business manager with a statement setting out:

(a) the name of the person who authorized the

contribution on behalf of the constituency association, corporation or trust fund; and

(b) the name of, and the amount contributed by, each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the constituency association, corporation or trust fund.

“(6) If a registered party makes a contribution to a registered political party or a candidate, the registered party shall provide the chief official agent of the registered political party or the candidate's business manager with a statement setting out the name of, and the amount contributed by, each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the registered party.

“(7) The statements mentioned in subsections (5) and (6) must be provided at the time the contribution is made.

“(8) If the constituency association, corporation or trust fund does not provide the statement mentioned in subsection (5) to the chief official agent or business manager, the chief official agent or business manager shall not accept the contribution from the constituency association, corporation or trust fund.

“(9) If the registered party does not provide the statement mentioned in subsection (6) to the chief official agent or business manager, the chief official agent or business manager shall not accept the contribution from the registered party.

“(10) If the chief official agent or business manager learns that the registered political party or candidate has accepted a contribution from a constituency association, corporation or a trust fund contrary to subsection (8) or from a registered party contrary to subsection (9), the chief official agent or business manager shall return the contribution to the constituency association, corporation, trust fund or registered party.

“(11) The Chief Electoral Officer may request a constituency association, corporation or trust fund that makes a contribution to a registered political party or candidate to submit a statement setting out:

(a) the name of the person who authorized the contribution on behalf of the constituency association, corporation or trust fund; and

(b) the name of, and the amount contributed by, each person who made a contribution in excess of \$250 in a year and whose contribution was used to make up the funds contributed by the constituency association, corporation or trust fund.

“(12) No constituency association, corporation, trust fund, registered party, chief official agent, business

manager, officer of a constituency association, officer or director of a corporation or trustee of a trust fund shall fail to comply with subsections (5) to (1) or with a request made pursuant to subsection (11)".

I move that amendment, Mr. Chair.

(1800)

Mr. D'Autremont: — Thank you, Mr. Chairman. I would like to propose a subamendment to the minister's amendment. I believe that one item that we've discussed earlier has been missed out on in this particular area, and that is the inclusion of trade unions under this particular amendment, House amendment.

Every place else in the Bill, where it talks of private donations, where it talks of corporations, it includes the words, trade union. Only in this section in the amendment, as proposed by the minister, are the term trade union not included. I believe in this particular case, Mr. Minister, as in the two other clauses where corporations and private donations are being considered, the words trade union appear. I believe in this particular clause that trade unions should also appear.

Therefore I would propose, Mr. Minister, the following amendment:

Amend subsections (5), (8), (10), (11) and (12) of Clause 240 as proposed to be added to the Bill by the motion before the committee by adding after every occurrence of the word "corporation" therein the following: ", trade union".

I so move, Mr. Chairman.

Hon. Mr. Mitchell: — Thank you, Mr. Chair. And to the member, we have, during consultation, discussed this idea. We weren't agreeable to changing the Bill at the time, and we're not agreeable to accepting the amendment now and I want to say why.

The requirements for reporting contributions from corporations and trade unions — direct contributions — are already set out in the Act; have been for years, continue there.

What we're trying to get at with the amendments to section 240 are corporations, of which Tommy Douglas House is the example that we were using in the discussion in committee earlier this afternoon, corporations that are connected to the political process in one way or another.

And trade unions just aren't involved in that. Their contributions come directly to . . . no doubt to the Tory Party because of the great supporters that they've been. I say that with sarcasm, all the sarcasm that I can possibly muster.

But the direct contributions from corporations are already covered in the Act. This is to get at the indirect ones, the ones that are bundled up . . . these are bundled up by a corporate entity and passed on to the party.

So for those reasons, Mr. Chair, we are not agreeable to the proposed subamendment.

Subamendment negated on division.

Amendment agreed to on division.

Clause 240 as amended agreed to.

Clauses 241 to 249 inclusive agreed to.

Clause 250

Hon. Mr. Mitchell: — Mr. Chair, I move:

That clause 250 of the printed Bill be amended as follows:

(a) in clause (2)(b) by adding ", and the amount contributed by," after "the name of"; and

(b) by adding the following subsection after subsection (2):

"(3) A return required by subsection (1) must be accompanied by a copy, certified by the chief official agent to be a true copy, of every statement received by the registered political party pursuant to subsections 240(5) and (6) in the fiscal year".

I so move.

Amendment agreed to.

Clause 250 as amended agreed to.

Clauses 251 to 260 inclusive agreed to.

Clause 261

Hon. Mr. Mitchell: — Thank you, Mr. Chair. I propose that clause 261 of the printed Bill be amended by adding the following subsection after subsection (2):

"(3) An election expenses return required by subsection (1) must be accompanied by a copy, certified by the candidate or the candidate's business manager to be a true copy, of every statement received by the candidate pursuant to subsections 240(5) and (6) respecting contributions made during the election".

I so move.

Amendment agreed to.

Clause 261 as amended agreed to.

Clauses 262 to 276 inclusive agreed to.

Clause 277

Hon. Mr. Mitchell: — I propose that clause 277 of the printed Bill be amended in the following way:

Amend clause 5(b) of Clause 277 of the printed Bill by striking out “corporation’s business” and substituting “Crown corporation’s competitive business interests”.

I so move.

Amendment agreed to.

Clause 277 as amended agreed to.

Clauses 278 to 291 inclusive agreed to.

Schedule agreed to.

The committee agreed to report the Bill as amended.

The Chair: — That ends the work of the committee. If I can have leave of the Assembly for about 30 seconds, I would like to say some thank-you’s to some people for making the work of the working of the committee work so well.

Leave granted.

The Chair: — First of all, I guess the staff in the Speaker’s office for making our job . . . and also the staff in the Clerk’s office for helping us out, the people from *Hansard* and broadcast services for making it go. Certainly the pages, and a special thank-you to you, the members, for your cooperation and your patience at certain times that was needed to keep the committee working.

And I guess I want to say even right on record a special thank-you to our spouses for the patience they’ve had for us being in here as long as we have been, all summer it seems like and spring, and a great thank-you to the ones that really make the committee work, are the Clerks here at the Table, Gwenn and Greg and Meta. I know new in the position down here it would have been very difficult without them so I want to say a big thank-you to them.

And to everyone, I want to finish by saying have a great summer and God willing we’ll see you all back here for the next session. Thank you.

Some Hon. Members: Hear, hear!

(1815)

THIRD READINGS

Bill No. 92 — An Act respecting Elections

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

Motion agreed to.

Hon. Mr. Mitchell: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 92 be now read the third time and passed under its title.

The division bells rang from 6:19 p.m. until 6:20 p.m.

Motion agreed to on the following recorded division.

The Speaker: — Order. Order. All hon. members know that debate is not allowed during the taking of the vote. I’ll ask all hon. members to come to order.

Yeas — 35

Mitchell	Wiens	Shillington
Anguish	Atkinson	Tchorzewski
Johnson	Goulet	Upshall
Kowalsky	Crofford	Renaud
Koenker	Trew	Bradley
Scott	Teichrob	Nilson
Serby	Stanger	Hamilton
Murray	Langford	Wall
Kasperski	Sonntag	Jess
Flavel	Murrell	Thomson
Boyd	D’Autremont	Toth
Goohsen	Haverstock	

Nays — 9

Osika	McLane	Draude
McPherson	Belanger	Bjornerud
Julé	Krawetz	Gantefer

The Bill read a third time and passed under its title.

ROYAL ASSENT

At 6:25 p.m. His Honour the Lieutenant Governor entered the Chamber, took his seat upon the throne, and gave Royal Assent to the following Bills:

- Bill No. 5 - An Act to amend The Education Act
- Bill No. 98 - An Act respecting the Application to Saskatchewan of the Convention on the Civil Aspects of International Child Abduction /Projet de loi No. 98 - Loi concernant l’application à la Saskatchewan de la Convention sur les aspects civils de l’enlèvement international d’enfants
- Bill No. 99 - An Act respecting Co-operatives/Projet de loi No. 99 - Loi concernant les coopératives
- Bill No. 100 - An Act respecting the Regulation of Drivers and Traffic on Saskatchewan Highways/Projet de loi No. 100 - Loi concernant la réglementation de la conduite automobile et de la circulation sur les routes de la Saskatchewan
- Bill No. 101 - An Act respecting Wills/Projet de loi No. 101 - Loi concernant les testaments
- Bill No. 102 - An Act respecting the Distribution of Estates of Intestates/Projet de loi No. 102 - Loi concernant le partage des successions non testamentaires
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- Bill No. 82 - An Act respecting Health Facilities
- 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
- Bill No. 92 - An Act respecting Elections
- His Honour:** — In Her Majesty's name I assent to these Bills.
- Bill No. 123 - An Act for granting to Her Majesty certain sums of Money for the Public Service for the Fiscal Years ending respectively on March 31, 1996 and on March 31, 1997
- His Honour:** — In Her Majesty's name I thank the Legislative Assembly, accept their benevolence, and assent to this Bill.
- His Honour retired from the Chamber at 6:34 p.m.

Hon. Mr. Shillington: — Before moving a couple of motions, one by leave, I would ask for leave to make a few comments.

Leave granted.

Hon. Mr. Shillington: — I want to begin, Mr. Speaker, by thanking I think, all hon. members. This is our first session after the election. We had a number of new members. I think all in all new members and old have discharged their duties with civility and I think they've discharged them well.

I want to say I think as well that members have discharged their duties with perhaps more than the amount of decorum which we've had in the past. I think the standards this session have increased. That doesn't mean we're less partisan. It doesn't mean we agree. It does mean we respect each other, and as we learn to respect each other perhaps some of the public respect which we've lost over the years will return. So I for one see the return of civility and mutual respect to be a very positive thing.

There was one other thing that was a first. You're not the first Speaker to be elected but I think you are the first Speaker to be opposed in your election, and therefore in many ways that makes your election the first. You were also elected by a free vote of the caucuses, and I think that's important. That will be for each government and each caucus to make the decision after each election. I for one hope the decision, hope the practice, of having free votes continues.

I think, Mr. Speaker, you have discharged your duties with dedication, fairness, and patience but I think you've also had a certain moral authority which comes from having been elected by a free vote. And I hope, Mr. Speaker, that continues no matter who is in office after the next election.

Mr. Speaker, there are many people who work behind the scenes, some of them not behind the scenes, some of the at the Table, some behind the scenes. I know all hon. members would want me to thank these people.

To Gwenn Ronyk, the Clerk of the Assembly who has been here for a goodly number of years. If at any time we look as if we know what we're doing, it is because Ms. Ronyk has been there to advise us. Deputy Clerk Greg Putz, Clerk Assistant Meta Woods, all of you have discharged your duties well and you have been of enormous assistance to us.

I want to thank as well the secretary to the Clerk, Monique Lovatt, and the secretary to the Clerk at the Table, Pam Scott.

I also want to recognize the work done by our Sergeant-at-Arms, Patrick Shaw. He by and large kept us in good order. Your predecessors used to wear a sword. You no longer I see wear that sword but you do manage to keep us in order in any event.

I want to thank all of the Legislative Assembly employees, those in the personnel and administration, Linda Kaminski, and the other staff members who work in that area.

In the *Journals* we want to thank clerk assistant, Rose Zerr, and

the assistant *Journals* clerk, Teena Embury. And in the financial services area the director, Marilyn Borowski, and her staff.

The broadcast of these proceedings wouldn't be possible without the work of our broadcasting services director, Gary Ward, and the other technicians who work in that area.

I also want to recognize on behalf of the members of the Assembly, the hard work that goes into visitor services. The director, whom I call by her first name and I'm afraid I'm not going to do the second name justice, I believe it's deMontigny, Lorraine deMontigny, who works closely with getting people into the galleries and lines up the introductions for us each day.

Bob Cosman, the Legislative Counsel and Law Clerk, also needs to be recognized for his work with both government and opposition members.

Finally I want to thank a group who are only with us for one year. They're never back with us a second year — it's the pages. We very much appreciate your work and we count each of you as friends, and when we see you in the years to come we hope to be able to meet and carry on reminiscences.

I now want to take my place, Mr. Speaker, and if there are any other comments to be made we'll make them, and then I will make a couple of motions with respect to the adjournment.

Mr. Osika: — Thank you, Mr. Speaker. I too would like to add some comments and my voice to what the Government House Leader has already said. And to those people that he's expressed his appreciation, I too, on behalf of the official opposition, express it sincerely as well.

There are people in this building, and I can assure you, Mr. Speaker, I brag about. I brag about the quality of the people that inhabit this particular building during our tenure. I can't say that sincerely enough, from the people in *Hansard* who work very hard, to the people in SPMC (Saskatchewan Property Management Corporation), and all the people that the Government House Leader has mentioned.

I want to thank you, Mr. Speaker, for your wise and fair rulings. We haven't sometimes always agreed but they have been wise and fair. The staff, including the offices that the Government House Leader has mentioned, without a doubt have been a real support to us, particularly us nine new members here, and I'm sure the 10th member on this side of the House and the new members on the other side of the House; that the people in financial services and administrative services have just bent over backwards to make us feel comfortable and have helped us. The people in your office, Mr. Speaker.

I'd also like to express my sincere appreciation to all colleagues on both sides of the House. We may be political adversaries, Mr. Speaker, but that does not mean that we can't be friends. And I want to truly express appreciation for the fact that there's a great deal of dignity that does exist. I appreciate that those comments that are made to one another as we stand facing one another across the floor of this House, that when we speak

through you, Mr. Speaker, or the chairman of committees, it is truly a role that we have on behalf of what we represent, and that there is no personal animosity that stems from that. And that's one thing that I believe is very, very important for us as representatives of the people of Saskatchewan to never, ever forget. We may not always agree, but I've always heard that there are people, that when they are in discussions, once they leave a room, they should leave a room arm in arm, even though one of those arms may be broken.

Mr. Speaker, I'd like to thank the media. They're not here but I appreciate their being present for as often as the third party has been in the House as well this past session. I very much appreciate that.

I would like to wish the Minister of Labour once again the very best of luck in your future endeavours and remember, wherever you'll go, there you'll be, Mr. Minister, without a doubt.

I would like to, and I'm sure my colleagues would like to join me, in wishing each and every one of you a very happy, a productive summer in your constituencies. And don't forget that we're here because of the people that rely on us and depend on us, and that's who we're responsible to and that's who we work for.

I want to thank everyone sincerely for their courtesy and generosity in this, my first term in this House, my term as interim leader, as Leader of the Opposition, and perhaps my last session as Leader of Her Majesty's Loyal Opposition. It was truly an honour. I respect the support that I received from my colleagues and all members of this House, and in that role it was truly an honour to speak out for the people of my constituency and for the people of Saskatchewan, and I will cherish this time for ever.

As Leader of the Opposition, I have not taken my responsibilities lightly. It's been an honour and a privilege that I've taken seriously as a commitment that I made to my colleagues in this House and to the people of Saskatchewan.

I have matured in my new life, and I promise you that I will return with the same amount of zealotry and perhaps more when the session happens to be recalled, and I can come back and be with all of my friends once again. Thank you.

Some Hon. Members: Hear, hear!

Mr. Toth: — Thank you, Mr. Speaker. It's certainly a pleasure for me to stand and to bring some thanks from the third party caucus. Certainly, Mr. Speaker, I think our caucus has shown over this past session that, while we may be a third party as far as numerical numbers in this Assembly, I think we've held our own.

And I think as well, Mr. Speaker, many people outside of this Assembly would certainly acknowledge that we've more than held our own and maybe in some cases, as we've seen via the media, we've been elevated to opposition status. And we certainly want to inform people that we will continue to work on their behalf.

(1845)

While this Assembly may be proroguing for the summer and for the time being, Mr. Speaker, it certainly doesn't mean that the job and the work of an MLA ceases. I think the government members are aware of that. I'm certainly sure they're aware of the fact that there are many people gathering and holding meetings across the province right now regarding health care, which is an indication that there are a lot of concerns that continue to exist.

We are certainly pleased as well to have had the opportunity to work with many organizations, and certainly the construction association in regards to their concerns regarding CCTA (Crown Construction Tendering Agreement). And we want to thank the government members, and in particular the Minister of Economic Development, for taking the time to listen.

And after the fact that we had the opportunity of talking to the ministers responsible and other government leaders, that the government certainly was willing to acknowledge that there were some concerns out there, and we look forward to the appointment of a mediator to discuss this ongoing concern and indeed address the problems that are related so this province can indeed move ahead into the future.

Mr. Speaker, I guess one might be a little negligent if we didn't mention the fact that while we did sit here and do our work, we certainly were willing to forgo the additional \$4,400, and we acknowledge the fact that this is something that government members will continue to be reminded about. And I think I've heard the Liberal caucus is trying to determine whether it's 40 to 100 or whether it's a little less. But most people in Saskatchewan acknowledge what it is and the fact that our caucus made a commitment, and we've lived up to that commitment.

Mr. Speaker, there are certainly many other areas and issues that could be discussed, but I think, Mr. Speaker, we've reached the point after all the debate that we need to acknowledge the work of many people in this Assembly.

And I think, Mr. Speaker, I would be remiss if I didn't acknowledge the work that you have done and your diligence in serving in this Chair, first, as an elected Speaker. And I think for the first time sitting in the Chair, I think, Mr. Speaker, we want to say thank you for the job you have done. We think you've done a commendable job. Coming from an opposition party, I think we would have to say that everything said, at the end of the day, we want to acknowledge the work you've done in this Assembly and we say thank you.

Mr. Speaker, we would like to thank each and every one who has helped us; certainly through the office of the Clerk and the Clerks and the staff; to the pages in the Assembly who have worked so diligently; to the Legislative Law Clerk and his staff; and, Mr. Speaker, to the broadcast services; *Hansard*; financial services; and to the library staff in this Assembly. Certainly our job in this Assembly has been enhanced because of these individuals, and the support staff that we have in this building, and we say thank you to each and every one of them. And we'd

be remiss if we didn't thank the cleaning and security staff.

I would have to say that, Mr. Speaker, we certainly have to extend a thank you to our caucus staff. Our caucus staff have worked very diligently and very hard and put in a lot of time, and certainly kept us informed. And as a third party caucus, the reason we have done as well as we have, is because of the work of our caucus staff, and we say thank you to them.

Mr. Speaker, a special thank you to each every one of the members in this Assembly.

I think we've grown. While we do not always agree, as the Leader of the Official Opposition has mentioned, Mr. Speaker, we certainly do appreciate the role that each member has fulfilled in this Assembly in fulfilling the duties in representing their constituents. And so we say thank you.

Let me end by saying this, Mr. Speaker, a thank you to one and all. May you all have a very enjoyable and a welcome summer break.

Truly may this be a special time as you get together again with family and friends and enjoy and reminisce. And we look forward to seeing you again in the fall or in the spring, whenever the government sees fit to recall the session. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Shillington: — I ask for leave to move the following motion:

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

If I have leave I shall move the motion.

Leave granted.

Hon. Mr. Shillington: — Before moving the motion, I have a couple of comments I want to make. One of my colleagues was kind enough to pass a note, whose signature I don't recognize, but was kind enough to pass a note pointing out that we overlooked, in thanking the groups we overlooked three significant groups that I want to mention.

One is the legislative staff who . . . one is the Legislative Library staff rather who were here often until relatively late at night, and I think we'd all want to join in thanking them.

I did not thank the cafeteria staff who fed us, I suppose, occasionally had to collect accounts from us; and the cleaning staff and security staff without whom this building would not be usable.

I want to add to the people we thanked earlier, our very heartfelt thanks to those three groups.

MOTIONS

House Adjournment

Hon. Mr. Shillington: — I therefore move, seconded by the member from Watrous:

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

I so move.

Motion agreed to.

Hon. Mr. Shillington: — I wish everyone a good summer. We look forward to seeing you next year — same place, different time, and different date. But let me wish you all a good summer. And with that, I move this House do now adjourn.

The Speaker: — Before adjourning the Assembly, if it is permissible by the hon. members, I would like to make some remarks, if that's permitted. Would leave be granted?

Leave granted.

The Speaker: — I promise they will be brief, as hon. members urge. At this conclusion of the first session of the twenty-third legislature I want to, on your behalf — and I realize some of it is repetition — but to repeat some thanks to some very important people who help us do our work around the calendar, but especially when we come together in session.

To say thanks to those who provide, in a very well organized way for all of us, food for thought, those in the Legislative Library; as well as those who provide food for energy in the cafeteria; as part of taking your message out to the people of Saskatchewan, those providing service through journals, through broadcasting services.

And I want to particularly acknowledge this evening the employees down in *Hansard*, who are continuing to work as we wrap up now. With the extended hours I've had opportunity to go down and visit, and it's not been without in fact significant personal sacrifice that they have delivered, with a great deal of accuracy, the words that you have expressed on behalf of your constituents in these final hours and days of the Assembly.

To visitor services for meeting those who are coming to our building, and for security services providing us the security of protection against unwanted forces, under the guidance of our Sergeant-at-Arms.

For the drafting of legislation from the Office of the Legislative Law Clerk; and to facilitate the services that you provide to your constituents, from the employees in financial services and personnel administration.

I want to thank the staff in my office for facilitating your access

to the Speaker, and to everyone in the Clerk's office for assisting with your procedural needs as you've already acknowledged.

I want to pay a special thank you to our pages — our pages who offered prompt, polite, positive, and particularly popular pages. And if I can say on behalf of all members to the pages, we send you our best wishes in your careers, and if I may acknowledge them as I did on the first day that we came together, to acknowledge the fine service that we've all received from our pages in the persons — and perhaps I could ask them to stand as I reintroduce them to you on this final day — Jocelyn Arthur, and Leanna Eaton, and Ken Dueck, and Mark Lloyd, and Leasa McDougall.

Some Hon. Members: Hear, hear!

The Speaker: — I want to say thank you as well to the two presiding officers, the Deputy Speaker, and Chair of Committees, and the Deputy Chair of Committees who worked together, in my opinion, in a very expeditious way to assist in the conduct of the affairs of the Assembly.

And finally I want to say thank you to you, the members of the Assembly. You have extended to me just a wonderful honour to serve the people of Saskatchewan as the Chair of your decision-making activities in this Assembly, and to serve you as your Assembly representative.

I commend the dignity with which you have represented your concerns and your constituents in this Chamber, and as well, I commend the respect you have shown to one another, and therefore our institution of parliamentary democracy. Thank you, hon. members.

This House now stands adjourned until the call of the Chair.

The Assembly adjourned at 6:56 p.m.

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