

EVENING SITTING

COMMITTEE OF THE WHOLE

Bill No. 71 — The Health Districts Amendment Act, 2000

The Chair: — Before I call clause 1 I'll invite the Hon. Minister of Health to introduce her officials.

Hon. Ms. Atkinson: — To my right is Patrick Fafard, who is the head of policy and planning in the Department of Health. And immediately behind me is Rick Hischebett, who is our lawyer from the Department of Justice, civil law branch.

Clause 1

Ms. Bakken: — Thank you, Mr. Chair, and Madam Minister, and welcome to your officials. There are some concerns on behalf of the official opposition that we have regarding this Bill that is dealing with the two northern health districts that were never formally recognized in legislation. I guess we're wondering how could something like this have happened? How can health districts in the North have been excluded in the legislation originally? And why did it take the government this long to bring these amendments forward?

Obviously from both an administrative and legal perspective there is much more at stake here than just recognizing that an error has occurred. There's also the potential impact that the boards' decisions would have had on health care delivery in these areas and what has happened in the interim.

Recently there have been events that have happened surrounding the Uranium City Hospital board. They have indicated the importance of having a well-defined set of regulations in place that allow for proper legal and financial operations of a health district.

We now know that a forensic audit is currently being conducted into the Uranium City Hospital board. The auditors found that there were not adequate rules and procedures in place to safeguard and control assets. The auditor also found that excess payments are being paid to employees. Nurses and support staff are being paid upwards of \$400 a day and being flown in to work in the Uranium health . . . in the hospital. I don't know if . . . I'm not sure if it's a hospital or a health centre.

And in one case, a worker was paid for over 600 hours of overtime when there was adequate staffing in place at the time, and I guess this raises huge questions in our mind and in the public's mind, and we wonder who was minding the store. Who was looking after things at this time and why did it take so long for this government to react? If you can answer that.

Hon. Ms. Atkinson: — First of all, there are 32 health districts in the province of Saskatchewan, and when we set up the health districts, initially there were 30 districts. And so when we brought in the legislation regarding The Health Districts Act, there were 30 districts. The two other districts came when Keewatin Yathe and Mamawetan were created, and they were created some time after the initial 30 districts were put in place. The people in the North wanted time to work on what health

districts would look like in northern Saskatchewan.

To the member, I would also indicate that Uranium City is not part of either of the two northern health districts. It is still a hospital that is run by a separate board. And once the hospital at Stony Rapids is completed, there will be the Stony Rapids authority, which really is a First Nations authority.

Ms. Bakken: — Madam Minister, thank you for clarifying that. So Uranium City Hospital board is not part of these new health districts. So what is it under? Is it under . . . I mean who controls it? Why is it not part of the new districts in the North?

Hon. Ms. Atkinson: — What I can tell the member is that Mamawetan and Keewatin Yathe are two health districts that go up the sides of the province. Once the facility at Stony Rapids is in place, there will be the Athabasca Basin authority.

Right now Uranium City obviously is located in that part of the province, but there is not a health district for that part of the province because we're waiting for the Stony Rapids' facility to be put in place. Once it's put in place, there will be the Athabasca Basin authority.

Right now the Uranium City Hospital is appointed. The members of the board are appointed on the recommendations of members of the community.

Ms. Bakken: — Madam Minister, it's my understanding that health districts are formed, and then those things within those health districts become part of it. Why would we wait for a hospital to be built in order to form an authority?

Hon. Ms. Atkinson: — Basically your question is why do we do the Athabasca region differently than we have in other parts of Saskatchewan? Basically many of the people in that part of Saskatchewan come under the jurisdiction of the federal government, so there are tripartite agreements between the federal government, the province, and First Nations communities in that region.

And secondly the people in that region wanted time, as the people in the Mamawetan and the Keewatin Yathe health district, they wanted time to develop their regional authority.

Ms. Bakken: — Well, Madam Minister, I guess if we wanted to look at it from that point of view, the people in all of Saskatchewan wanted time to decide how they wanted it to look in their own areas. Many people in this province were very upset when health districts were formed and what happened to their local dollars that they had raised over the years, what happened to the services that they had. They were not given the same privilege that you're allotting to these people to say, we want to do it over time.

This happened some eight or nine years ago, and these people are still being given this advantage of having the say in what's going to happen in their area; whereas the rest of the people in the province were stripped of their services, were stripped of things out of their hospitals, and told they had no option but to turn the money over to the local health district and that they were under their authority. I would like to know why there was

this discrepancy.

The Chair: — Order. Before the minister answers, I just wish to remind both members that all questions and answers are to be directed through the Chair, and I ask for the co-operation of both members.

Hon. Ms. Atkinson: — Thank you. The reason why is because we have First Nations jurisdiction where there is also federal government involvement. That is not the case for other parts of Saskatchewan.

Just to remind the member that the two northern health districts that are functioning that are the basis of the amendments to The Health Districts Act were put in place in 1997.

Ms. Bakken: — Thank you, Madam Minister. Could you tell me then if the Authority is looking after the Uranium City Hospital? Is that not correct?

Hon. Ms. Atkinson: — The Uranium City Hospital, as I said earlier, is an appointed board, upon the recommendation of the community of Uranium City. They make recommendations to the government as to who should be appointed to the board, and it is a community-run board.

Ms. Bakken: — Chair, Madam Minister. Then in light of that, who is responsible for the health care services in the rest of the area that is above the two health districts that we are now talking about? Who is in charge of the rest of the area, other than the actual Uranium City Hospital?

Hon. Ms. Atkinson: — The Athabasca Health Authority is presently in transition. As I said earlier, there are First Nations people that live in that very far northern part of Saskatchewan. Mamawetan provides some services to the Athabasca Health Authority, as well as the Department of Health has some involvement, as does Health Canada have some involvement in that region of Saskatchewan.

This is the region at the very far northern part of Saskatchewan. It goes across the entire province. And Mamawetan and Keewatin Yathe are basically divide . . . they are two districts that divide the more southern northern part of Saskatchewan. And they take up the rest of the jurisdiction, and then we have districts like North-East, Northwest, P.A. (Prince Albert) that begin the transition to southern Saskatchewan.

Ms. Bakken: — Mr. Chair, Madam Minister, then who is ultimately responsible for this district? You've indicated that there's three levels of government involved. Who is the ultimate authority?

Hon. Ms. Atkinson: — Okay. The Athabasca Authority is a non-profit corporation. It is made up of communities and First Nations people. There will be only one health facility in that region as well as a number of community programs or services. That's point number one.

Uranium City is presently governed by a community board, so members of the community recommend it to the government who should be appointed to that board at the Uranium City Hospital. It is not part of the Athabasca Authority. It is not part

of Mamawetan, and it's not part of Keewatin Yathe. It is a separate board. We're waiting for the hospital at Stony Rapids to be constructed. Once it's constructed, it is likely that the facility at Uranium City will become a primary health centre.

Ms. Bakken: — Mr. Chair, Madam Minister, I would still like you to tell us who has the ultimate authority for this area above these two districts — this whole part of the North other than Uranium City, then. If Uranium City Hospital has its own board who they are accountable to, who is responsible for the rest of the area?

(1915)

Hon. Ms. Atkinson: — The Athabasca Health Authority is a non-profit corporation. It presently delivers . . . it enters into arrangements with Mamawetan to deliver services. So it's not delivering services at present itself. It has entered into a partnership with Mamawetan to deliver services to some very isolated communities in the North. And many of these communities are First Nations communities. That's point number one.

Point number two, Uranium City is not part of the Athabasca Health Authority. It still has a hospital board that, as a result of recommendations from the community, is an appointed board. The Uranium City Hospital comes under the jurisdiction of the Provincial Auditor. And that is why the Provincial Auditor has reported on Uranium City.

Now I would like to go into details about the situation at Uranium City, but this is a file that has been turned over to the Department of Justice at this time. And therefore it would be inappropriate for me to go into any kind of detail because it could compromise the situation. So I hope the member understands that.

Ms. Bakken: — Thank you, Madam Minister. Mr. Chair, Madam Minister, could you just update us on the status of the Stony Rapids hospital. It's my understanding that this project has been on the books for a long time. It was suppose to actually be completed in October of 1998.

Could you please tell the Assembly if this project is even underway? And if not, when it's going to be underway, and when's the planned date of completion?

Hon. Ms. Atkinson: — We're just in the process of finalizing the agreement with the federal government, the provincial government, and the Athabasca Authority. There is a site; the plans are ready; it's just a matter of working out some jurisdictional detail because there are First Nations, Health Canada, and the province involved.

It's a matter of making sure that we have an agreement in place that will serve people in the North well. There is federal money involved in this project along with provincial money and that's why there's a tripartite agreement.

Ms. Bakken: — Mr. Chair, and Madam Minister, could you please tell us why the delay when this was slated to be opened almost two years ago? Could you tell us why it's been this delay?

Hon. Ms. Atkinson: — This is rather a complicated process because there is a health facility, a hospital, that's being built on reserve land. The province will be providing operating funds and there's a need to be respectful of various jurisdictional questions.

And one of the things that I've come to understand that when you're trying to respect First Nations people, it's important that First Nations people and the province and the federal government be allowed to work through these issues so that we don't have any misunderstandings. So that it can be a co-operative, collaborative effort.

And some of these jurisdictional issues have taken time to work their way through.

Ms. Bakken: — Thank you, Madam Minister, I have no further questions.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 10 — The Department of Health Amendment Act, 1999

The Chair: — Before I call clause 1, I'll invite the hon. Minister of Health to introduce her new officials.

Hon. Ms. Atkinson: — Sitting beside me is Eileen Kendel of finance and management services branch. Behind me is Pat Melia, medical services plan. And to my left is Rick Hischebett of Justice, a lawyer, civil law branch.

The Chair: — Thank you, Minister.

Clause 1

Ms. Bakken: — Thank you, Mr. Chair, and Madam Minister, and I again welcome your officials. And I'd like to extend my thanks to those that were involved in the last Bill, which I failed to do.

Mr. Chair, Madam Minister, I would like to speak for a few moments on Bill No. 10. In a second reading speech this Bill was said to be largely housekeeping in nature and it was necessary to ensure continued health care services for residents of the province, particularly for those that are needing treatment in other provinces or territories. Is that correct, Madam Minister?

Hon. Ms. Atkinson: — Basically this is a housekeeping amendment in order to allow for reciprocal billing between various provinces and territories and our province.

Ms. Bakken: — Mr. Chair, and Madam Minister, why was it necessary for this housekeeping work to be done? What is actually being changed from what the legislation originally said?

Hon. Ms. Atkinson: — Okay. Subsection 14.1(2) of The

Saskatchewan Hospitalization Act is currently the authority to refund these recoveries. However this Act will be appealed . . . or repealed when section 7 of the miscellaneous statutes repeal Regulatory Reform Act, 1997 is proclaimed, and when the Act is repealed the authority to refund the recoveries will no longer exist and that's why we need an amendment to The Department of Health Act.

Ms. Bakken: — Mr. Chair, Madam Minister, so then my understanding is that you are eliminating one Bill and so you are including what it did before and putting it in to this new Bill. Is that correct, Madam Minister?

Hon. Ms. Atkinson: — You're correct.

Ms. Bakken: — Madam Minister, given the fact that two-thirds of our health districts are currently in deficit situation, and that there doesn't seem to be any additional funding available to help them cover these deficits, could you please verify for me that the amendments set forth in this Bill will not add to their costs.

Hon. Ms. Atkinson: — It will not add to their cost.

Ms. Bakken: — Mr. Chair, Madam Minister, did health districts and your department see an increase in the number of reciprocal agreements that were utilized last year?

Hon. Ms. Atkinson: — I think what the member needs to know is that these are reciprocal agreements between provinces when patients or citizens from our province go to another province for health services, or patients from another province come to our province for health services. It's interesting . . . I know that the members opposite have made a great deal about the numbers of citizens from our province that are going to Alberta. I had the Department of Health go back, I believe 10 years, and what's interesting is that there has basically been no change in the numbers of citizens from our province going to Alberta, for instance.

And in fact when the previous government was in place in 1990, the numbers of people going from Saskatchewan to Alberta were about the same. What is interesting, however, is that there has been a substantial increase in the number of patients or citizens from Manitoba coming to our province, and there has been a significant change from about 5,000 patients per year in that 10-year period.

Ms. Bakken: — Mr. Chair, Madam Minister. Well, Madam Minister, I find it very encouraging, I guess, that the amount of people that are going to another province and actually having it paid for has not increased. But I think it would be very interesting to find out how many people in this province are going to Alberta, Manitoba, and the United States and are paying their own way because they cannot access health care in Saskatchewan. And so they have made the decision rather than not to receive care at all, they are going elsewhere for the betterment of their health and many times because of their very life that they are fighting for, and they have to make that decision. They've already paid taxes in this province and they were ensured by this government that they would have health care when they needed it and now they do not receive that. So they have to make the decision to go elsewhere in order to receive timely health care.

Madam Minister, have there been problems with you receiving payment for people that are coming into our province and accessing health care, and have you a problem with receiving payment from other jurisdictions?

(1930)

Hon. Ms. Atkinson: — There is no issue at all with provinces paying our province. When their citizens receive services in our province then obviously they're billed. Other provinces and territories are billed and there has been no difficulty whatsoever.

I do want to respond to the member's comments about citizens in our province having to leave the province. What is very interesting, and that's why I wanted to put this on the record, because I noticed a headline in the P.A. newspaper, where it talked about the Leader of the Opposition saying thousands of people are fleeing Saskatchewan to Alberta for health services.

What I want to say to the member is that when we answered that motion for return, what we should have really done was indicate what has happened in this province in the last 10 years in terms of citizens leaving our province to go to Alberta.

And what has happened is there's been no change. There's been no change. The numbers of people leaving our province for health services in Alberta are about the same today as they were in 1990-1991.

What is interesting . . . and what is interesting is there has been a change in the number of citizens coming from Manitoba to our province for health services. And what has . . . (inaudible interjection) . . . Well, no, the member says that what kind of services do they have in Manitoba. What we need to know, Member, is that . . .

The Chair: — Order, order. Order, order, order. Order. Order!

Hon. Ms. Atkinson: — Thank you. What I would say to the member from Saskatchewan Rivers that was shouting from his chair is that if you look at the data, the data is from 1990-91 to '99-2000. The NDP (New Democratic Party) government was not elected until this past fall. And if you look at the data, it was under the auspices of the Filmon government which was a Conservative government in Manitoba.

And what I was saying was that there's been a significant increase in the number of citizens from Manitoba coming to our province. And I would say this, that we have a facility in the Moosomin area that Manitoba people use, and we also have a facility in the Yorkton area that Manitoba people use.

So there has . . . the one interesting fact — and it is a fact — is that there's been basically no change in our people going to Alberta. There's has been a change in the numbers of people coming from Manitoba into Saskatchewan under a Conservative government.

Ms. Bakken: — Mr. Chair, and Madam Minister. Madam Minister, I have to take your word for it that there is not an increase in the amount of people that are being paid for . . . to go elsewhere for health care. But there are a significant increase in people that are taking it upon themselves to spend the money

out of their own pocket to go for health care instead of waiting.

They're going every day to Minot for an MRI (magnetic resonance imaging). They're going to Edmonton, to Calgary for CAT scans (computerized axial tomography) and MRIs because they cannot get them in the province of Saskatchewan. That is the issue.

I would like to ask you, Madam Minister, how is it affecting the care received by people that are residents of Saskatchewan when we are bringing people in in increasing numbers from the province of Manitoba to access care, and who gets priority?

Hon. Ms. Atkinson: — In this country we have this Act that's called the Canada Health Act which is the principle, a document that outlines the principles of Canada's national health system.

And I know the member may find this hard to believe, but this government subscribes to those principles which means that it doesn't matter where you live in this country; you should have access to health services. What I can say to the member is that people on the Alberta . . . or Manitoba border have access to our services and vice versa. And people on the Alberta border have access to our services and vice versa.

What I will also say to the member is the number of citizens accessing our services from Alberta have basically not changed as well, and that's called portability. It doesn't matter where you live; you can have access to services in this province and vice versa. And that is one of the principles of the Canada Health Act which I know her party refers to as mindless slogans, but which this coalition government adheres to.

Ms. Bakken: — Mr. Chair, and Madam Minister. We can talk about portability all we want, but what we've come to know in Saskatchewan is that we have to go elsewhere to get our health care. We would like to know on this side of the House . . .

The Chair: — Order. Order. I . . . order.

Ms. Bakken: — Thank you, Mr. Chair. Madam Minister, in Saskatchewan the people would like to know if they have a priority and if their name is on the list above those from other provinces.

Many times I have phoned health . . . doctors' offices and asked about when a client was going to be able to get in for health services. And they have been told — the clients — the patients have been told well, you're on the urgent list.

But upon phoning the doctor's office, I find out that there's an urgent A list and there's an urgent B list. And the people are never told this. They think because they're on the urgent list that somehow they're going to have a priority. That is simply not the case.

And when you talk to the doctors, they say I'm sorry, I am only allocated so many hours of operating time so I have no option. I have to do this.

Now I would like you to tell me how you determine if a patient is coming from Manitoba or Alberta, or wherever else, how they are fit on the list of urgent or urgent A or B.

Hon. Ms. Atkinson: — When I talk about health services, I'm not only talking about access to acute care services, but I'm also talking about access to physician's services, whether it's general practitioner or whether it's a specialist.

What I can say to the member is that . . . and this is not something that's peculiar to Saskatchewan. In this country we have various definitions for what is considered urgent, emergent and elective. And there is this initiative called the Western Canadian wait list initiative on certain surgical procedures where the provinces are trying to align their definitions in terms of urgent, emergent, and elective in some categories of surgery.

But I can also tell the member is that if you look at the numbers of surgeries that we perform in this province, and you compare it to surgeries performed in other provinces, Saskatchewan on a per capita basis ranks number one or two in this country. Which means that we have an extraordinarily efficient health system, and that we are putting out more surgeries on a per thousand basis than any other place in this country. When you come with 13 out of 16 procedures, and you're ranked at the top in the country, that means you're doing a good job.

And that is through the CIHI (Canadian Institute of Health Information) data not some antidotal evidence. This is CIHI, the Canadian health information system.

But I can also say to the member . . . and what was so extraordinary about the waiting list initiative where we increased the numbers of surgeries in this province over the year before, that did not stop the waiting list. And what the member needs to know is that we do not yet have clinical practice guidelines around many of the procedures that are provided for in our hospitals or in our acute care settings. And this is something that all ministers of Health in this country are grappling with.

Now there are some provinces like British Columbia — and this is where Ken Fyke will be so important — there are some provinces like British Columbia that have been able to put clinical practice guidelines around various procedures, surgical procedures. And that has helped them manage their wait list.

Because we know that there are differences between physicians and how they deal with those wait lists in various parts of the country and in various parts of the province. And that's why we have a surgical access committee that is looking at this very question.

Now the other point that the member raises, she says that people are leaving this province to get access to CAT scans and MRIs. What I can tell the member is that we have seen a significant increase in the number of CT (computerized tomography) scans in this province. In fact, year over year, we've seen about an 8,000 increase in CT services. And we now have a mobile CT going between the city of Moose Jaw and the city of Swift Current in order to allow accessibility, particularly for those folks in the southwest part of Saskatchewan, and it seems to be working quite well.

As well, I can tell the member that we have tripled the numbers of MRIs in this province since the member from Eastview and myself have become the ministers of Health, and that has

significantly increased the numbers of MRIs in this province. In fact they've grown by 70 per cent.

My point is that we can have all the MRIs in the world, we can have all the CT scans in the world, we can have all the diagnostic equipment in the world. The real issue is demand, demand for the service. And this is why we have a health commission that is looking at health services in this province, how we fund those health services, how we deliver those health services to ensure the long-term sustainability of health care — publicly funded, publicly administered health care.

Now the member over there can talk doomy and gloomy about Canada's publicly funded health system. And I think that the member has put it on the record that she supports private health care. And what I say to people like herself that day after day are critical of a publicly funded and administered health care system, what they are trying to do is to undermine it, undermine the public's confidence so we will go to two-tiered health in this country. Well I can say to the member that the people on this side of the House are committed — committed to what makes Canadians different than their American cousins, and that is Canada's health system which is the best in the world.

Some Hon. Members: Hear, hear!

Ms. Bakken: — Mr. Chair . . . Mr. Chair, Madam Minister, you can throw all the slurs that you want at me and you think you're hurting me in some way. You're not. I'm doing this because of the people in Saskatchewan that are out there that are waiting for surgery, are waiting for tests and are put on lists and have nowhere to go. There is absolutely no solution . . .

Some Hon. Members: Hear, hear!

The Chair: — Order, order. Now . . . Order, order. Will the member for Athabasca come to order. Now committee members, it is quite obvious that feelings are very high on this issue and that is quite proper for feelings to be high on both sides. I cut the member for Weyburn off. The member did not realize it and I'm going to ask her to repeat, and I'm going to . . . Order, order. Order! Order.

And I just wish to remind all members that when I cannot . . . when the Chair cannot hear either the minister answering or the member either making a statement or asking a question, I will take over with the light. And I just wish to remind all members that simply means, by what we're doing, that the night goes on and on and on. And so I'm really in your hands, collectively.

Ms. Bakken: — Mr. Chair, and Madam Minister, I would just like to reiterate that our care on this side of the House is for the people of the province of Saskatchewan who are tired of waiting for access to services, whether it be for surgery, whether it be for tests — whatever. They are tired of a government that says, sorry, we don't want to look at any other solution; as long as we have medicare, we're all just fine.

It doesn't have to mean anything to anybody. It doesn't matter if you pay your taxes and you were promised . . . you've been promised since the days of Tommy Douglas that you would have free health care in this country and you would have it when you need it.

Well, I'm sorry; today in this province, we keep paying but we do not have the care when we need it. And that's why people are lining up, and that's why people are dying in this province, waiting for health care. And this government sits there and says, it's okay.

And I would like to put on the record and clarify for what the members opposite want to keep quoting from what I said in the *Weyburn Review*. We have the Premier that has quoted it. We have the deputy minister, we have the Minister of Health, want to quote what I said. Well I will read to you from the *Weyburn Review* because I took it upon myself to look this up. I finally thought, I'm going to find out what I actually said that was so terrible.

One option Bakken put forward during the course of her campaign was the privatization of health services.

I think it should be an option. Why should we continue down the path we are when people are being driven out of the province to look for health care? Why are we not looking at having privatized care in Saskatchewan and keeping the money here if that's what we're going to do?

If not, we need to find ways for people to have better access. It makes absolutely no sense to have people going out of the province for health care, and with them goes the money and the jobs.

We can stop that by improving health care in this country and this province, but no, we don't want to look at that; we don't want to provide the service here. We would rather send the people out of this province and let the jobs and the money go somewhere else.

We are not providing accessible health care in this province, and it's time this government started facing up to the fact and deciding to do something about it.

Hon. Ms. Atkinson: — Well I really do have to respond to that.

In 1962 in this province, which that member talked about . . . and that member represents Weyburn, the place that Tommy Douglas represented from 1944 to 1961. And what does that member who represents Tommy say and the people who voted for Tommy. What does she say? She says it's time to have a two-tiered health system.

Well, Mr. Speaker . . . Mr. Chair, I'm going to say this. In 1962 the people of this province decided that they were going to have a publicly funded health system in this province. It meant that never again would people be denied access because they didn't have the change in their pocket to pay for it.

And you know what? In 1967 and '68, the Government of Canada, under the Liberals, decided to bring a national health care plan to this country. And so in this country, we have people who have access to health services — not on the basis of their ability to pay for it.

And that member is promoting — and we just heard her say it — she is promoting private health care. She promotes the notion that is being put forward by Ralph Klein in Alberta. And

frankly, Mr. Speaker, it is my view that the citizens of this province, in the next provincial election — and I'm glad she's put it on the record — are going to reject that notion of privatized, two-tiered health care where people will have access, not on their basis of need but on their ability to pay.

And that member said that people don't have access to health care. Well I want to say to the member, what does it mean when 4.7 million citizens or visits are made to a general practitioner in this province? I call that access to health care. What does it mean when 925,000 visits to a specialist? I call that access. Mr. Speaker, I call . . .

The Chair: — Order. I know the hon. member, the Minister of Health, is not finished. Order.

Hon. Ms. Atkinson: — What do we call 92,000 surgeries in this province? Not on the basis of getting into a private, surgical clinic in Alberta, but on the basis of getting in to surgical clinic in the hospitals paid for by the citizens of this province and administered by the citizens of this province — I call that access.

What do we call 54,000 CAT scans? What do we call millions and millions of tests for blood and bacteria and viruses? I call that access. What do we call access to 9,200 long-term care beds and home care services, and every other kind of service you could imagine? I call that access.

I have been, as has the Associate Minister of Health, I have been to countries, I have been to countries where they don't have that kind of access. I have been to countries where middle income people are devastated by the private for-profit system. And I'll just use the United States of America where middle class people like teachers and social workers and engineers and the middle class get wiped out because of a heart attack. And that does not happen in our province.

And that's what that member had . . . (inaudible) . . . And I have been to countries where the poor do not have access to decent water and decent sewage and decent health services, and they died prematurely in those countries.

We have one of the highest ages in this world, and why is that? It's because we have a publicly funded and publicly administered health system. These people over here would undermine that system. They would devastate that system. They want an American style of health care. And I can say to the members over there that we will fight you every step of the way — every house, every farm, every business in this province. We will fight you, and we will defeat you on that issue.

Some Hon. Members: Hear, hear!

Ms. Bakken: — Mr. Chair, Madam Minister, well I think that we have already fought this issue in the last election and, believe me, the people of this province spoke loud and clear and then they spoke loud and clear in the constituency of Weyburn-Big Muddy when they said we want no more part of an NDP government . . .

The Chair: — Order. Order. Order! Order. Order. I just wish at this time to invite all members that are not participating directly

in these estimates to take your conversations outside of the Chamber so that we can get on with the business of the evening.

Ms. Bakken: — Madam Minister, you talk about Tommy Douglas and how he comes from the constituency of Weyburn-Big Muddy. Well that was in 1962 when this was introduced and things have changed a lot since then, and it's time that we address the issues of today and quit living in the past.

We have been . . . many people . . . you talked about Tommy Douglas and how he brought in medicare so people would not be denied access to health care. Well today many people in this province are being denied access to health care. And it's time you started to look around, and today, and see how that people that have the ability to pay are being treated differently than people that do not have the ability to pay.

I have a lady in my constituency who could not get into Regina to have a test. She needed a CAT scan. She couldn't . . . (inaudible interjection) . . . no, a CAT scan. She could not get in. So somehow through a relative of hers she got an appointment in Saskatoon, but the problem was that this lady did not have the funds to get from Weyburn to Saskatoon to access the care.

And you tell me we don't have two-tiered health care in this province? We do have two-tiered health care because it depends where you live and if you can access the care. And if you can't access the care here, then you need to be able to go out of province or out of country, and the only way you can do that is if you have the funds that you can pay for it yourself. So we do have two-tiered health care in this province and it's running rampant and it's abundant and people are sick and tired of it.

We also have two-tiered health care in the long-term care sector. You tell us we don't have two-tiered health care. We have now almost 3,000 beds in long-term care that are privately run and privately funded. You tell me where those people would be if we did not have private home care beds in this province. Where would they be? Out on the street?

And now you're cutting home care further for people that need a little bit of home care so that they can stay in their homes. Where are those people supposed to go? We no longer have publicly funded level one and two health care . . . long-term care in this province. Where are those people supposed to go that cannot afford to pay to go into a private home care situation?

But that's okay, we won't worry about those people. They'll drop off the bottom somewhere and no one will ever hear from them. That's your idea of access to health care in this province. So what we need to do is we need to start looking at the real issues and finding a solution instead of living in the past and pretending that everything is wonderful.

Some Hon. Members: Hear, hear!

Ms. Bakken: — I have no further questions.

Hon. Ms. Atkinson: — Mr. Chair, obviously the member did not have a question, but I will say this. I will respond to her during Health estimates because I know people want to wrap

this up. But I just can't let that go because there is a thing called the Canada Health Act. It's about hospitals, doctors, and nurses. And there have been many add-ons to health care in this country but it is not cost-shared by the federal government, but the member fails to recognize that point.

Ms. Bakken: — Madam Minister, I would like to thank you for this debate. I think it . . . this will not be the end of it, very enlightening, and I'd like to thank your officials for attending.

Clause 1 agreed to.

Clauses 2 to 5 inclusive agreed to.

The Chair: — Before I do the coming into force, committee members, I'm asking for your permission to revert to a House amendment on clause 1 which your Chairman, believe it or not, actually forgot to call . . . (inaudible interjection) . . . I believe it. I believe it, too. Do we have permission to revert to the House amendment?

Leave granted.

Hon. Ms. Atkinson: — Yes I want to:

Amend Clause 1 of the printed Bill by striking out "*The Department of Health Amendment Act, 1999*" and substituting "*The Department of Health Amendment Act, 2000*".

Amendment agreed to.

Clause 1 as amended agreed to.

Clause 6 agreed to.

The committee agreed to report the Bill as amended.

Hon. Mr. Van Mulligen: — Mr. Chair, I move the committee rise, report progress and ask for leave to sit again.

Motion agreed to.

Hon. Mr. Van Mulligen: — I was still stuck here before 5 o'clock, Mr. Chair, so I would ask for leave to withdraw that.

The Chair: — The Government Deputy House Leader has asked for leave to withdraw the motion we just passed. Is that agreed?

Leave granted.

Bill No. 62 — The Miscellaneous Statutes Repeal (Regulatory Reform) Act, 2000

The Chair: — Before I call clause 1, I'll invite the Hon. Minister of Justice to introduce his officials.

Hon. Mr. Axworthy: — Thank you, Mr. Chair. Mr. Chair. To my right, Susan Amrud who is the director of legislative services, and behind her, Linda Ens from legislative services also.

The Chair: — Thank you, Minister.

Clause 1

Mr. Wall: — Well thank you, Mr. Chair of Committees. And, Mr. Minister, welcome through you to your officials here to the Assembly tonight.

We have a number of Bills I guess we'll be dealing with here in committee. And although I thought about it for awhile, you'll be happy to know that I, for the time being, won't be deferring to the member for Weyburn-Big Muddy who'd like to talk about the five pillars of the Canada Health Act as it relates to the miscellaneous statutes repeal Bill.

But anyway, Mr. Chairman, there are just a very few questions that I have on this Bill for you and your officials.

There's a whole series of statutes that are repealed in the Act. And I wonder if you could tell us — inform the members of the committee — what the standard was that the department uses when they're going through existing legislation to determine those that should be repealed?

Hon. Mr. Axworthy: — Mr. Chair, in response to the member's question, each of the departments of government assesses whether or not they have legislation which is obsolete and is no longer necessary for their purposes. They then pass those pieces of legislation or that information on to us, and then we put it together in an omnibus Bill of this sort.

So the individual departments wouldn't necessarily tell us why they were obsolete, but in our speeches we've indicated why that was the case. And for example I can indicate to you The Grain and Fodder Conservation Act, which was passed in 1946, that Act hasn't been used for 10 years for example. That would be the rationale there.

Others are no longer required because of . . . for example The Horticultural Societies Act, they are now incorporated under The Non-profit Corporations Act, 1995 and therefore that statute is no longer necessary.

The Industrial Development Act, SEDCO (Saskatchewan Economic Development Corporation), which dealt with SEDCO, that was dissolved in 1995 and therefore that statute is redundant.

So those are the kinds of reasons, Mr. Chair, for these Acts being included in this omnibus repeal legislation.

Mr. Wall: — Mr. Deputy Chair of Committees, and Mr. Minister, thank you for that answer. And I guess the subsequent question is, has the department ever contemplated being proactive? In your answer you just indicated that departments report to you or advise your department as to Acts that they believe can be repealed or should be repealed. Does your department do anything on a proactive basis, or any other department for that matter, to look at government across the piece and try to determine which of these statutes can be repealed? I know in the Department of Economic and Co-operative Development they had an exercise wherein they met with a number of groups across the province to determine

ways to lower red tape and sort of get rid of regulations and legislation on the books that wasn't really performing any useful function. And so I wonder if you could tell me if your department's thought about being more proactive in this regard.

Hon. Mr. Axworthy: — Well, Mr. Chair, the accumulation of these pieces of legislation are as a result of the department being proactive in the sense that it every year will ask the various departments of government whether or not they have legislation which they no longer need. And if they do, they pass that on to us. So each year we ask each department to assess whether there is legislation which is redundant and which should be repealed and this is the product of that process. And the member will know that in a general sense there is significant strategy within the government to reduce red tape and that that is a process we pursue on a regular basis to ensure that we have no more regulations there than are absolutely necessary.

Clause 1 agreed to.

Clauses 2 to 13 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 29 — The Residential Tenancies Amendment Act, 2000

Clause 1

Mr. Wall: — Thank you, Mr. Deputy Chair of Committees, and Mr. Minister. With respect to Bill 29, The Residential Tenancies Amendment Act, we have a few more questions, I think, than on the previous Bill.

Late in the fall of last year I had the chance to meet with the Saskatchewan rental housing association, and they outlined a number of concerns that they had with current legislation as it relates to these issues. And they also indicated that they had already had a meeting with yourself and that they had put forward the case, a similar case that . . . well I imagine it was the same case that they put forward with myself during our meeting. And a lot of their concerns, frankly, that I understood from that meeting have been addressed in this particular piece of legislation.

I guess I would have a couple of questions on the rationale for some of the timelines that you're using, specifically . . . and you know, probably one of their greatest concerns centred around the hearings, landlord versus tenant hearings when damage claims are in dispute. And you . . . the legislation has been drafted such that the existing timeline that was given landlords to make their case was five days. It's been expanded in this Bill to seven, not including weekend days.

And I wonder why you picked that number because frankly it doesn't seem like much of a break when landlords are trying to make their case. And I know what the association said one thing when I've talked to some landlords myself who wonder really what the great benefit of moving from five to seven days is when they have to make a fairly strong case for the claim that they are submitting.

Hon. Mr. Axworthy: — Well in response, Mr. Chair, to that

question, the member's right. There's a seven-working-day time period which amounts to at least nine and sometimes more than that.

That was in the circumstances of trying to ensure that these issues are dealt with as quickly as possible. It was thought that those seven working days were enough to respond to the concerns of landlords. They initially did talk about having a longer period of time but seem satisfied with this compromise.

Mr. Wall: — Mr. Deputy Chair. Thank you, Minister, for that answer. What did the various groups that you or your department would have consulted with, what did they have to say about the issue of representation at these hearings? Because that was a concern on the part of landlords who for, you know, very small sums of money were having to go through quite a bureaucratic effort to make their case. And if they happen to retain professional counsel to help them do that, they wondered about whether or not, you know, that was really worth their time and effort. And yet the principle of the thing is, of course, they have to make their case; otherwise they are not going to be able to be very successful with other claims they have.

So I wonder if you could tell the members of the committee what was the input from different groups you met with on this particular issue, and how was that considered by the department in drafting the Bill.

Hon. Mr. Axworthy: — Thank you, Mr. Deputy Chair. I apologize; I should've introduced Terry Chinn, who is the Rentalsman on my left, who has met, as has Linda, with both landlord groups and tenant groups on a number of occasions.

There were no specific representations made leading up to this legislative change regarding representation, and indeed lawyers would appear — I understand it — in very few cases, maybe 1 per cent of the cases. The process is very informal and one in which a landlord and a tenant could present their case quite effectively without the assistance of a lawyer. And indeed the purpose really behind the whole process is to ensure that it is as informal as possible.

So I think the lack of participation by lawyers assists in that process.

But in answer to the member's specific question, there were no representations made during the discussion process leading to this legislation.

Mr. Wall: — Mr. Deputy Chair of Committees. Thanks, Minister, for the answer. And I have no further questions actually for this stage.

However, I would like to just offer the following comment. Having spoken to a number of landlords and the association itself, and having been . . . I've never been a landlord but I certainly have been a renter, and in university perhaps not always the most responsible renter. And the member for Saltcoats says he heard that, and I'm not so sure that's the case.

But in any event, I'll tell you, Minister, that I think the direction of this Bill is sound because for too long in this province I think we perhaps viewed — either purposefully or perhaps not

purposefully — we have viewed landlords as the bad guy on almost every situation. Sort of a societal view.

And you will know, sir, and I certainly know from personal experience as an economic development officer in the city of Swift Current, that one of the things that is in great demand is rental accommodation in the province of Saskatchewan. And it is a rural and an urban issue. It is certainly the case here in Regina and Saskatoon. And it's also the case in places like Swift Current.

And I can tell you from firsthand experience that there isn't any interest at all in the city of Swift Current on the part of people to put up certainly new rental accommodations. There is a lot of bureaucracy, there's a lot of red tape. And up until now, up until the kinds of changes that we see in this Bill, there really seemed to be a dim view taken towards landlords on the part of government.

And so I'd just encourage your department, and the Rentalsman and his office, to continue to realize that while absolutely tenants have to be afforded protection — there's no question about that — but we also need to recognize that if people slowly condominiumize all of their properties, or simply new properties aren't being put up, where will the rental accommodations come from in the future? So I think the direction of this Bill is the right one. And I congratulate you for meeting with the association and for acting on their concerns.

And I, through you, thank your officials for their attendance here tonight.

(2015)

Clause 1 agreed to.

Clauses 2 to 8 inclusive agreed to.

Hon. Mr. Axworthy: — Thank you, Mr. Deputy Chair. Let me also thank the staff, Terry Chinn and Linda Ens, who, as the member opposite indicated, have spent many hours trying to find some mutually acceptable solutions to what are often very difficult issues. I thank the member from Swift Current for his support of that and for his useful questions. I would move that we report the Bill without amendment.

The committee agreed to report the Bill.

Bill No. 77 — The Saskatchewan Human Rights Code Amendment Act, 2000

The Chair: — I'd like to invite the Minister of Justice to introduce the officials that have just entered the Chamber.

Hon. Mr. Axworthy: — Thank you, Mr. Deputy Chair. I'm pleased to introduce on my right, Madeleine Robertson from legislative services, and on my left, Tom Irvine from the constitutional law branch. And it's my pleasure to ask members to welcome in the gallery, Donna Scott, who is the Chief Commissioner for the Saskatchewan Human Rights Commission. And she's actually with Lionel McNabb from maintenance enforcement there too.

Clause 1

Mr. Wall: — Thank you, Mr. Deputy Chair of Committees, and Minister. Once again, welcome to your officials and welcome to those in the gallery. We do have a few more questions with respect to this Bill.

I guess to start with — and like I said, we have a number of questions — but I guess to start with, could you please provide us the rationale for the creation of the human rights tribunal.

Hon. Mr. Axworthy: — Mr. Deputy Chair, the member asked what was the rationale behind establishing a professional tribunal I think, rather than the ad hoc system which we have at the present time. It requires us to appoint a person to investigate the Human Rights Commission as and when issues arise.

So that ad hoc process enables us of course to just appoint people when they are needed, but it doesn't really develop any particular consistency or predictability in decision-making because of the large variety of those people who are adjudicating. Whereas a professional tribunal will enable that to take place.

So it'll enable people to — who are on the tribunal — to acquire some greater expertise as they spend more time adjudicating on these questions and also to provide a greater consistency and predictability for citizens of Saskatchewan both who are . . . who may be the subject of a human rights infraction or who might be charged with having infringed someone else's human rights. So primarily it provides some consistency and predictability into the system.

Mr. Wall: — Thank you, Mr. Minister, Mr. Deputy Chair. What do you anticipate being the qualifications of those who would serve on this tribunal? And how will they come to serve in that position?

Hon. Mr. Axworthy: — Yes, Mr. Deputy Chair. In section . . . the new section 29(4) there is set out the qualifications for those who may be appointed to the human rights tribunal. They must be a member in good standing of the Law Society of Saskatchewan or of some other province or territory and have been a member for at least five years, or they should have experience or expertise in human rights law. They might for example be an academic with that experience or expertise but yet not a member of the law society or of any other law society.

Mr. Wall: — Thank you, Mr. Minister, and Mr. Deputy Chair. Some of the questions I have now are perhaps more of a general nature as it relates to the functioning of the Human Rights Commission. But certainly it's not frequent perhaps that an important piece of legislation such as this is opened up for amendment. And so I wouldn't want the opportunity to go past without speaking to some of those general concerns that we have.

And I guess they all revolve around a couple of different concepts which probably could be best summarized with the words flexibility and common sense in terms of when the Saskatchewan Human Rights Commission is making its decision and conducting its investigation. And frankly, I noticed that, Mr. Minister, in your second reading speech, you refer to

some of the amendments as streamlining and adding flexibility — and I'm paraphrasing here — but streamlining and adding flexibility to the complaint process.

And it's a bit of a theme that is throughout that particular speech, I thought. And you know, there are a number of specific examples, and I'm going to primarily deal with two, one that's probably known more widely here in the province of Saskatchewan involving an art gallery here in Regina. And the other involving a specific incident that occurred in Swift Current that was brought to my attention as the MLA (Member of the Legislative Assembly).

Maybe I'll deal with the latter first. It's a small restaurant on the south side of our city. It's the only restaurant on the south side of our city, actually. It's a family-run restaurant, and due to a complaint that they received, that the Human Rights Commission received, the family that operates this restaurant complied and built quite an elaborate and substantive wheelchair ramp so that people on wheelchairs could get in. They had about three steps up to the restaurant, but it just wasn't that easy to get in. And certainly I think they spend — I'm not just sure, Mr. Deputy Chair — maybe in the order of \$3,000, but frankly from having very candid discussions with them, and I have every reason to believe them, it's probably \$3,000 they didn't have.

And then subsequent to that, a further complaint was made by the same individual, as my understanding, who from time to time occasions this restaurant, and they were also ordered to renovate their washrooms. And they felt that this probably would . . . and I'm not sure where it's at today; they may be underway with the work, but they were worried that this would really sort of undermine the solvency of their business, and I'm not sure I disagree with them, based on the candid and honest discussion that we had.

And so really the question that I have relates to common sense when these things are being enforced. And I understand, after doing a little bit of research on behalf of that constituent that there are special discretionary powers that Human Rights Commission has to not enforce certain orders that it normally would if it was felt — and I don't know the exact words — but if it was felt that it would be an undue hardship to the business, to the bottom line of the business and end up closing the business, excepting a number of things including the washroom access. And you know, I guess I have some difficulty with this because I certainly understand the importance of people, all people, to be able to access an establishment like that.

But I firmly believe it's entirely possible that due to the order that restaurant may not be there, one that's been there since I . . . That's where I grew up, on the south side of Swift Current; it's been there as long as I can remember. And it's been the same restaurant and the same family. And I really wonder whether it will be there. And perhaps it will, and perhaps it won't. But that's not the point.

The point is, where does common sense come into play? And does this Act, anything that you are proposing in this particular . . . in these amendments, address that situation, that would give latitude to the Human Rights Commission to look at a situation like the Golden Garden restaurant in Swift Current and say, you

know, if we make them comply with all of these things, they may not be in business, and then of course it's not accessible to anybody, whether they're in a wheelchair or not.

And so I wonder, sir, if you could tell me if anything in this Act or anything that you may have contemplated for amendments in the future — hopefully in the near future — would contemplate that sort of a dilemma?

Hon. Mr. Axworthy: — Mr. Deputy Chair, well the member raises an interesting and difficult issue. And indeed very many of the accessibility concerns are difficult because I think the member would agree that it's good public policy to ensure that public facilities that . . . facilities accessible to the public should be accessible to all and that arrangements should be made to ensure that that is the case.

In fact, there are not large numbers of these cases. Since 1996 there have only been 27 complaints from individuals concerning accessibility over what is now almost a 5-year period. And 21 were filed against public services such as the member is suggesting: hotels, restaurants, and theatres.

And of those 21 — I can just give the member a few details here — seven were withdrawn; two were resolved through early resolution; and six were dismissed upon investigation. One was dismissed by the Commission on appeal. Two were not accepted as valid complaints at the beginning, and the remaining nine are pending.

So the member can, I think, see that large numbers of these cases are dealt with, as he would suggest, in a common sense way. They are addressed by responding to the issue but without enormous inconvenience to the business in question.

And in fact it is very often the case that businesses, once faced by a complaint of this type, will move directly to compliance without ever expecting the Human Rights Commission to be concerned. In other words, they respond to the public consumer pressure.

But I should say that while this legislation will not make any changes in this regard, it is the case that where an employer or a business can show that bringing their business to compliance would create undue hardship on the business, then the Commission may dismiss that complaint. And undue hardship will include intolerable financial burden, and indeed complaints have been dismissed by the Commission for this reason.

So I think while the issues when they arise are sometimes difficult, and certainly in the case of a small restaurant perhaps not terribly lucrative, but the expense can be fairly substantial. But the Commission makes every effort to ensure that the concerns of the person complained against are given due weight and makes a decision which is as useful and which bears in mind all of the issues as is possible. And of course the Commission will continue to try to mediate between disputes in as constructive a way as possible.

Mr. Wall: — I think in this particular case I spoke of, Mr. Deputy Chair, Mr. Minister, there is some mediation happening, and that's where it was at about three weeks ago and hopefully there was some resolution.

However, just to clarify something, and it's not related to the Bill, but maybe the minister would indulge me. My understanding is that the latitude that the Human Rights Commission can exercise with respect to some sort of action that would cause undue hardship is not . . . there are certain exemptions from that. For example, my understanding is wheelchair accessible washrooms are excepted from that. That indeed even if those renovations would cause undue hardship . . . at least I contacted the Human Rights Commission office and that was my understanding. And I'm not pointing any blame at any officials; I may have understood it incorrectly. And I guess I would just like to find out if accessible washrooms are not a part of the undue hardship provision.

(2030)

Hon. Mr. Axworthy: — I think, Mr. Deputy Chair, in response to the member's question, if the member looks under the section dealing with dismissal of complaint, section 31.2, he'll see that the human rights tribunal can dismiss a complaint where it finds that, and I'll quote subsection (b) that:

(b) the only basis on which the complaint could be substantiated . . .

And then it goes on to deal with facilities or:

. . . proper amenities for persons with disabilities . . .

And then it goes on to say that:

. . . many measures be taken . . . (which) would cause undue hardship to the person complained against.

So it would seem to me that that would be included within the undue hardship exemption here.

Mr. Wall: — Thank you, Mr. Minister, and one final general question relates to that other scenario that we talked about previously, which was related to the art gallery owner here in the city of Regina.

I wonder if anything in this Bill, in your estimation, addresses the concern that a number of people had, not the least of which was I think the owner of the art gallery himself, which was that the Human Rights Commission could effectively order building code changes, I guess if you will, that really were over and above what the laws of the city of Regina were, what the city required and what any provincial provisions required.

So here you have two duly elected institutions, one is the city of Regina city council who are duly elected and can pass bylaws, the other is the Legislative Assembly of Saskatchewan. And yet an appointed body seemingly could overrule both of those institutions and require something greater — something more onerous of an owner of a facility.

And I think I know the answer to it, but I would wonder if you could clarify that there is really nothing in this Bill that limits that kind of power. Which I think people should be rightly concerned about, when they have duly elected bodies like city councils and legislative assemblies.

Hon. Mr. Axworthy: — Thanks, Mr. Deputy Chair. Well in

regard to the general question the member asks about situations in which a building code and the Human Rights Code may be in some kind of conflict, he'll know that this matter is actually before the Court of Appeal at the present time, and so I'd rather not respond to that.

But in terms of his question regarding the Human Rights Code being able to, or Human Rights Commission essentially overriding a decision of the legislature, which I think was the last question, by section 44 of this Act the legislature in fact provides the Human Rights Commission with the power to do that. In other words, the legislature has really handed or delegated the power over those matters to the Human Rights Commission. So it's not a question of the Human Rights Commission doing anything contrary to the wishes of the legislature, of the Legislative Assembly, because the Legislative Assembly has already handed that power over to the commission.

Mr. Wall: — Mr. Deputy Chair, Mr. Minister, and that of course is true and this venerable institution operates on the basis of the majority rules. But I am not sure. I won't speak for my colleagues, but I'm not sure, should we be ever in that position, that we would agree, frankly, that that should be the case. But we'll leave that for another day, and perhaps look at the Bill on a clause-by-clause basis, Mr. Deputy Chair.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

Mr. Wall: — Mr. Deputy Chair of Committees, yes, I would like to propose a House amendment for Bill No. 77. And section 3, of course, deals with all of the various grounds and basis upon which any sort of discrimination will basically not be tolerated by the Human Rights Commission, and I guess *ergo* by the province of Saskatchewan. And the list is very lengthy, Mr. Minister. The list includes religion — I won't read it all — creed, marital status, age, colour, sex, nationality, sexual orientation, race or perceived race, and the list is very long.

And we would like to propose that a couple of other categories be added to this list, because we have seen both in this province and across the country on a number of occasions where other groups of people frankly have had acts of discrimination perpetrated against them, be it verbal or otherwise, without any retribution from any human rights commission in any province as far as we're aware. And we have the opportunity now with this Bill to address that problem at least as it relates to the province of Saskatchewan. I think we're all very familiar with the — and rhetoric would probably be an understated term — some of the mean-spirited attacks that have been perpetrated, verbal and otherwise, on either unionized employees or non-unionized employees especially in the case of a dispute, a workplace dispute perhaps is the best example that we can use.

And so this particular amendment seeks only to add both of those people to the list, unionized employees and non-unionized employees, that you cannot be discriminated on the basis of being either one of those things. I think there's a lot of people in the province of Saskatchewan, a lot of workers, who would like

that kind of protection, who would like to be able to go to work and know with surety and know with assurance that they will not be discriminated against by their employer or by their union based on the fact that they are either unionized or non-unionized.

We have seen in this legislature how heated debates can be on these issues, on labour issues in this province and in frankly every other jurisdiction. And in every other area where debates can get heated, where people can really get excited about what they're talking about, we have sought to provide those people protection from discrimination or discriminatory acts. So why wouldn't do that here today? And that's what our amendment speaks to, Mr. Deputy Chair, simply that we would protect from discrimination unionized employees and non-unionized employees.

And so, Mr. Deputy Chair of Committees, I would move the House amendment — I guess I should read it into the record . . . I will read it into the record then:

Clause 2(1)(m.01) as being enacted by clause 3 of the printed Bill is amended by:

- (a) striking out "and" following subclause (xiii);
- (b) by adding "; and" following subclause (xiv); and
- (c) by adding the following subclause after clause (xiv):
 - “(xv) employment status as:
 - (A) a unionized employee; or
 - (B) a non-unionized employee”.

I so move, Mr. Deputy Chair.

Some Hon. Members: Hear, hear!

The Chair: — The hon. member for Swift Current has moved a House amendment to clause 3 of the printed Bill. Will members of the committee take it as read?

Mr. D'Autremont: — Thank you, Mr. Speaker. Mr. Speaker, I believe that this is indeed as my colleague said a very, very important Bill. As we have seen, Mr. Speaker, over time that various people have certainly used discriminatory language and discriminatory practices when it comes to dealing with union members or non-union members, Mr. Speaker.

The fact is I can think of a quote from Mr. Daryl Bean that . . . it goes along the line that a scab . . . and a scab, Mr. Speaker, Mr. Chairman of committee, is someone who works while the union is on strike, that they should be either hung or drowned in a pool of piss.

That kind of language, Mr. Speaker, if used in context with any other minority would be clearly described as discriminatory and would be ruled against by the Human Rights Commission.

Why then, Mr. Chairman of committee, must people because they are either unionized or non-unionized suffer those same kind of insults, those same kind of disruptions in their lives and discrimination against their work. That, Mr. Chairman, is why this amendment is needed and needed desperately, and I would certainly encourage the members of this House to support it.

Some Hon. Members: Hear, hear!

Hon. Ms. Crofford: — I'll just rise to speak against the amendment very briefly because in The Trade Union Act and under the ruling of the Labour Relations Board, if anybody engages inappropriately in language or behaviour during an organizing drive — either the union or the employer — that becomes an unfair labour practice, and it goes before the Labour Relations Board. So we already have the mechanism to deal with that, so I speak against the amendment.

Mr. D'Autremont: — Thank you, Mr. Speaker. I'm glad that the Minister of Labour rose and spoke on this. What happens though in the case where it's not in an organizing drive, but it happens during a labour dispute in an area where it's already organized, Mr. Speaker? The member opposite, the Minister of Labour, didn't address that issue where it's already been organized and people are being disallowed to access their labour even when they want to.

And they're being described in the terms that I mentioned already. And the quote is certainly a lot longer and a lot more vicious than I quoted, Mr. Chairman, and would clearly, if you included words that indicated any other minority, would be clearly beyond the pale, Mr. Speaker. But because it . . . We already have a member talking exactly like that, Mr. Speaker, the member from Saskatoon — Saskatoon Meewasin is already engaging in that kind of activity that discriminates against people that want to work whether they are unionized or non-unionized, Mr. Speaker. And that's why this legislation is clearly needed.

(2045)

Hon. Mr. Axworthy: — Thank you, thank you, Mr. Speaker. Well I can only share the Minister of Labour's point of view. This, as we know — as we would all know, is a new ground the member is proposing. And I suppose this illustrates a new development for the Saskatchewan Party.

This provision is not contained in any other code or charter across the country. So Ontario is not right wing enough for the Saskatchewan Party I suppose — not anti-labour enough. And neither is Alberta.

So, Mr. Speaker, Mr. Chair, this goes beyond anything that anybody else has ever proposed. And as the Minister of Labour points out, any of the conduct that the members opposite are so concerned about would be dealt with in the normal way.

I might also say that if the members want to propose amendments and have some chance of them being considered properly; they might provide them to us before the debate so that we can look at them.

But, Mr. Speaker, in short this is not an appropriate measure for a human rights code. The kinds of prohibitions here are the kinds which are referred to as being immutable characteristics like ancestry, like colour, like disability; not whether or not the people are members of unions.

The division bells rang from 8:46 p.m. until 8:51 p.m.

The Deputy Chair: — Will members take the proposed House amendment as read . . . (inaudible interjection) . . . Okay, I would

be pleased to do that.

Clause 3 of the printed Bill before us is being amended, and the effect of the amendment is to add two additional items under which discrimination would be prohibited, basically for a unionized employee or a non-unionized employee. I'll read the full amendment:

Clause 2(1)(m.01) as being enacted by clause 3 of the printed Bill is amended by:

- (a) striking out "and" following subclause (xiii);
- (b) by adding "; and" following subclause (xiv); and
- (c) by adding the following subclause after clause (xiv):
 - “(xv) employment status as:
 - (A) a unionized employee; or
 - (B) a non-unionized employee”.

And that is moved by the member for Swift Current.

Amendment negated on the following recorded division.

Yeas — 15

Hermanson	Elhard	Julé
Krawetz	Draude	Boyd
Wall	Bakken	Bjornerud
D'Autremont	Weekes	Wakefield
Wiberg	Allchurch	Kwiatkowski

Nays — 27

Trew	Hagel	Van Mulligen
Lingenfelter	Melenchuk	Cline
Goulet	Lautermilch	Thomson
Lorje	Serby	Belanger
Nilson	Crofford	Hillson
Kowalsky	Sonntag	Hamilton
Jones	Higgins	Yates
Harper	Axworthy	Junor
Kasperski	Wartman	Addley

Clause 3 agreed to.

Clauses 4 to 41 inclusive agreed to.

Hon. Mr. Axworthy: — Thank you, Mr. Deputy Chair. And let me thank too the staff, Tom Irvin and Madeleine, for being here this evening, and to thank members opposite for their questions. And I would move that we report the Bill without amendment.

The committee agreed to report the Bill.

Bill No. 15 – The Department of Justice Amendment Act, 2000

The Chair: — I'd like to invite the Minister of Justice to introduce the officials that have joined him.

Hon. Mr. Axworthy: — Thank you very much, Mr. Deputy Chair. To my . . . I'm glad to introduce to the Assembly to my right Darcy McGovern, who is with legislative services, and to my left Chris Lafontaine, who is executive director of the Aboriginal Courtworker program.

Mr. Wall: — Thank you, Mr. Deputy Chair of Committees and Minister, and to your officials, and a special welcome to Darcy McGovern. Darcy's mom is our neighbour in Swift Current, and we see him often there in the summer, helping out at his mom's place and visiting, and so welcome here.

An Hon. Member: — Does he mow the lawn?

Mr. Wall: — Actually, I don't think I've ever seen him mow the lawn, neither his mother's nor mine, as I recall. Well he helped out with other things.

Mr. Deputy Chair, a couple of questions. In the minister's second reading speech he indicated that the . . . that these amendments in part are generated by recommendations from the Aboriginal Courtworker program advisory board. Could you please tell the members of the committee the nature of that input and who is on that board.

Hon. Mr. Axworthy: — Mr. Deputy Chair, in response to the member's question, the board has five members — two are from the Department of Justice, one is from the Metis Nation of Saskatchewan, one from the Federation of Saskatchewan Indian Nations, and there is an independent chairperson. And actually also the Department of Justice — federal Department of Justice — sends an observer to all meetings and the board makes decisions based upon a consensus.

The members of the board. The Chair is Kathleen Makela. She's the independent Chair. Eugene Gamble from the Federation of Saskatchewan Indian Nations, Art Durocher from the Metis Nation of Saskatchewan, and the two Department of Justice members are Doug Moen and Barbara Hookenson.

Mr. Wall: — Thank you, Mr. Minister. What you didn't touch on though is, I guess, what precipitated the particular Bill and the changes that are being made. And I guess we ask that because it is a . . . certainly a solemn and serious thing is the solicitor-client relationship and the privileges of that relationship that this Bill would afford the courtworkers and their clients.

And so could you please outline some of the input that your department received from that board that led to this Bill.

Hon. Mr. Axworthy: — Mr. Deputy Chair, in response to the member's question, what early advice did the board provide for which suggested the changes in question. I can say that all involved have identified the need to ensure that clients accessing Aboriginal courtworkers' programs enjoy the same confidentiality with respect to the services provided as would be the case in other confidential relationships.

And particularly important to the Aboriginal courtworkers who need to be as open as possible with their clients, to provide as much assistance as possible, but who need to know — and this would provide them with that comfort — that they would not be involved as witnesses or something of that sort at a later date.

So it enables them to be — and this is the advice presented by the board — enables them to be as open as possible without any fear of any result, any detrimental result, in the future.

So it was identified by the board and by others, other stakeholders in the province.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The Chair: — I invite the Minister of Justice to move that the committee report the Bill without amendment.

Hon. Mr. Axworthy: — I'll do that, Mr. Speaker, after thanking the staff for their assistance, not only here today, but also in the difficult work they do in ensuring that all those who need help in our system are provided with it in a confidential and high quality way.

The committee agreed to report the Bill.

Bill No. 28 — The Ombudsman and Children's Advocate Amendment Act, 2000

The Chair: — I invite the Hon. Minister of Justice to introduce his official.

Hon. Mr. Axworthy: — Thank you, Mr. Chairman. Members opposite will be familiar with Andrea Seale from legislative services to my right who is here this evening.

Clause 1

Mr. Wall: — Mr. Chair of Committees, and to the Minister, welcome to your official. And we have some questions on Bill 28 here this evening.

And specifically they relate to what seems, to me frankly, to be a bit of an inconsistency in the relationship for these two officers of the Assembly. And specifically what I'm questioning is, why is it that the Bill has prescribed that cabinet has the fundamental power to direct these two officers in very real terms, but their remuneration is the responsibility of the Board of Internal Economy?

Hon. Mr. Axworthy: — Thank you, Mr. Chair. I must admit the member has raised this issue before. I'm not quite sure what point he's getting at, but maybe he'll clarify it in a moment.

In fact what this Bill does is do one thing which would increase the gap between the Children's Advocate and the legislature and particularly the cabinet. This Bill in fact removes the ability of Lieutenant Governor in Council, the cabinet, to assign duties to the Children's Advocate, so there's that greater distancing.

But, Mr. Speaker, the Act has always provided that the Lieutenant Governor in Council could refer matters to both the Ombudsman and the Children's Advocate for investigation and report. This is not a new provision and hasn't given rise to any difficulty in the past. Indeed it seems to me useful for the government to be able to refer matters to the Ombudsman and the Children's Advocate for their advice and for their investigation.

And the member will know that the Ombudsman has investigated, for example, or is in the process of investigating

... or continues to investigate actually the condition of the Regina Correctional Centre. We worked fully with the Ombudsman. We participated and were pleased to participate with her in whatever way we could, and we're pleased to receive her report and recommendations. And indeed she responded by indicating that we had worked together well.

So I'm not quite sure what the member is after, but perhaps he can illuminate us.

Mr. Wall: — Mr. Chair of Committees, and Mr. Minister, I'd be happy to try. And perhaps I'm misunderstanding it, and I'd appreciate your clarification.

And I guess where I'm coming from is that basically the Act that we're speaking about today provides that the Ombudsman and the Children's Advocate's salaries and benefits will be determined by the Board of Internal Economy. And yet there are very specific references to the fact that the Lieutenant Governor in Council, the cabinet, for example, could suspend the Ombudsman ... this is actually from your second reading speech, may suspend the Ombudsman and the Children's Advocate while the legislature is not in session on grounds of incapacity to act or neglect of duty.

That's the premise for the question. And maybe it's oversimplifying it, but ... And a lot of people would believe that whoever is paying the piper will call the tune. In this case, it seems that the Board of Internal Economy is paying, and yet the cabinet is retaining quite a bit of authority to act when the House isn't in session.

And I guess that's my question because the colleagues that have been here longer than I have, have informed me that the Board of Internal Economy meets regardless of whether the legislature is sitting. And I would imagine that meetings can be called quickly, that members of the committee can be summoned to a meeting or held by telephone or at the call of the Chair, as the member for Kindersley says. So why then wouldn't you rest all of the powers to provide the kind of direction, and frankly sweeping powers, to suspend these two officers — why wouldn't you rest them with the same body that can work very flexibly and quickly, that is also the body charged with paying the salaries and setting the salaries and benefits for these two officers?

Hon. Mr. Axworthy: — Thank you, Mr. Chair. Well that does help a bit. As the member probably is aware, this is a relatively old power, the power on the part of the Lieutenant Governor in Council to suspend and not remove these officials, but suspend them until the legislature is in session. It's never happened.

But I would say to the member that this is not a new provision and it brings the positions of the ability to suspend the Ombudsman and Children's Advocate into line with the Information and Privacy Commissioner and the Conflict of Interest Commissioner so they will now all be addressed in the same way.

And the Bill really updates the grounds upon which the Ombudsman and Children's Advocate could be suspended when the legislature is not in session and it removes phrases such as disability and bankruptcy and adds incapacity to act. And the grounds now will be incapacity to act, neglect of duty, or

misconduct. And I should say to the member that both the Ombudsman and Children's Advocate requested this amendment.

Mr. Wall: — Thank you, Mr. Chair. Thank you, Mr. Minister, for the answer. I think we'll agree to disagree because whether it's something that ... well you know, I'm not sure the rationale that that's the way we've always done it is perhaps good enough. We've got the legislation open now. It strikes me that it would be a great opportunity to clean it up and rest the authority to provide direction to these officers with the same body that has the ability to set its salary and determine its remuneration. So I'm not sure we're going to agree on that.

I would ask though, Minister, if you could tell me what has been the arrangement with respect to remuneration for these two officers since April 1 of this year, because as you have quite rightly pointed out in your comments, Mr. Minister, the salaries of these two officers were previously tied directly to those of Provincial Court judges. And now of course we see a significant increase in salary for Provincial Court judges effective April 1. I understand that part of the rationale for this Act is that the government isn't interested in tying the salaries of these two officers together, and frankly wasn't interested much in a raise of that proportion for these two officers of the Assembly of the same proportion that the Provincial Court judges received. And so I wonder if you could tell members of the committee what has been happening in the meantime since April 1 with respect to the salaries for these two officers, and what arrangements have been made if any.

Hon. Mr. Axworthy: — Yes thank you, Mr. Chair. The member's quite right. The Ombudsman's salary has been set at the same level as that of a Provincial Court judge, and so has essentially risen to \$143,000 as of April 1, 2000. That, as the member will know, is as a result of the recommendations of the Provincial Court Commission which increased the Provincial Court judges' salaries. The Children's Advocate salary is fixed presently at 85 per cent of the Ombudsman's salary.

The Bill retroactively will put the Ombudsman and the Children's Advocate salary back to where it was, plus the increases that others have received. And from now on they will be set by the Board of Internal Economy, which ensures that the members opposite have an opportunity to participate in the salaries and salary increases for the Ombudsman and the Children's Advocate. We thought that the salary level being commensurate with that of Provincial Court judges was ... that it would be better that it was not quite so high.

Mr. Wall: — Mr. Chairman ... Thanks, Mr. Minister. Although I wonder if you can address the question: what has been done in the meantime between April 1 and now?

(2115)

Hon. Mr. Axworthy: — Well because the legislation in place required the salary for the Ombudsman to go to \$143,000 and for the Children's Advocate to go to 85 per cent of that, those salary changes were provided for. There was nothing that would enable them to be changed in any way. So they have been receiving or have been able to receive their salary at that new level.

This piece of legislation will though retroactively place the salaries for the Ombudsman and for the Children's Advocate within the powers of the Board of Internal Economy, and so consequently any increased amounts up to those levels will be repayable.

Mr. Wall: — Clearly those officers — Mr. Chairman, and Mr. Minister — clearly these officers will obviously know that. They'd have to do some substantial planning. We're talking about large sums of dollars.

So they've been being paid at the level of the Provincial Court judges. I understand the difference in the two positions with respect to their remuneration. And I guess they will have . . . it's been up to them to do the planning for the day that may come when the Board of Internal Economy retroactively requests it back. I think the member of Cannington has some questions on this Bill, Mr. Chairman.

Mr. D'Autremont: — Thank you, Mr. Chairman. Mr. Minister, I have a question in dealing with the Ombudsman and Child Advocate. To whom are they responsible? Are they responsible to yourself as the minister in charge of this legislation, or are they responsible to the Legislative Assembly as an institution and only responsible to the Legislative Assembly?

Hon. Mr. Axworthy: — Mr. Chair, I think the member will know that both the Ombudsman and the Children's Advocate are answerable to the Legislative Assembly.

Mr. D'Autremont: — Thank you, Mr. Minister. Mr. Minister, would you happen to know if the services of the Ombudsman or the Child Advocate are available for hire or for performing other duties other than those directed by this legislature?

Hon. Mr. Axworthy: — Well in response to the member's question, not for hire I think, but their job is to respond to complaints from the public. So while the legislature as a whole would be the body to which they are answerable, they are also — and it's reflected I think in the nature of that appointment flowing from the Legislative Assembly — they're answerable to the public of the province in a very meaningful way.

And consequently any complaints which come from the public to those two officials are treated seriously by them and can lead to inquiries on their behalf and indeed have led to inquiries on the public's behalf.

Mr. D'Autremont: — Thank you, Mr. Minister. When they would receive a complaint or an inquiry who would they present that report to? Who would be the sole entity to which they would report?

Hon. Mr. Axworthy: — I should say also that departments can refer matters to the Children's Advocate and the Ombudsman too. The reports would be to this Assembly, Mr. Chair.

Mr. D'Autremont: — Thank you, Mr. Minister. So when the Ombudsman prepares a report would they distribute it to whomever might be interested prior to this Assembly or should it come solely to this Assembly?

Hon. Mr. Axworthy: — It would come to the Assembly first, Mr. Chair, in fact that is where I received it.

Mr. D'Autremont: — Thank you, Mr. Minister. Would it be a breach of their legislative duties if they were to present that report to anyone else?

Hon. Mr. Axworthy: — The member I think is asking, would anybody — for example, a complainant or department — learn of the contents of the report prior to the legislature? That's I think the member's question.

And she will, and she has in the past, provided a draft report to departments prior to the final report being presented to the legislature. But the final report, her report which is made public, comes here first.

Mr. D'Autremont: — Thank you, Mr. Minister. That would seem to me to be rather inappropriate. If the minister . . . if the Ombudsman or the Child Advocate is doing a report on a department, why would that report be given to the department for whatever reason? The department may not like what was in the report; the department may like what was in the report. Why should that department be given an opportunity to make changes to that report before it comes to the legislature?

Their duty is not to that department and not to the minister responsible for that department. You, yourself, Mr. Minister, said that those reports . . . they are responsible to this legislature and they should come to this legislature.

Why should it be any different if it's a department? What gives the Ombudsman or the Child Advocate the authority to direct that draft report to anyplace other than this Assembly?

Hon. Mr. Axworthy: — Well, I think the answer to the member's question is that the Ombudsman or the Children's Advocate . . . and he's probably thinking of the Children's Advocate report in particular, the last one she did, would be presented to the department really, I think, as a courtesy to the department.

But certainly there's no expectation and no ability on the part of a department to suggest changes to the Children's Advocate or to the Ombudsman leading up to her report. And I think the member would know that by reading the reports that have come lately. And for example, one dealing with corrections . . . the Regina Correctional Centre, within my jurisdiction, and the Children's Advocate report dealing with the jurisdiction of the Minister of Social Services, you could hardly say, I think, that departments have had any influence to change the tone or the content of those reports.

They both indicated some very helpful suggestions on the part of the Ombudsman to the two departments in question for changes to procedures and indeed brought to light useful information for both of us.

Mr. D'Autremont: — Thank you, Mr. Minister. How do we know that there weren't changes made? How do we know that the tenor of the report hasn't been changed?

Mr. Minister, would you be willing to present those draft

reports unedited, unchanged that were presented? If they were presented to your department, would you present yours? The Minister for Social Services is sitting next to you, consulting with you on this very issue.

Would those departments be prepared to submit those drafts that were presented to those departments by the Ombudsman or the Children's Advocate before the ministers and their departments had a chance to see them? I really think that's a breach of this House, Mr. Minister, a breach of the privileges of the members of this House.

Those officers are responsible, answerable to this Assembly and this legislature. They are not responsible or answerable to the ministers, be it yourself or the Minister of Social Services. Those reports should come to this Assembly and this Assembly only. Not to be vetted, not to be scrutinized, not so that the ministers can have a response ready when the report is finally presented. I think that is highly inappropriate, Mr. Minister, and those reports from any of the Legislative Assembly's officers should come to this Assembly and not to ministers of the Crown.

Hon. Mr. Axworthy: — I think the appropriate response for the member is to in fact ask the Children's Advocate and ask the Ombudsman for their perspective. They will tell you what they did and I think you can clear it from there.

Mr. D'Autremont: — Mr. Minister, it's this Assembly that establishes the rules and criteria under which those offices operate. Clearly the rules and procedures for those offices is that they report to this Assembly. It doesn't say, well you can send umpteen dozen drafts to whomever might have an interest in it. Because we certainly had an interest in it, Mr. Minister, and there was no draft copies advanced to us on this particular issue. So why should they be advanced to the minister and the department being investigated, especially when that investigation was highly, highly critical of the department and the minister. Those responses, those reports should come to this Assembly without being vetted by the department and the minister responsible.

Hon. Mr. Axworthy: — Well I restate, Mr. Chair, I think if the member has a concern, he should address those concerns. Either he can do it as a citizen or through the Board of Internal Economy with the Ombudsman and with the Child's Advocate, and he can take the matter up with them.

Mr. D'Autremont: — Mr. Minister, the report on the Regina Correctional Centre, were you privy to a draft copy of that before that report was presented to this Assembly?

Hon. Mr. Axworthy: — I think I was, Mr. Chair.

Mr. D'Autremont: — Can you reconfirm, Mr. Minister, that the Minister of Social Services and his department were privy to the Child Advocate's report prior to release in this Assembly?

Hon. Mr. Axworthy: — Well I should make it clear — I think the member's aware of this — that it was, it is drafts that I received or that the department received and the Department of Social Services received. Not the final report which quite properly came here to the Legislative Assembly first.

Mr. D'Autremont: — Well thank you, Mr. Minister. I'm glad you confirmed that it was drafts. That means that changes could be made subsequent to the presentation of those reports to the departments and the ministers involved.

Were any changes, Mr. Minister, made in your department . . . in the report that was presented, the draft that was presented to your department and subsequently presented to this Assembly?

Hon. Mr. Axworthy: — He, I mean I think the member has every opportunity to ask the Ombudsman and the Children's Advocate. In fact, he could do it first thing tomorrow. And he should take it up with those two officials.

They are officials who are answerable to this Assembly and I'm sure that they will be only too happy to speak with the member about his concern.

Mr. D'Autremont: — Thank you, Mr. Minister. Perhaps you could then answer why you're unprepared to answer the question whether there was any changes made to the report — the draft report — that you saw.

Hon. Mr. Axworthy: — Well I'd have to look at the draft and I'd have to look at the report before I could answer that question.

But again, I think the member knows full well that the appropriate person to address concerns about a report and about the way in which a report was presented is the author of the report. And that being particularly the case here, Mr. Speaker, because both the Ombudsman and the Children's Advocate are answerable to the Legislative Assembly; not to any particular minister.

Mr. D'Autremont: — Well thank you, Mr. Minister. That is exactly the point — they are answerable to this Legislative Assembly, and this is the place those issues should be discussed. Not with the advocate and the Ombudsman.

This is the place where that policy and those rules should be discussed, whether or not they are responsible to this Assembly. Therefore, their reports come exclusively to this Assembly or whether they are giving drafts to the members of the government side, to the ministers of the Crown for their perusal and enjoyment on a Saturday evening. Mr. Minister, whatever changes happened in those draft reports from the time you saw them to the time they hit the floor of this Assembly are therefore suspect, Mr. Minister. So why can't you tell us what changes occurred within the report in your department before it came to the floor of this Assembly?

Hon. Mr. Axworthy: — Well the member has every opportunity to address these issues with the authors of the report. I'm not sure if the member's alleging that something improper took place or that the Ombudsman or the Children's Advocate changed their reports or anything of that sort. If he is, I think he should be careful about that. He could always try that outside if he wanted to I suppose.

But I think the appropriate thing to do here, Mr. Chair, is as I've said, and I think the member knows fully well to speak with the Children's Advocate and with the Ombudsman, and I'm sure

that he will receive full satisfaction from both of them.

Mr. D'Autremont: — Thank you, Mr. Chair. Mr. Minister, it surprises me though that the minister seems to be most unwilling to answer a very simple question. He said that he saw the draft report, that there was a draft report presented to this Assembly — not a draft — a final report presented to this Assembly. Why can't you possibly tell us what changes might have occurred within that? What are you trying to hide? Why . . .

(2130)

The Chair: — Order, order. Order. The minister has I believe quite . . . The minister has indicated that the details of the Provincial Ombudsman and/or the Children's Advocate Act are best taken up with either the Ombudsman or the Children's Advocate. This Bill deals with the process and if there are process questions, the Chair will certainly allow them to continue. If there are detailed questions about reports, those are properly taken up with the respective authors.

Now I cut the hon. member off before he was finished. Would you wish . . .

Mr. D'Autremont: — Thank you, Mr. Chairman. This is indeed about process. It is about the process in which reports are collected, the conclusions that they are drawn and presented to this Assembly. Do they get sanitized, Mr. Chairman, before they see this Assembly? We don't know. That's why we're asking the questions, Mr. Chairman. This is the place to ask those questions, on the floor of the Legislative Assembly of Saskatchewan.

And I don't understand why the minister responsible for this Act cannot be responsible enough to answer questions in relation to that, to whatever changes may have occurred in the process. I'm just . . .

The Chair: — Order. I maybe wasn't as clear as I could have been in this. The process is not what the Ombudsman or the Children's Advocate may or may not have put into their report. The process is how that report is received by the Assembly and how it plays out there.

If the hon. member has a question of content of the reports, that's out of order. If you have a question of the process, it's in order. And frankly I was hearing an awful lot more content than I was process.

Mr. D'Autremont: — Thank you, Mr. Chairman. As I said earlier, this is indeed about the process. The Child Advocate and the Ombudsman did a study into two . . . one into a department and the other into an institution that the department is responsible for. Reports were prepared. Obviously you have a number of drafts that you go through in the preparation of a report. The responsibility as outlined originally by the minister was that those officers of the legislature are responsible to the legislature. They're not responsible to the department, they're not responsible to a minister of a department — they're responsible to this Assembly.

Therefore I'm . . . I would advocate that the reports presented or

collected and prepared by either the Ombudsman or the Child Advocate should come to this Assembly without having an opportunity for any changes, any reviews, any discussion or consultation as to the content of the report by either the department or the minister.

The Child Advocate or the Ombudsman should certainly be questioning what's going on if they're investigating a department, to make a determination as to what they see happening, either rightly or wrongly. But when they prepare their report and their analysis of their studies, that report comes to this Assembly — not to the department or to the minister for their perusal prior to that of any other member of this Assembly.

The ministers responsible for their departments have no more right to see that report than I do before it's presented to this Assembly, and that is what's happening. And I believe that is a breach of the privilege of each and every member of this House. That is the Child Advocate and the Ombudsman is not responsible to the department or to the member, but responsible to this Assembly, and that is not what has been occurring. Mr. Speaker.

Mr. Minister, would you agree and would you investigate to determine whether or not the Child Advocate and the Ombudsman have been meeting the requirements as laid out by this Assembly for their duties and reporting to this Assembly?

Hon. Mr. Axworthy: — Well somewhere at the beginning of all of that, Mr. Chair, the member asked if I could indicate any possible changes between the draft that I saw. I can't actually quite remember when I saw it, but the draft and the original report. And I mentioned to him before that I would have to look at the two and compare them.

I should say that I think the assumptions underlying the member's questions are disturbing to say the least. I'm sure that both the Ombudsman and the Children's Advocate will be interested to read the member's comments and the allegations, the implicit allegations he raises of their conduct.

Mr. Chair, the appropriate place for the member to address these concerns, the appropriate person is the person who drafted the report, the Ombudsman or the Children's Advocate which ever he may be concerned with. And he can do that in a number of fora, but he can certainly do that tomorrow by asking them.

But I do think, Mr. Chair, that the assumptions underlying the member's questions, that there is something improper here done by the Ombudsman or Children's Advocate, that either of them would respond to anything other than their obligations under the legislation and to this Assembly, I think he should be very careful about that. And I'm sure the Ombudsman and the Children's Advocate will be interested to know his lack of trust in them.

Mr. Wall: — Thank you, Mr. Chairman of Committees. I think the minister can see now what can happen when you don't take full advantage of a Bill such as No. 28 coming before the Assembly and clearly outlining in the legislation that the officers in this particular case who are responsible to the Legislative Assembly, to the Board of Internal Economy,

should be just that. And that's the question we led off with today.

Those who set the salary for these officers seemingly are asked or charged in this Bill only to do that and very little else. And the cabinet of the day, the government of the day, retains a great deal of power to be able to direct them and even suspend them for various reasons, including what the cabinet might determine as neglect of duty. And I think that's part of the point that the member for Cannington has made.

This Bill was also an opportunity to clarify the process of tabling documents for these two important officers of the Legislative Assembly. And so we've stated those concerns and it appears we'll agree to disagree. And we would have no further questions for this Bill in Committee of the Whole.

Clause 1 agreed.

Clauses 2 to 15 inclusive agreed to.

Mr. Wall: — Mr. Chairman of Committees, just before you make that invitation to the minister, I would just like to thank the minister and especially all of the officials that were here for the five different Bills. We appreciate the information that they were able to provide tonight and we look forward to discussing it, as it turns out, many more Bills in the coming days. Thank you, Mr. Chairman.

Hon. Mr. Axworthy: — I do so move, Mr. Chair, and thank the member for his comments and thank Andrea Seale for being here today and for the great work she does, not only here, but over the year. Thank you very much.

The committee agreed to report the Bill.

Bill No. 37 — The Public Libraries Amendment Act, 2000

The Chair: — Before I call clause 1, I'll invite the minister responsible for public libraries to introduce his officials.

Hon. Mr. Serby: — Thank you very much, Mr. Chair. The officials with me tonight, seated to my right is Marilyn Jenkins who is the acting director of the public library services and to my left, is Mr. Keith Comstock who is the policy manager with the Municipal Affairs, culture and housing.

Clause 1

Mr. Bjornerud: — Thank you, Mr. Chair, and Mr. Minister I'd like to welcome your officials here tonight. Really I think we agree with most of the things we see in here. I think really all we need tonight, Mr. Minister, is maybe some clarification so that we are exactly understanding that what is in the Bill is actually what you are trying to do here.

The first part I . . . question I maybe have, Mr. Minister, is to do with the boundary changes. And I believe that the amendments will provide for a voluntary boundary changes, not mandatory ones, so that they would have the right to set them up and go wherever they wanted themselves. Would you comment on that, Mr. Minister?

Hon. Mr. Serby: — Mr. Chair, to the member, that's exactly what the Bill is, the amendments are projecting, is that they would permit for voluntary boundary changes.

Mr. Bjornerud: — Thank you, Mr. Minister. Mr. Minister, the next part that I noticed in here and I think I agree, it's probably a plus, is resolving local conflicts. And if I understand what you're doing here, and I think it's a good thing, is that you're actually removing yourself as minister from resolving these conflicts and setting up a process other than the minister's office. And if you would comment on that, Mr. Minister; but if that's what you're doing I think that is a very good way to go.

Hon. Mr. Serby: — Mr. Chair, to the member, that's exactly what . . . the way in which the member defined it is we're going to be doing. And the member probably will recognize some of the rationale around it. We had a little situation in our own community which you are likely aware of, with the public library director in some concern there and some conflict, I might say, and there needed to be a resolution to that particular piece. And this part of the legislation is hoping to address those kinds of incidents into the future.

Mr. Bjornerud: — Well thank you, Mr. Minister. Yes I'm aware of the problems that you talked about and I think this is a plus by not having the minister have to get involved, especially in the case where it was happened to be your own local area.

Another clarification may be, and I think we understand what's being done here, but it's to do with the allowing urban representation on exec committees would be relative to the population; and I believe the regional library boards already have that, if I'm not mistaken, Mr. Minister. And is that the reason this is being done? Actually what is being done if that is the reason?

Hon. Mr. Serby: — Mr. Chair, to the member, what we're trying to do here — and you're correct in your description — is to try to provide some greater representation in particular from some of your larger communities that are assessed a higher rate and are responsible for making a greater contribution to the regional library system.

There is a concern that the representation today isn't sufficient from the larger municipalities that provide the greater piece. And what this amendment will do is provide for greater representation on the executive committee from those municipalities that are providing the greatest contribution to the regional library system.

(2145)

Mr. Bjornerud: — Thank you, Mr. Minister, and Mr. Chair. That's probably all the questions we would have on this Bill at this time. So, Mr. Minister, I would like to thank your officials for clarifying those for us. And that's all the questions we would have.

Clause 1 agreed to.

Clauses 2 to 15 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 69 — The Urban Municipality
Amendment Act, 2000**

The Chair: — Before I call clause 1, I'll invite the Hon. Minister of Municipal Affairs to introduce his officials.

Hon. Mr. Serby: — Thank you, Mr. Chair. This evening I have with me three department officials. Seated right next to my right is Mr. Keith Comstock, who is the policy manager with Municipal Affairs. To my left is Mr. Ken Kolb, who is the senior policy analyst, and directly behind me is Lynnette Skaalrud, who is the legislative and registration specialist — regulation specialist — sorry, Mr. Chair. Those are my officials this evening.

Clause 1

Mr. Bjornerud: — Thank you, Mr. Chair. And, Mr. Minister, again I welcome your officials here tonight.

Just a few questions again on this Bill because I think we also have checked a number of people that are involved in what's happening on this Bill, Mr. Minister, and I don't think we have too many concerns, although we may need a few clarifications here as well.

Possibly, in your bringing in the base tax, Mr. Minister, could you maybe explain if there is or what is your explanation of the difference between a base tax and a minimum tax would be.

Hon. Mr. Serby: — Well, Mr. Chair, to the member, as the member is aware that in the past we've had in Saskatchewan the minimum tax which would allow municipalities to make a determination when they're doing their assessment and then providing an allocation as to what the new tax might be after the reassessment. They would have a choice of either using the assessment process under the *ad valorem* system and then using that tax and then applying the tax rate to the assessment or determining what level of services a municipality might be providing and then using a minimum tax application to it and using either one of those principles, is what we've had in the past.

What this amendment permits to happen here is that municipalities can now use a combination of both or either or neither one, where in fact they may make a decision that for a variety of different services in a community you might assess certain values to things like fire protection, police services, the streets and roads, and charge or assign a particular allocation which would then be called the base tax. Over and above that then they would then proceed to use the *ad valorem* system on the assessment process and apply them collectively then to get what the new tax rate might be for a particular resident within the community.

Mr. Bjornerud: — Thank you, Mr. Minister. You actually answered my second question along with that explanation.

I believe this amendment also removes the assessment of business property to tax businesses. Does this mean all municipalities, when this Bill is passed, must cease collecting the business tax immediately?

Hon. Mr. Serby: — Mr. Chair, to the member, that provision would come in in 2001, January 2001.

Mr. Bjornerud: — Thank you, Mr. Minister. It also appears you're making some changes as far as removing some of the impediments to voluntary amalgamation or creation of resort communities. Does this amendment apply only to resort communities?

Hon. Mr. Serby: — What this allows, Mr. Chair, to the member, is that if in fact there is consensus or agreement by the municipalities if they choose to proceed down that particular path, what this really does then . . . permits for this to occur just through a minister's order so that the minister would just simply sign an order, as opposed to it having to go to an order-in-council approval. This is basically a procedural process.

Mr. Bjornerud: — Thank you, Mr. Minister. Mr. Minister, the amendment changes the method in which clerks, treasurers would be let go or dismissed. Can you explain the changes and actually why are these changes being made, Mr. Minister?

Hon. Mr. Serby: — Mr. Chair, to the member, today what happens, of course, is that the board of examiners would be looking at two particular functions. One would be the qualifications of a particular individual which in fact in many cases wouldn't permit for an investigation process but more of an advisory one. And what would happen under this process is that the labour issues would now be dealt with in the court system as opposed to being dealt with in the municipal system.

Mr. Bjornerud: — Thank you, Mr. Minister. Mr. Minister, there are a number of changes to the assessment procedure in this Bill. And could you just maybe briefly . . . and I don't want, you know, you don't need to give us a long, elaborate explanation, Mr. Minister. But if you could just quickly give us a brief explanation as how these apply to urban municipalities and how they're intended to improve the system that we have now.

Hon. Mr. Serby: — Mr. Chair, to the member, there are about six or seven different areas here, maybe eight different areas of which I think you might be interested in seeing. I might just touch on two or three of them and then have this available for you and send it over for you so that you can explore them more fully. They're really called the third group of amendments that improve sort of the effectiveness of property tax assessment.

And I might just read two of them into the record here for us and then have this available for you.

One is to clarify that a notice of appeal is given to the secretary of the board of revision and not the assessor — being one.

Secondly, to clarify that where two or more persons are owners of land or improvements, the owners shall designate to whom the assessment notice shall be sent.

And the third one that you might be interested in is eliminate the property for tax agents to exploit the recent Court of Queen's Bench decision which restricts the circumstances under which the board of revision can dismiss an appeal by submitting

generic notices of appeal.

And then there are six others here that you might be interested in seeing and I'll have these available for you.

Mr. Bjornerud: — Thank you, Mr. Chair. Mr. Minister, yes that would be quite adequate if you'd send them over.

And at that time, that's all the questions we have at this time, Mr. Chair.

Clause 1 agreed to.

Clauses 2 to 20 inclusive agreed to.

Clause 21

Hon. Mr. Serby: — Thank you, Mr. Chair. To clause 21 of the printed Bill, we'd like to:

Amend subsection 237.1(4.2) of *The Urban Municipality Act, 1984*, as being enacted by Clause 21 of the printed Bill, by striking out "consecutive".

Amendment agreed to.

Clause 21 as amended agreed to.

Clauses 22 to 60 inclusive agreed to.

The committee agreed to report the Bill as amended.

(2200)

Bill No. 68 — The Rural Municipality Amendment Act, 2000

Clause 1

Mr. Bjornerud: — Thank you, Mr. Chair. Mr. Minister, this Bill deals with the long-standing issue surrounding 331(1)(q) and I think most are familiar with the discussion surrounding the different tax situations in White City and Emerald Park. Are there other areas in the province that this also would affect by these changes?

Hon. Mr. Serby: — Mr. Chair, there would be other areas of the province where there is seasonal residential that would be affected and/or where you have larger rural regional centres as well that would be affected by that.

Mr. Bjornerud: — Thank you, Mr. Minister. What effect on the taxes say for a retired farmer who continues to live on their home property but no longer farms, Mr. Minister? How would this affect them?

Hon. Mr. Serby: — Mr. Chair, if the retired farmer still continues to own or lease the agricultural land, it would still apply.

Mr. Bjornerud: — Thank you, Mr. Minister. Mr. Minister, unlike the urban Bill where disputes surrounding dismissal of administrators or clerks would go directly to court, in the case

of the RMs (rural municipality) now you're creating a board of reference to handle these issues. Can you tell us why the two types of local governments would handle these matters so differently?

Hon. Mr. Serby: — Mr. Chair, to the member, in the consultation process both SARM (Saskatchewan Association of Rural Municipalities) and the rural administrators were very interested and keen in maintaining their role in this particular process. And so what we're doing is leaving the interest and their intent in the legislation.

Mr. Bjornerud: — Thank you, Mr. Minister. Mr. Minister, you're changing also some of the rules surrounding the assessment of oil and gas wells, and could you just give us a quick overview of what you're doing in this area.

Hon. Mr. Serby: — Mr. Chair, to the member. What we're doing is we're really backing up here the reporting period by a period of about four months, to allow both SAMA (Saskatchewan Assessment Management Agency) and the industry and the RMs to review the process. And that's what we're doing with this particular amendment.

Mr. Bjornerud: — Thank you, Mr. Minister. Mr. Minister, RMs will now also be able to levy the base tax. Will it apply to rural property any different? Will this be any differently applied to rural property than it would have been to the urban property or is it exactly the same?

Hon. Mr. Serby: — Mr. Chair, the base tax is applied exactly the same. They'll have some additional application that they can . . . to organize hamlets. But the intent is exactly the same.

Mr. Bjornerud: — Thank you, Mr. Chairman. Mr. Chairman, that's all the questions I have on this Bill. One of my colleagues will have some questions now. I just want to take this opportunity to thank your officials for the answers you've given us.

Mr. Wiberg: — Thank you, Mr. Chair, to the minister. Mr. Minister, the changes in section 331(1)(q) of The Rural Municipality Act is going to have some massive, dramatic effects upon taxation issues involving rural residents in Saskatchewan.

Now of course as we've gone through the last election, we've found out that there's quite a split in this province between the chosen members in this Assembly between the urban centres and rural centres. And of course there's always a great deal of concern on this side of the House, and we hope that there will be some concern on that side of the House, that when we end up with rural and urban splits that this change in 331(1)(q) will not enhance that split.

And what we're looking for is some reassurance from the minister somewhere along the line that we're trying to close the gap between the differences between rural and urban Saskatchewan.

One of the concerns that has been brought forward to me, Mr. Minister, is this change to 331(1)(q) so that rural municipalities will no longer be able to exempt the least of assessed in

properties when it comes to non-agricultural properties, whether that assessment applies to either the buildings on that property or whether it's to the property itself.

Has your department spent any time in the last few weeks, or few months, trying to come up with some sort of dollar figure of how much the assessment change is going to take place in this province, surrounding the changes, the 331(1)(q)?

Hon. Mr. Serby: — Mr. Chair, to the member, just a couple of points that I want to make in terms of how we got to this particular amendment in the legislation.

In 1997, as the member is probably aware, there were two committees that were struck, of which you had . . . we had representation from both SUMA (Saskatchewan Urban Municipalities Association) and SARM, and the department and the SSTA (Saskatchewan School Trustees Association).

And what this body of men and women did, is they went around the province and they consulted extensively about a whole number of issues as it relates to tax abatements and exemptions across the province. And then produced a fairly significant, substantive report as to what, in fact, should happen in terms of providing fairness and equity, which is your concern, and a very appropriate one, as we share as well.

And so when it came to this particular issue around 331(1)(q) there was a great deal of debate and discussion about how you still might be able to preserve the benefit to the agricultural producer or the lessee of agricultural land, because that was really the intent of the policy initially, when it was established. And was really not there to benefit some of the other individuals who were, in fact, using the benefit of 331(1)(q) but really were not related to the agricultural industry at all.

And so the committees recommended that we go down this path, and so what we're really taking is the wisdom of those people who consulted around the province and then made this recommendation. And it's really the committee's recommendation that we're bringing forward here this evening.

Now the question that you ask about, you know what will be the assessment changes here, will be difficult for us to determine yet because you have a whole host of properties yet who have been exempt. And so once we have a better appreciation of what those properties will be assessed at, then we'll be able to describe more fully what those values will be. But yet we don't have them because those properties were exempt to date.

Mr. Wiberg: — Mr. Chair, to the minister. Mr. Minister, obviously you should be paying a little more attention to your answer, because in it you said we don't know what the changes are going to be because of those . . . assessments were exempted. Well, they couldn't have been exempted if we didn't know what the assessments were.

Mr. Minister, in order to exempt something you have to know what it is you're exempting. I think it's important, Mr. Minister, to understand that since 1991 the downloading that has taken place from this government onto school boards, and all municipal governments in this province, has been one of the most dramatic in the history of this country.

And it's fair that rural municipalities at this time, who are going to be the tax collectors because of this assessment readjustment so to speak, Mr. Minister, that the school boards out there, specifically those ones that have rural municipalities in their jurisdictions, would have to have a very good grasp, Mr. Minister, of how much the assessment change is going to affect them. Because as you pointed out, somewhat correctly, is that because this property was exempted it was not taxed.

Well properties not being taxed of course were not taxed by school divisions and now the school divisions are going to have their assessments dramatically increased. And as we are well aware, Mr. Minister, when the increases take place in assessment for school divisions, what happens is that the transfer payments from the provincial government to those school divisions are reduced on a dollar by dollar basis.

And so then I think what we need to hear, Mr. Minister, from you, is how much that assessment is going to go up in this province so that the school boards out there are going to be fully aware of the consequences and how they're going to be able to start the process of beginning to understand how much transfer payments from the Department of Education and from this government is going to decline because of the changes to 331(1)(q).

Hon. Mr. Serby: — I just want to repeat to the member opposite that I know that in some parts of the province, and I know that in your part of Saskatchewan, as it is in mine, on the edge of regional centres, as well as the larger urbans, there will be a shift here.

And the tax committees and the review committees that were examining this over the last couple of years talked about exactly the same issues that you're raising today; that there are going to be some people who in fact are going to have to pay a larger portion today on their tax bill, if they're not an agricultural producer or an agricultural lessee. And so they won't get the exemption of 331(1)(q).

But I say again respectfully to the member that farm dwellings in RMs have been exempt to date. And so for us to be able to try and determine what that assessed value of those properties will be is impossible for us to do today until there is a process here to look at them. And so once we have them, we'll be able to provide that for you in more detail.

Today in Saskatchewan of course what's happening is that we're getting ready for our 2001 assessment process. The consultations are going on with the oil and gas industry, with the commercial, with the commercial industry . . . commercial and industry in this province, with agricultural producers, to try and figure out what the reassessment process might look like.

But for us to specifically be able to provide you with that answer today, we're not in a position to do that because those dwellings in those RMs have never had any . . . have been exempt to date.

Mr. Wiberg: — Mr. Deputy Chair. Thank you, Mr. Minister. From a rural perspective, it was important to try to have those numbers. We were hoping that your department, as they are putting this Bill together, would try to put together what was

going to happen, the ramifications this was going to have on rural Saskatchewan. Maybe in the very near future they would take the time and do this, because we certainly understood from your comments, Mr. Minister, that again there is going to be a shift in taxation onto rural Saskatchewan when this side of the House, anyway, is trying to work between rural and urban, to do some fence building after the last provincial election.

We're disappointed that this Bill then will provide a hamper to that so what we're hoping then is that maybe the department officials could take the time, try to grasp the ramifications of this Bill and the changes to 331(1)(q).

Just quickly to the minister, I would wish to point out that in the Rural Municipality of Lakeland the tax shift from the provincial government onto the property owners in that one RM alone will be \$350,000 and that's just one RM. There are hundreds of them so you can imagine, if we start to multiply that, the millions and millions of dollars that the Department of Education is going to be able to download onto rural municipalities because of the changes to 331(1)(q).

Mr. Deputy Chair, I wish to take this time to thank the minister and his assistants for being here today, and the staff, so we could discuss this Bill and we can move it on.

(2215)

Clause 1 agreed to.

Clauses 2 to 18 inclusive agreed to.

Clause 19

Hon. Mr. Serby: — Mr. Chair, we're asking that the Bill be amended:

Amend subsection 283.2(4.2) of *The Rural Municipality Act, 1989*, as being enacted by Clause 19 of the printed Bill, by striking out "consecutive".

Amendment agreed to.

Clause 19 as amended agreed to.

Clauses 20 to 50 inclusive agreed to.

The Chair: — And we'll now deal with the additional clause, new clause, and again I would like to invite the Minister of Municipal Affairs to move the House amendment.

Hon. Mr. Serby: — Mr. Chair, House amendment Section 339.2, 39.1 reads this way:

"39.1 The following subsection is added after subsection 339.2(5):

'(6) At the request of or with the consent of the board of an organized hamlet, the council may, by bylaw pursuant to subsection (1), provide that a minimum tax be applied to land, improvements or both within the organized hamlet that may be different from the minimum tax applied elsewhere in the municipality'".

Amendment agreed to.

The committee agreed to report the Bill as amended.

Bill No. 67 — The Northern Municipalities Amendment Act, 2000

The Deputy Chair: — I'd like to invite the Minister of Municipal Affairs to introduce any new officials that may be joining him for this Bill.

Hon. Mr. Serby: — Mr. Chair, my officials remain as they were for the past Bill.

Clause 1

Mr. Wiberg: — Thank you, Mr. Chair. Mr. Minister, welcome to your officials here again this evening for the fourth time.

Mr. Minister, we've certainly perused the Bill. We see that it is generally of a housekeeping nature, and it is certainly keeping the northern municipalities certainly in line with their so-called southern cousins.

Now, Mr. Minister, one of the things that of course we would like to see is one of the things you're doing in this Bill . . . is eliminating some red tape for northern municipalities. And one of those areas of course that you're removing red tape in is surrounding the area of dismissal of employees by a board or council in the North.

Mr. Minister, of course we've already heard tonight that there is some degree of discrepancy between urban and rural, and I'm wondering if you could take a few minutes and explain to us why you felt it was necessary that northern municipalities who dismiss a clerk would be treated differently than their rural cousins to the South, but treat them the same as their urban cousins in the South.

Hon. Mr. Serby: — Well I want to first say to the member because on a couple of occasions this evening he's alluded to the fact that there's a need for us to work more diligently and collectively in trying to resolve some of the disparities that might exist both in rural and urban Saskatchewan, and rightfully he identifies also in the North. And you won't get any debate on this side of the House on that issue at all.

I think that collectively, we need to put our heads together and work at that process of trying to provide some uniformity amongst the legislative tools that both urban and rural people have at their disposal and northern folks.

And clearly some of the discussion that we're having these days at the round table is exactly about that — about how in fact we might be able to start to blend the legislation in a more objective fashion so that you have one piece of legislation that would be responsive to urban municipalities and rural municipalities as well as northern municipalities. And so that process is very much in the mix today.

And as you can appreciate, we have had in Saskatchewan a committee of men and women who have been charged with the responsibility of looking at how we might re-craft legislation in

the province to be reflective of exactly what you're talking about. And that is to blend where we might have one piece of legislation or one Act in the future as opposed to having three which in many cases say exactly the same thing with minor, little adjustments to areas of which are more applicable to one particular part of the province in terms of whether it's rural or urban.

Your question about the issue as it relates to dismissal of employees, this is exactly the same amendment that we have that's applicable in the urban municipal Act, so it's reflective in the northern Act that's comparable to what we're doing in the urban municipal Act. So they're identical in both of those pieces of legislation.

Mr. Wiberg: — Mr. Chairman, to Mr. Minister, during the discussion surrounding the previous Bill, Bill 68, when we were referring to this exact type of legislation that is there, and of course as you alluded in rural municipalities, there is going to be a somewhat . . . the process is going to be different, and it was because that was at their request.

Now I assume then that the urban municipalities were more in favour of this type of process. During this discussions with municipalities, then were the northern municipalities most in favour of this type of process that when there's a dismissal of an employee, then what's going to happen rather than go to a board of reference that then it will immediately proceed through the court system to reduce the red tape and ensure a fair and equitable treatment of employees by their employers.

Hon. Mr. Serby: — Mr. Chair, the member describes it accurately that in fact in the consultation process that the northern municipalities, basically SUMA, in their consultation process, have determined that The Urban Municipality Act and The Northern Municipalities Act as it applies to this particular section of the Act should in fact be applied equally.

And that's why we're making that recommendation because it responds to what in fact the review committees ascertained from their debates and discussions across the province. So the member describes it accurately.

Mr. Wiberg: — Mr. Chair, and Mr. Minister, one of the pieces of legislation that you're changing here now is certainly very much in line with what is happening with the rural municipalities, and that is surrounding taxation of oil and gas wells.

Now certainly we understand that when a new gas well is started up that a short period of adjustment is going to have to take place for assessment to be able to catch up to that, so that the municipality is going to be able to put an assessment on that and be able to appropriately tax that property and that improvement.

But I guess what I'm very, very curious about is that of course this piece of legislation is even in The Northern Municipalities Act. It would certainly be great glee to all of us when we ever start drilling for oil and developing oil wells in the North because it's certainly a great lack at this time.

But as you're well aware probably also too, Mr. Minister, is that

there is a quite a good body, a pool of oil in the North and is being undeveloped at this time. And I guess we're apparently saving it for a rainy day, and I guess if we'd have stepped outside this evening we'd have found out that it is a rainy day.

But, Mr. Minister, we're also seeing in this as it applies to the rural municipal Act is that municipalities are going to be able to continue taxation for one year after the decommissioning of a well, after the improvements are gone, so to speak, Mr. Minister. So I guess we have some curiosity as to the reasoning that your department has come up with as to how we're going to go about taxing nothing. Is this a new tax that the government has come up with? Are we going to be able to start taxing nothing in this province?

We tax everything else now with an expanded PST (provincial sales tax). So I'm wondering the reasoning, Mr. Minister, of how you came up with the concept of taxing an oil well that has been decommissioned and in fact the improvements are now gone from that property and nothing exists and it has gone back to its natural state.

Hon. Mr. Serby: — Mr. Chair, to the member, first I want to say that the amendments that we're bringing forward tonight and that we're examining carefully are ones that I've mentioned on a couple of occasions flow out of the tax review committees that have been around the province since 1978.

And what we're talking about as it relates to the oil and gas industry here is that this is not a new practice. This is a continuing practice that has been here for some time, so we're not adding anything new here. What we are saying though that in the discussions and in the debate that we've had around the province is in fact the oil and gas industry are supportive of this particular amendment to the legislation, so we're not bringing it here without having had that kind of discussion with them.

When you talk very briefly about what's happening in The Northern Municipalities Act as it relates to the future of the gas or well drilling industry in the North, I guess what we try to do, and we put legislation together and make amendments to it, that we're proactive to what might be happening in fact in the future in northern Saskatchewan.

So as the oil and gas industry makes its way into northern Saskatchewan and begins its work the legislation will already be in place in order to accommodate them. So we might view this through the tax committees as being progressive legislation in anticipation of what the future activities in northern Saskatchewan might be.

(2230)

Mr. Wiberg: — Mr. Chair, Mr. Minister, it was certainly interesting that we're now going to have legislation to tax nothing in this province. Certainly we talked about having the opportunities of having legislation in place should the oil companies ever decide to take the opportunity to start developing oil fields in the North. Of course with this type of legislation, where we're going to be taxing them for nothing that they have there, they might be somewhat reluctant to be able to do that.

So I guess from our point of view, if we're going to attract oil

business into the North, is that we want to be able to have the appropriate legislation that would allow them to operate without taxing them for something that they have never done or something that they may do. We find this rather curious.

But in the meantime, Mr. Chair, I guess we've heard all the answers that we can expect from this minister. And I would suggest at this time that I would like to thank the minister for the time that he has spent with us this evening and thank his officials for taking this evening — it's 10:30 at night — it's time to start winding down our day. Thank you very much everyone for being here this evening, and I would suggest that we move this Bill on.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

Clause 8

Hon. Mr. Serby: — I thank you, Mr. Chair. The amendment is to:

Amend subsection 193.1(4.2) of *The Northern Municipalities Act*, as being enacted by Clause 8 of the printed Bill, by striking out “consecutive”.

Amendment agreed to.

Clause 8 as amended agreed to.

Clauses 9 to 43 inclusive agreed to.

The committee agreed to report the Bill as amended.

Hon. Mr. Serby: — Mr. Chair, I want to conclude this evening by thanking my officials for the work that they have done on these pieces of legislation, and also want to thank the members opposite for their discussion of these Bills, because clearly what we see in this legislation is a progressive legislation for the future and I appreciate the understanding that the members opposite have of the work that the Saskatchewan people have done on the review committees with the oil industry and gas industry and all of the stakeholders who have been so diligent in bringing this legislation forward. And I thank the members opposite for those questions. Thank you.

Bill No. 13 — The Education Amendment Act, 2000/ Loi de 2000 modifiant la Loi de 1995 sur l'éducation

The Deputy Chair: — I'd like to invite the Hon. Minister of Education to introduce his officials.

Hon. Mr. Melenchuk: — Thank you, Mr. Deputy Chair. Immediately to my right I have Deputy Minister Craig Dotson; and just behind me is Michael Littlewood, executive director.

Clause 1

Ms. Draude: — Mr. Chair. Good evening, Mr. Minister, and good evening to your officials.

The Bill that has been brought forward today for education has a number of amendments and a number of specific areas that

have changed The Education Act, 1995. Basically I think there's seven different areas of change.

And in the second reading speech, the minister indicated that the amendments would not reflect any significant change in the legislation, but I do understand at the same time it actually got rid of the Department of Post-Secondary Education out of this department. So that is a rather significant change that cost taxpayers probably a number of million dollars.

But it's already a done deal. It's something that the government has decided that this is a good way to spend taxpayers' dollars so it's not an issue that's debatable.

But the one area that we are talking about that has made a difference to some — will make a difference in the future to some school divisions — is setting up a separate school based on a minority faith.

I know that there's been at least one in the last couple of years, and I believe that the one area that I need some clarification on is the wording that the new boundaries will be based on the current-day, school-attendance area.

Now, I'm wondering if the minister could clarify for me what he means by the modern-day, school-attendance area?

Hon. Mr. Melenchuk: — Thank you, Mr. Deputy Chair, and thank you, member opposite, for the question. Certainly when we look at the existing statute, one of the provisions was based on old school districts which really were created around the turn of the century, and were based I think on . . . that were just too small.

So what this amendment does, is it allows for a more modern representation in terms of drawing area based on that school and school division; and what it does, is it allows for really a more modern interpretation in terms of the drawing area of that school division. And we did ask stakeholders with regard to this, and the Catholic section, Julian Paslawski, the executive secretary for the Saskatchewan School Trustees Association, basically said we agree that the existing legislation is archaic and the procedures dysfunctional. So the changes are welcome.

Thank you, Mr. Deputy Chair.

Ms. Draude: — Mr. Deputy Chair, and Mr. Minister, I have no doubt that these amendments are, as said in your second reading, that they were approved by a number of stakeholders.

And I guess what I need to have from you is just a description of what you mean by current-day attendance area boundaries. Are you talking about . . . if two schools would close, are you talking about the schools from the combined area? Are you talking about the old district, which is four miles by five miles? What do you really mean specifically by this new boundary area definition?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, what the proposed legislation does is it eliminates those old four-by-five districts. And the definition of the drawing area for the new schools are determined by the school divisions themselves.

Ms. Draude: — So in the case of setting up a new area, then it would be up to . . . the new school board is going to be set up, and they're going to determine the boundaries themselves. And they can decide which quarter of land is going to go in and which is going to go out as they determine the outside of the boundary; is that correct?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, if there was a creation of a new, separate school division, what they would look at is the existing boundaries of the public division, and they would then draw from that area in terms of setting up their own division. But the old divisions, which were based on the four-by-five mile structure, would be eliminated by these amendments.

Ms. Draude: — Mr. Minister, just recently, and maybe just before you became Minister of Education, there was a school division in my area, the Englefeld Protestant school division — I believe it's the only one in the province — set up their own area, their own separate school division. And they at that time worked within the old, old area, the historical school area.

Now if they were going to set that up today, could you give me an example of what they would have had to do today if they wanted to set up that school division.

Hon. Mr. Melenchuk: — Mr. Deputy Chair, with regard to the specific question, the changes that the Englefeld School Division entertained in 1997, today if they were to do that it would be the same. It would be based on the location of that school, the attendance area based on the original and that would be the attendance area for the new school division.

(2245)

Ms. Draude: — Thank you very much, Mr. Minister. I think the next question that I have is, by amending section 186 you're making provisions for more integrated classrooms whereby students with disabilities or special needs will be included in the regular classrooms.

Given the very high teacher-student ratio in most classrooms we know that there is going to be added workload that the teacher will have for preparing for this integrated classroom. I see that there is a clause allowing for the exemption of some students that have been previously determined would not fare well in the classroom and may in fact impact negatively on the education of other students.

I'm wondering if you could, if you could clarify that for me.

Hon. Mr. Melenchuk: — Mr. Deputy Chair, really with regard to section 186, the only changes would be striking out the word "institution" and replacing that with "program." So in terms of the general thrust there is no change in philosophy with regard to disabled children. What we're doing is we're adopting the more modern language of referring to program as opposed to institution which tends to be old language and there's always the stigma with institutionalizing. And so what we're doing is we're adopting the more modern language of program in reference to disabled children.

Ms. Draude: — Thank you, Mr. Minister. You mention in the

next clause other services, but can you explain how education will be provided to the students that are determined will not fair well in this integrated classroom? How will the education services be provided to those students?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, certainly when you're looking at a case by case basis and individualizing programs, if it is the assessment of the school division that a particular case, particular individual, particular student would not fair well in a particular integrated environment then it is the responsibility of that division to find which programs, which locations would be of the most beneficial, and so it allows for a case by case analysis in terms of what are the programs available and how we maximize those programs for that individual disabled child.

Ms. Draude: — Thank you, Mr. Deputy Chair. Mr. Minister, I think it's very important that each child be recognized on an individual basis and that their needs be assessed individually. I notice you said that the school board would have the determination as to what education program would be allowed for that child. Will a parent have any input into that decision, or will they have any opportunity to discuss with the board where their child will go to school or what kind of school subjects that child will be taking?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, the provision with regard to consulting with the pupil's parents is not changed with any of the amendments that is included in the Act at this point in time. And with regard to disabled children, there must be that consultation that occurs with the student's parents.

Ms. Draude: — Mr. Deputy Chair, Mr. Minister, thank you. Section 295 deals with the tax loss compensation fund, and it is our understanding that the MOU (memorandum of understanding) has been signed. It'll see municipalities and school boards receiving a total of \$1.2 million when land is converted to reserve status. Of that \$1.2 million, do you know approximately how much of it is going to be going to school divisions for their tax loss compensation?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, with regard to the specific \$1.2 million referenced by the member opposite, that will be going entirely to school divisions.

Ms. Draude: — Mr. Deputy Chair, school divisions have often indicated that a call for proposal might simplify the process when it comes to this tendering issue that we're discussing. Tendering does not allow for a lot of leeway and projects can sometimes take a long time before they are actually completed. Have you had discussions with school boards about allowing . . . being allowed to use local labour base and offer a call for proposal for various projects?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, the SSTA specifically asked us to look at increasing the amounts in terms of tendering that would not require to be tendered. With regard to specific different arrangements other than the tendering or calls for proposal, they haven't brought that forward to us and isn't included in the amendments in the Act at this point in time. But we're certainly willing to look at that if the SSTA were to bring it forward.

Ms. Draude: — Mr. Deputy Chair, Mr. Minister, I just have one further question.

There's a lot of school divisions right now or a number of school divisions that are having to pay for their capital projects themselves mostly because they just can't wait any longer or don't want to wait any longer.

If they are paying for the projects themselves, are they going to be under the same guidelines as those . . . or the same rules regarding tendering as the other school divisions that the government has some input into?

Hon. Mr. Melenchuk: — Mr. Deputy Chair, the answer is yes that the requirements for tendering apply equally whether or not they're funding a capital project 100 per cent from the school division.

Ms. Draude: — Just one further question. Is there any way or any room for leeway if the school board has to raise all the money themselves; will the government allow any leeway if they would like to do some tendering either in a different manner, or call for proposal, or in some way utilize more of their local labour justifying it on the basis that they're spending their own money?

Hon. Mr. Melenchuk: — Currently, Mr. Deputy Chair, we haven't received a proposal along those lines from the SSTA, and certainly we would be willing to look at that. But at this point in time, tendering requirements, the increases that are allowed for by the amendments to the Act today would apply equally to school divisions no matter what the proportion of the cost of the capital project would be at this point in time.

Clause 1 agreed to.

Clauses 2 to 18 inclusive agreed to.

Clause 19

Hon. Mr. Melenchuk: — Thank you, Mr. Deputy Chair, and I will propose a House amendment to Clause 19 of the printed Bill, and:

Amend Clause 19 of the printed Bill by striking out "*The Department of Post-Secondary Education and Skills Training Act*" wherever it appears and in each case substituting "*The Department of Post-Secondary Education and Skills Training Act, 2000*".

Amendment agreed to.

Clause 19 as amended agreed to.

The committee agreed to report the Bill as amended.

THIRD READINGS

Bill No. 45 — The Fuel Tax Act, 2000

Hon. Mr. Cline: — Mr. Speaker, this is item no. 27, Bill No. 45, and I move that this Bill be now read a third time and passed under its title.

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

Bill No. 44 — The Insurance Premiums Tax Amendment Act, 2000

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

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

Bill No. 71 — The Health Districts Amendment Act, 2000

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

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

(2300)

Bill No. 10 — The Department of Health Amendment Act, 1999

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

Motion agreed to.

Hon. Ms. Atkinson: — Mr. Speaker, by leave of the Assembly I move that Bill No. 10 be now read the third time and passed under its title.

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

Bill No. 62 — The Miscellaneous Statutes Repeal (Regulatory Reform) Act, 2000

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

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

Bill No. 29 — The Residential Tenancies Amendment Act, 2000

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

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

Bill No. 77 — The Saskatchewan Human Rights Code Amendment Act, 2000

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

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

**Bill No. 15 — The Department of Justice
Amendment Act, 2000**

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

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

**Bill No. 28 — The Ombudsman and Children's Advocate
Amendment Act, 2000**

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

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

**Bill No. 37 — The Public Libraries
Amendment Act, 2000**

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

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

**Bill No. 69 — The Urban Municipality
Amendment Act, 2000**

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

Motion agreed to.

Hon. Mr. Van Mulligen: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 69 be now read the third time and passed under its title.

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

**Bill No. 68 — The Rural Municipality
Amendment Act, 2000**

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

Motion agreed to.

Hon. Mr. Van Mulligen: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 68 be now read the third time and passed under its title.

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

**Bill No. 67 — The Northern Municipalities
Amendment Act, 2000**

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

Motion agreed to.

Hon. Mr. Van Mulligen: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 67 be now read the third time and passed under its title.

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

**Bill No. 13 — The Education Amendment Act, 2000/
Loi de 2000 modifiant la Loi de 1995 sur l'éducation**

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

Motion agreed to.

Hon. Mr. Melenchuk: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 13 be now read the third time and passed under its title.

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

COMMITTEE OF FINANCE

**General Revenue Fund
Education
Vote 5**

The Chair: — Before I call the first subvote, I invite the Hon. Minister of Education to introduce his officials.

Hon. Mr. Melenchuk: — Thank you, Mr. Chair of Committees. Immediately to my right is Craig Dotson, deputy minister. Directly behind me is Ken Horsman, associate deputy minister; immediately to my left is Michael Littlewood, executive director; a little bit further to my right is Larry Allen, executive director; and directly behind him is Cal Kirby, director of facilities planning. And just behind me to the right is Sheila Engele, policy analyst, finance and operations; and at the back of the room is John McLaughlin, executive director, Teachers' Superannuation Commission.

Subvote (ED01)

Ms. Draude: — Thank you, Mr. Chair of Committees. Welcome again, Mr. Minister, and welcome especially to your officials. You've been waiting probably quite a long time, with anticipation no doubt, and patiently. So thank you.

Mr. Minister, probably one of the main things on your mind and my mind and your officials behind you in the last week has been the teacher negotiations. And the fact that the teachers agreed on Friday afternoon to not walk out this school year, and that they were willing to go back to the negotiating table, I believe it's tomorrow, was probably pleasant news to your ears.

Mr. Minister, I had a teacher phone me today and said if I could ask the minister this one question: in his news release he came out and said that he wanted to reassure the teachers that they were heard. And his question to you was, Mr. Minister, what did you hear? What are you saying to the teachers and what is

your plans for future negotiations?

Hon. Mr. Melenchuk: — Thank you, Mr. Chair, and member opposite. Certainly we were very, very pleased to hear that the teachers would not be taking any job action or sanctions at this point in time.

We have heard also that, with the resounding majority for a sanctions vote that there is solidarity of the Teachers' Federation and the teachers in the province of Saskatchewan, and that they do have a strong mandate to return to the bargaining table, and we're very thankful that they are coming back to the bargaining table. Certainly we believe that we can have a positive collective agreement bargained at the table and bargaining will be resumed tomorrow. And we certainly know that there are a host of issues that the teachers have brought forward to the bargaining table this round, and we also recognize that they have some concerns that haven't been addressed by the interim collective agreement. And we're more than willing; we have closed no doors. And I'm willing to obviously let the bargaining team work and to see what the proposals are that come forward.

Ms. Draude: — Mr. Chair, to the Minister, thank you. Mr. Minister, I believe that on the other side of the fence we have the SSTA that are watching and wondering. The big question is where's the money going to come from.

Mr. Minister, in the budget we heard many times the words that \$18.5 million was put into the operating grants this budget. Out of that, \$14 million is going to go to special education. There was a 25 per cent increase for curriculum activization. There is additional money for pre-kindergarten, additional money for community schools, additional money for community school co-ordination, increased funding, \$262 for the basic pupil rate. But at the same time, Mr. Minister, the teachers' contract is at least 2.6 per cent. Every percentage is about \$6 million, so we're looking at at least \$15.6 million for this issue. Obviously, Mr. Minister, this doesn't all add up.

Mr. Minister, there are 44 school divisions, at least, that are going to get less money this year than they did last year from the government when we changed the equalization factor from 15 to 16. And so that means right now there are school divisions wondering how they are going to pay for this. Mr. Minister, mill rates have been set and basically there is no room for the SSTA to move. If there is any additional money going to be negotiated for wages or benefits it must come from the provincial government. Can the government guarantee that school boards won't have to pay out any more money to cover these costs?

Hon. Mr. Melenchuk: — Thank you, Mr. Chair, and member opposite. Certainly the numbers that she relates with regard to the 18.5 million on the foundation operating grant is correct. Certainly we anticipate that an amount of that would go to a new collective agreement for teachers. But we have said — and I reiterate to the member opposite — that with a negotiated settlement and we have a ratified agreement, that the provincial government will provide that sum of money at least — if not more — to cover the costs. And it will be provided on a global basis to the foundation operating grant.

Ms. Draude: — Mr. Chair of Committees, Mr. Minister, besides the teachers' wages which of course I know the global . . . the budget means that there will be that much money put into it. There'll be at least 44 school divisions that won't get enough money. But besides the teachers' wages, they also have the wages of the support workers that also have to be taken into consideration. So again we're going to have school boards saying, I can't do this, Mr. Minister. There isn't enough money in the education budget.

Mr. Minister, how are you addressing the SSTA? How can they possibly know that they are providing the very best education they can for the students of our province when they don't get enough money? Mr. Minister, it's not too late; there is an opportunity for you to say that we will do something for these school boards to make sure that they can continue to educate our students. Have you got a commitment for the SSTA that means that each one of them are going to be able to say to every student in this province, I'm going to give you the best education I can with provincial dollars?

Hon. Mr. Melenchuk: — Certainly education in the province of Saskatchewan, Mr. Chair, is a shared responsibility, and we believe that the department, the government, school trustees, and teachers recognize that it is the responsibility of all of the stakeholders and partners in education to provide a top quality education to the students in this province, and we all agree with that philosophy.

We also recognize that locally elected boards do have the autonomy and the authority to make decisions on service delivery, and they have done a commendable job over the many, many years that they've had this responsibility in providing a quality education for the students in this province. And I'm confident that that will continue, that we will have a quality education system, and I think all stakeholders are proud of the system that we have in the province of Saskatchewan.

So to answer the member opposite, certainly we believe that that philosophy won't change; that the objective of all of the stakeholders in education is to provide that quality education and that we have the shared responsibility, and that locally elected boards do have the tools to provide that service and also to access the local property tax base in addition to what the provincial government provides on an equalization basis, to provide that top quality education.

Ms. Draude: — Mr. Chair, Mr. Minister, definitely we should be confident that the teachers . . . that the students will still be receiving their education. But as far as the philosophy, we have to have a philosophy of recognition that the government has to take more responsibility.

Right now Saskatchewan has the second highest tax burden on ratepayers in all of Canada. We're at . . . only 39.2 per cent of the actual funding comes from the province. Only Ontario is lower, at 37.3 per cent, Mr. Minister. The teachers and the school boards are working very diligently to make sure that they can do their very best, but they can't continue it any longer. They've had 10 years of underfunding, Mr. Minister.

Mr. Minister, there's issues that we haven't discussed. One of them that we'll talk about is rural transportation.

In 1995 the grant per student was 133 and the grant per kilometre was 149. This year the grant per student is 143 and the grant per kilometre is 152. At the same time, Mr. Minister, fuel prices have absolutely skyrocketed. I'm sure you're well aware of that. And the price of buying a school bus has nearly doubled in this time frame. These are very real and very significant costs for schools.

Mr. Minister, what is your department doing to address this concern?

Hon. Mr. Melenchuk: — Mr. Chair, certainly the department strives to provide each year, on a global basis, 100 per cent in terms of the cost of transportation across the province. And certainly it's a little bit of give and take, but that is a philosophy each year, when we're looking at the recognized expenditures, that the department does try to provide 100 per cent of the costs of transportation.

Ms. Draude: — Mr. Chair, and Mr. Minister, obviously, though, you're not. You're not providing 100 per cent of the cost of transportation when you look at the cost of fuel and the cost of the vehicles that the school boards are faced to purchase. There is no recognition that they are leaning on taxpayers harder every year in order to make sure that the children again have the transportation they need.

Mr. Minister, school boards are also faced with an increased cost in maintenance due to the insufficient capital funding. The capital funding shortfall has been around long enough that everyone is forgetting that who they can blame it on any more. Mr. Minister, do you really have a plan to address the shortage of capital that we have. Can you tell me how many school . . . what the dollar figure is that school boards are . . . been looking for, for capital improvements or new buildings in this province.

Hon. Mr. Melenchuk: — Mr. Chair, to be very specific with regard to the question asked by the member opposite, I'm told that the cumulative amount of all capital requests this year is \$235 million. We did increase the capital budget for this fiscal year by 5 million to 29 million. We also recognize that the Centenary Capital Fund will also provide an additional \$5 million for each of the next three years. And certainly it is our intention to look very carefully next year with regard to the capital budget as well. But the increase in capital this year does amount to 20.7 per cent which is a substantial increase from last year.

Ms. Draude: — Mr. Minister, I have a question on the French schools and I'm sure just a clarification. The French schools are fully funded, and I believe that is from the federal government. Am I correct?

Hon. Mr. Melenchuk: — Mr. Chair, with regard to the question with regard to the francophone school division, there is federal money provided to the francophone school division. There is provincial money that is provided directly from the Department of Education, and there's is also access to the property tax base because francophone ratepayers are also paying property taxes.

Ms. Draude: — Mr. Minister, can you tell me how much the federal government pays towards the francophone schools per student.

Hon. Mr. Melenchuk: — Mr. Chair, the francophone school division receives about \$2 million from the federal government each year.

Ms. Draude: — Mr. Minister, will you also clarify what you mean by francophone parents or ratepayers having access to the property taxes.

(2330)

Hon. Mr. Melenchuk: — The location for a francophone ratepayer or a person who has a child going to the francophone school division would pay their education property taxes to the school division that they actually have their residence. But that does not go to the francophone school division. The Department of Education provides a direct grant to the francophone school division.

Ms. Draude: — So thank you, Mr. Minister, then the francophone schools do not receive any funding from property taxes then. You said \$2 million comes from the federal government. Can you tell me how many students are enrolled in the francophone schools in Saskatchewan?

Hon. Mr. Melenchuk: — Mr. Chair, I'm told that the actual enrolment last year was 940 students.

Ms. Draude: — Mr. Chair, and Mr. Minister, is that number increasing or decreasing?

Hon. Mr. Melenchuk: — Mr. Chair, it has been relatively stable in the past few years, but I understand there was a small increase this year in the neighbourhood of 20 to 30 students.

Ms. Draude: — Mr. Chair, Mr. Minister, I understand, I believe there's about 187,000 children in our schools here in Saskatchewan. And also in band schools, I believe the number is about 14 to 15,000. The number of students that are actually moving between the band schools and our systems, our public and separate systems in Saskatchewan, I understand it fluctuates quite considerably during the year. There will be students that will be enrolled in one of our schools and then move to the reserve and then back again.

It's one of the issues that the auditor brought up, and he is concerned that there is up to 1,600 students in the city of Saskatoon alone who may not be attending school — they're of school age — because of registering in one area and then moving to another. This is one area that I'm sure your department is very concerned with because of course when we have children who are not being educated, then we have a concern as they grow older and come into the workforce.

Mr. Minister, how are you addressing this concern?

Hon. Mr. Melenchuk: — Certainly, Mr. Chair, the department worked with the Provincial Auditor in identifying this particular area and it is a concern for the department. Certainly we are looking at a fairly mobile population, and the mobility of families. I actually had an opportunity to visit Scott Collegiate here in Regina just in the past day or so, and what I'm told is that some of the students enrolling in their high school will indicate that they've attended previously 10 to 12 schools, and

that seems to be a common theme.

So it is a difficult area to address. We do have a highly mobile population, and some of the suggestions that we've seen is that there is a concerted effort to try and identify the previous level of achievement at the schools where they are enrolling that they do make contact with the previous schools that they can identify. And if they are unable to identify, what they will do is they will place these children in age appropriate classrooms and allow for the interaction. But certainly they are welcomed into the school system wherever they enrol, and it is a difficult issue and we are trying to sort out how the best application in terms of a program would apply to this group.

Ms. Draude: — Mr. Chair, Mr. Minister, we understand and we appreciate that this is a very big concern. And I know that some provinces have a system set up where they can monitor if a child is in a school on the reserve and if they move out they can track that child so that we don't have to wait for them to come to the school system, we know when they're not there. Is there is any work being undertaken at this time to work with the FSIN (Federation of Saskatchewan Indian Nations) or with any of the band councils to find out where these students are so we know when they leave the school system?

Hon. Mr. Melenchuk: — Mr. Chair, it's my understanding that there is interaction between band councils and local school divisions in terms of trying to identify the movement of students within their jurisdiction. But as far as I know there is no sort of standardized monitoring procedure available throughout the province with regard to this.

Ms. Draude: — Mr. Minister, I would imagine that's one of the areas that your department is working on.

Mr. Minister, the age-historical schools in the province have received different funding amounts from the government, and it seems that the only way a historical school can receive a full grant is if they become an associate school. Is this a practice that you are planning to maintain?

Hon. Mr. Melenchuk: — Mr. Chair, there are eight historical schools. One of course, College Mathieu, is part of the francophone division and is funded by the federal government. The seven historic schools that the member references, there has been an identified inequity and the department is undertaking a review of the funding for these historic schools. And we'll be moving on this in the very near future.

Ms. Draude: — Thank you very much, Mr. Minister. I'm wondering, the previous Minister of Education appeared to be committed to the concept of stand-alone schools. Yet we have been told that this minister has actually reversed the government's policy regarding the construction of K to 8 schools. As a result we are seeing more new joint schools instead of stand-alone schools. Can you explain the change in policy?

Hon. Mr. Melenchuk: — Mr. Chair, about three years ago the separate category for joint-use facilities was eliminated. The current prioritization with regard to capital projects does provide roughly a 10 per cent premium for joint-use projects.

Ms. Draude: — Mr. Chair, Mr. Minister, can you explain what the difference is between a joint school as compared to a stand-alone school?

Hon. Mr. Melenchuk: — Mr. Chair, a stand-alone school would be a school that was part . . . an individualized school that belonged directly to a public school division or a separate school division and that was the sole purpose of that school.

When we talk about joint-use facilities there's a whole host of partners that could be involved in these joint-use projects. It might be a K to 12 school and say a regional college. It might be a K to 12 school in the separate system with a K to 12 school in the public system where they share common area and common resources. It might be a K to 12 school, a regional college, and a municipality or a town. So there's all kinds of models out there. And certainly it depends on the interaction between the division and the other partners and working on a particular agreement and how that would work as a joint-use facility.

Ms. Draude: — Mr. Minister, the correspondence schools, I understand from information that I received from your department that the total cost of providing services this year is estimated at \$2.279 million.

Mr. Minister, is the number of students who are using the correspondence classes or the number of correspondence classes being used . . . I guess it wouldn't matter how many students are taking . . . is that number increasing every year?

Hon. Mr. Melenchuk: — We're at a slight decrease over the past few years which almost mirrors the decline in enrolment that we've seen across the province.

Ms. Draude: — Thank you, Mr. Minister. I have just a couple of questions left, and I guess they're again surrounding money. And when I went through the *Estimates* and *Public Accounts* for the last number of years, I noticed that in 1996-97 the *Estimates* showed that there is a difference of \$1.391 million not spent on education that had been estimated. In '97-98 there was over 6 million. And in '98-99 there was 7.6 million.

So at that time, there was \$15 million that had been estimated for education that wasn't spent on it.

Mr. Minister, if any department would need to spend money on education, and if every penny that had been estimated for it, I would think it would be the Department of Education.

Looking through orders in councils and going back into *Public Accounts*, I believe that your Department of Education is one of the few departments that's never gone to the government for money from orders in council so that you can help fund some expense that was not looked at, at the beginning of the year.

Mr. Minister, we're talking about Education, one of the most important departments in the government, and yet we've seen not only have they not gone for extra money, they've not even been able to spend what was estimated. Fifteen million dollars right now would make a huge difference to the SSTA. It would make a huge difference to taxpayers and to the teachers also that are looking for wage contracts.

Can you tell me how a department like Education wouldn't spend all the money that's in their estimates?

Hon. Mr. Melenchuk: — Thank you, Mr. Chair. With regard to the question from the member opposite, every penny of the budgeted amount for the foundation operating grant has been spent. Every penny budgeted for the capital projects have been spent. And where the discrepancy comes from is with regard to the statutory requirement for pensions. And that really is based on the number of teachers that will retire or won't retire in a given year. And it doesn't matter what that amount is, the statutory requirement is to cover that exactly, what that amount is.

So I think the Department of Education is I think indeed proud of the fact that they haven't been required to look at special warrants in terms of funding and it goes to show really that the foundation operating grant and how capital projects are prioritized is very good and working very well within the government.

(2345)

Ms. Draude: — Mr. Chair, Mr. Minister, I don't think that we can say that everything is working very well in the government; what it means is the taxpayers are paying a heck of a lot of money for taxes that the government normally would have paid back a few years ago. It also means that there are school boards that are seeing schools crumble around their heads and teachers that are complaining because they aren't being paid.

Mr. Minister, in the statement of operating expenditures this year, we talked about . . . look at teachers' benefits . . . pensions and benefits, the forecast for '99-2000 was 118,725 and the estimate was 108,060. Can you tell me why there is that \$10 million discrepancy there?

Hon. Mr. Melenchuk: — The simple answer to the member opposite is that when the estimates were prepared last year and there was a number placed on the expected number of teacher retirements, we in fact had less teachers retire last year than what was expected. And that's why there was an increase in the amount required for last year's estimate.

Ms. Draude: — Mr. Minister, I just have one other question for you. I'm wondering what your department, now that you are head of the Department of Education, what your feeling is on the rural schools and the issue that we have out in rural Saskatchewan with school closures and the need that of course school boards have to ensure that the children receive the classes they need. And at the same time, the worry that many of them have that their children are going to be on the buses for a long time. And the fact that the schools are the centre of a community. And the fact that it takes more than just four walls to educate a child. There's a lot of people that know and believe that students that are educated in rural Saskatchewan come into the workplace or into the universities with much more than just a learning experience you can get from a book, that they are raised by a community and that there are a lot of benefits to it.

But right now we're finding that with the squeezes on education that our school divisions are having very little choice but to close schools. I know that a lot of it is philosophy of a

government and their belief in what they should be doing when it comes to educating children.

So, Mr. Minister, I'm asking you on behalf of a lot of the rural school divisions what you will be doing to ensure that rural schools do remain viable. I know that you're going to be talking about small schools and sparsity grants, but please do that in a way that will allow them to see what the future is, if there's a future for them.

Hon. Mr. Melenchuk: — Mr. Chair, certainly the philosophy of the Department of Education in this government is that we would like to provide an equitable learning opportunity no matter where you live in the province of Saskatchewan. And subsequently, we do provide for increased funds to rural populations such as the small school factor, such as the sparsity factor, such as the 100 per cent coverage in terms of rural transportation. But we also recognize that last year we had a decrease in enrolment province-wide of 2,300; and 1,700 of those students, the decrease in enrolment, were within rural school divisions.

So our philosophy is and will continue to be to support education in rural Saskatchewan so that they can have an equitable learning experience. And school divisions must, you know, they make difficult decisions in rural Saskatchewan when they see declines in enrolment. We have increased the funding for distance education and enhanced learning technology.

And we certainly do support education in rural Saskatchewan, but we do recognize where enrolment is decreasing that school divisions are often faced with difficult decisions and the department will try and support the equitable nature of opportunity as much as we can in the province of Saskatchewan.

Ms. Draude: — Mr. Chair, I do like to thank the minister and I'd like to thank his officials for coming out and for staying late. And I just want to remark to the minister that I know that there — in some cases — there is a decline in rural enrolment, but at the same time it's a vicious circle.

It's part of what's happening in this province when it comes to the economy, when it comes to the roads, closing hospitals, and the impact that government philosophy has on rural Saskatchewan. There is young families now that are looking at locating in rural Saskatchewan and saying, should I? Is there going to be a school there? Is there going to be a hospital? Is there going to be a road? And that all has an impact and it means there can be declines in the enrolment in our small towns.

So, Mr. Minister, I'm hoping that as we in the next few months go forward and you have to deal the funding in education, I'm hoping that the school boards are going to be able to say the minister did come across, that he did pay for the wages for the teachers across the board — not just for teachers but for the support staff. And that maybe we will see a real priority and a change in this, in the way that education is looked at in this province.

Subvote (ED01) agreed to.

Subvote (ED02), (ED03), (ED04) agreed to.

Vote 5 agreed to.

Supplementary Estimates 1999-2000
General Revenue Fund
Education
Vote 5

Subvote (ED04) agreed to.

Vote 5 agreed to.

The Chair: — I thank the minister and officials.

The committee reported progress.

The Assembly adjourned at 11:56 p.m.