



No. 89

VOTES and PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

PROVINCE OF SASKATCHEWAN

FIRST SESSION – TWENTY-FIFTH LEGISLATURE

Monday, April 11, 2005

1:30 p.m.

PRAYERS

PRESENTING PETITIONS

Petitions of citizens of the Province of Saskatchewan were presented and laid upon the Table by the following Members: Elhard, Draude, Hermanson, Stewart, Eagles, Brkich, Weekes and Wall.

READING AND RECEIVING PETITIONS

According to Order, the Deputy Clerk having favourably reported on the same pursuant to Rule 14(7), the following Petitions were read and received:

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to reconsider the decision to reduce funding to the Claybank Brick Plant.

(Addendum to Sessional Paper No. 180)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to reverse the decision to force the amalgamation of school divisions in Saskatchewan and continue re-organization of school divisions on a strictly voluntary basis.

(Addendum to Sessional Paper No. 637)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to immediately address the concerns of all individuals affected by the TransGas Asquith Natural Gas Storage Project, pay 100% of the costs involved to rectify disruptions to water supplies, produce an environment assessment study encompassing a larger area outside the scope of the project, disclose the project's long term effects on these areas and consider alternative sources of water for the project.

(Addendum to Sessional Paper No. 640)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to provide the funding required for additional residential spaces for Swift Current residents with lifelong disabilities.

(Addendum to Sessional Paper No. 715)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to implement an allocation of financial resources to build an elementary school in Arbor Creek.

(Addendum to Sessional Paper No. 716)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to implement a strategy that will deal with crystal methamphetamine education, prevention, enforcement and treatment.

(Addendum to Sessional Paper No. 720)

Of citizens of the Province of Saskatchewan humbly praying that your Honourable Assembly may be pleased to cause the Government to install the technical equipment necessary to ensure that all rural areas of Saskatchewan are protected by reliable cellular phone coverage.

(Addendum to Sessional Paper No. 730)

STATEMENT BY THE SPEAKER

Ruling on a Question of Privilege

At 11:20 a.m. today, in accordance with Rule 7(1), the Opposition House Leader (Mr. Gantefoer) gave notice that he proposed to raise a question of privilege. I thank the Member for providing notice and documents related to his case. I also want to thank the Government House Leader (Hon. Mr. Van Mulligen) for his intervention. I have had the opportunity to review the case and some of the literature involved.

In his case, the Opposition House Leader stated that a staff member of his caucus was denied access to a technical briefing on the 2004 annual report of the Saskatchewan Water Corporation. The decision to prohibit the attendance of the staff member, in the opinion of the Opposition House Leader, constitutes a breach of Members' parliamentary privilege.

The basis of the Member's case is a ruling by the Speaker of the House of Commons, made March 19, 2001. In that ruling Speaker Milliken found that the denial of Members or their staff to an embargoed technical briefing for media on a bill constituted a prima facie contempt of Parliament. The Speaker's finding was later supported and reinforced by a review conducted on the matter by the House of Commons' Standing Committee on Procedure and House Affairs.

I want to remind Members that under Rule 1 of the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, in all cases not provided for, the usages and customs of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may be applicable. I have surveyed the precedents of this Assembly and find none directly applicable to the denial of access of Members or their staff from technical briefings.

In making his ruling, Speaker Milliken acknowledged that lock-ups and embargoed technical briefings for a long time had been the way parliamentary business was conducted at the House of Commons. He also stated very clearly that previous Speakers had consistently ruled that it is not a breach of privilege to exclude Members from lock-ups. However, it was his point of view that the denial of information Members needed to do their work was a key consideration in the case at the House of Commons when Members and their staff were denied access to technical briefings. Speaker Milliken stated the following: "To deny to Members

information concerning business that is about to come before the House, while at the same time providing such information to the media that will likely be questioning Members about the business, is a situation the Chair cannot condone.” Despite this being a departure from previous rulings of the chair, the House of Commons Standing Committee on Procedure and House Affairs supported the ruling.

In Saskatchewan, Speakers have admonished the government for releasing bills to the public before their introduction to the Assembly. Such infractions were not considered a breach of privilege. However, this Assembly has no case as close as the Milliken ruling I have just cited. Despite that case relating to a technical briefing on a bill, it is important to understand that, whether a bill or a report, the principles underscored by the House of Commons committee remain the same. That principle is that nothing should be done that disadvantages or impedes Members from carrying out their parliamentary functions. Speaker Milliken noted in his ruling that the practice of media lock-ups and embargoed technical briefings, whether they be on bills, budgets or Auditor General reports, are successful and useful when Members and their staff are given access.

Given the Milliken ruling, and the findings of the House of Commons Committee on Procedure and House Affairs, as well as taking into consideration arguments made to this Assembly, I believe it would be appropriate for the Assembly to consider the direction that this Assembly wishes to take on this matter. Therefore, I find the Opposition House Leader has made a sufficient case for me to find a prima facie case of breach of privilege. I invite the Member to make his motion.

On motion of Mr. Gantefoer, seconded by Mr. Morgan, pursuant to Rule 7(3):

That this Assembly finds Executive Council staff members to be in contempt of the Legislative Assembly for denying the Official Opposition access to the April 11, 2005 technical briefing on the 2004 SaskWater Annual Report; and

That this Assembly urge Government and Crown Corporation officials to respect the rights and privileges of all Members of this Assembly by ensuring that Official Opposition Members and their staff are allowed to attend any embargoed news conferences and technical briefings open to members of the news media.

A debate arising, it was moved by the Hon. Mr. Van Mulligen, seconded by the Hon. Mr. Serby, in amendment thereto:

That all the words before “That this Assembly urge Government” be deleted and that the following words be added: “and that this matter be referred to the Standing Committee on Privileges”.

The debate continuing, it was on motion of Mr. Hermanson, adjourned.

WRITTEN QUESTIONS

The Order of the Day being called for Question Nos. 954 to 972, they were answered. (See Appendix)

On motion of the Hon. Mr. Van Mulligen:

Ordered, That this Assembly do now adjourn.

The Assembly adjourned at 4:42 p.m. until Tuesday at 1:30 p.m.

Hon. P. Myron Kowalsky
Speaker

RETURNS, REPORTS AND PAPERS TABLED

The following paper was laid upon the Table:

By the Hon. Mr. Prebble:

Annual Report and Financial Statements for Saskatchewan Water Corporation for the year ended December 31, 2004.

(Sessional Paper No. 736)

QUESTIONS AND ANSWERS

Ms. Harpauer asked the Government Question No. 954, which was answered by the Hon. Mr. Wartman:

To the Minister of Agriculture and Food: (1) How many new egg production units were allocated to Saskatchewan in 2004? (2) How many of those new egg production units were sold to existing registered egg producers? When were they issued? (3) Of the new egg production units that were sold to registered egg producers, what amount of money was collected? (4) Of the remaining new egg production units that were not sold to existing registered egg producers, how many have been allocated to new producers? (5) When an egg production unit is sold, where does the money go? (6) What policies or guidelines are in place regarding the spending of the funds generated from the sale of egg production units? (7) If a public auction of egg production is held, what happens to the units that do not receive bids? (8) When was the last time that an egg production unit was offered to a new producer who had his name on the Saskatchewan Egg Producers Marketing Board waiting list?

Answer:

- (1) In 2004 Saskatchewan received 57,927 new units of quota in two allocations from Canadian Egg Marketing Agency (CEMA).
- (2) 35,693 of those units of quota were sold to existing registered egg producers. These were issued in the summer and fall of 2004.
- (3) \$974,775 was collected from registered egg producers in respect of the sale of the 35,693 units of quota.
- (4) None. The Saskatchewan Egg Producers (SEP) is in the midst of holding three auctions for the remaining egg units of quota. Only non quota holders are eligible to bid in two of these auctions, of which the total number of quota units is 15,270 (the balance of the January 1, 2004 allocation). All Saskatchewan residents are eligible to bid in the third auction, for which the total number of quota units is 6,964 (the entire August 1, 2004 allocation).
- (5) All proceeds raised from auctions of quota, and the \$974,775 collected from registered egg producers, is placed into the Commercial Egg Producers Trust Fund. This fund is to be used for the development of the industry in the province as a whole.
- (6) Section 59 of *The Commercial Egg Marketing Plan Regulations* establishes guidelines for the appropriation of the fund:
 - to assist in research connected with the production and marketing of eggs, including studies and research respecting consumer demand for eggs;
 - to support and conduct activities to promote and develop the production and marketing of eggs in Saskatchewan;
 - to assist in increasing the total provincial allotment from CEMA; and
 - to assist in any further activities that the board, with the approval of the Agri-Food Council and the minister, may direct.These Regulations stipulate that any direction of the Agri-Food Council or the Minister would prevail in any conflict with a direction of the board. The fund will be administered by three Trustees, one of which must be independent of the egg industry.
- (7) The auction of units would be repeated until a sale is made.
- (8) 1998. The producer at the top of the waiting list was allocated 5000 units of quota.

Ms. Harpauer asked the Government Question No. 955, which was answered by the Hon. Mr. Wartman:

To the Minister of Agriculture and Food: (1) How many new egg production units were allocated to Saskatchewan in 2003? (2) How many of those new egg production units were sold to existing registered egg producers? When were they issued? (3) Of the new egg production units that were sold to registered egg producers, what amount of money was collected? (4) Of the remaining new egg production units that were not sold to existing registered egg producers, how many have been allocated to new producers? (5) When an egg production unit is sold, where does the money go? (6) What policies or guidelines are

in place regarding the spending of the funds generated from the sale of egg production units? (7) If a public auction of egg production is held, what happens to the units that do not receive bids? (8) When was the last time that an egg production unit was offered to a new producer who had his name on the Saskatchewan Egg Producers Marketing Board waiting list?

Answer:

- (1) None.
- (2) N/A
- (3) N/A
- (4) N/A
- (5) In 2003, the Regulations in place did not allow for the sale of quota. Any new quota to the province (as happened in 1998) was distributed between existing producers (90%) and persons on the quota waiting list (10%) for free.
- (6) N/A
- (7) N/A
- (8) 1998. The producer at the top of the waiting list was allocated 5000 units of quota.

Mr. Dearborn asked the Government Question No. 956, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 1997?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 1997 for wiretaps. SaskTel charged \$111,791.52 to police services for wiretaps in 1997.

Mr. Dearborn asked the Government Question No. 957, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 1998?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 1998 for wiretaps. SaskTel charged \$60,092.87 to police services for wiretaps in 1998.

Mr. Dearborn asked the Government Question No. 958, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 1999?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 1999 for wiretaps. SaskTel charged \$59,052.78 to police services for wiretaps in 1999.

Mr. Dearborn asked the Government Question No. 959, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 2000?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 2000 for wiretaps. SaskTel charged \$103,033.17 to police services for wiretaps in 2000.

Mr. Dearborn asked the Government Question No. 960, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 2001?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 2001 for wiretaps. SaskTel charged \$79,175.85 to police services for wiretaps in 2001.

Mr. Dearborn asked the Government Question No. 961, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 2002?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 2002 for wiretaps. SaskTel charged \$77,881.19 to police services for wiretaps in 2002.

Mr. Dearborn asked the Government Question No. 962, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 2003?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 2003 for wiretaps. SaskTel charged \$52,888.37 to police services for wiretaps in 2003.

Mr. Dearborn asked the Government Question No. 963, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much were police services or crown prosecutors charged by SaskTel for wiretaps in 2004?

Answer:

The Public Prosecutions Division, Saskatchewan Justice, did not make any payments to SaskTel in 2004 for wiretaps. SaskTel charged \$37,771.66 to police services for wiretaps in 2004.

Mr. Dearborn asked the Government Question No. 964, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 1997?

Answer:

\$5,349.70

Mr. Dearborn asked the Government Question No. 965, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 1998?

Answer:

\$1,402.50

Mr. Dearborn asked the Government Question No. 966, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 1999?

Answer:

\$2,664.73

Mr. Dearborn asked the Government Question No. 967, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 2000?

Answer:

\$3,359.11

Mr. Dearborn asked the Government Question No. 968, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 2001?

Answer:

\$2,480.16

Mr. Dearborn asked the Government Question No. 969, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 2002?

Answer:

\$0.00

Mr. Dearborn asked the Government Question No. 970, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 2003?

Answer:

\$5,657.00

Mr. Dearborn asked the Government Question No. 971, which was answered by the Hon. Mr. Quennell:

To the Minister of Justice: How much did SaskTel charge the Regina and Saskatoon police services for wiretaps in 2004?

Answer:

\$3,241.06

Mr. Dearborn asked the Government Question No. 972, which was answered by the Hon. Mr. Nilson:

To the Minister of Health: What steps is the Department of Health taking to provide hantavirus vaccines and raise public awareness of the deer mice infestation in the Heartland Health Authority?

Answer:

Saskatchewan Health officials advise that a vaccine for hantavirus disease does not currently exist. Saskatchewan Health and Saskatchewan Labour developed a hantavirus disease fact sheet that has been made available to health regions for distribution to the public when making inquiries. The fact sheet is also on the Saskatchewan Health Web site (www.health.gov.sk.ca). Health regions are responsible for the day-to-day delivery of health services and programs including public health. During two recent radio broadcasts (CBC and a local radio station in Rosetown), the Medical Health Officer for the Heartland Health Region identified precautions that individuals should take when handling deer mice. As well, the Heartland Health Region is submitting an article on this issue to all weekly newspapers within the region in early April 2005.

NOTICE OF WRITTEN QUESTIONS

The following Questions were asked on day no. 86 and are to be answered by day no. 91:

Ms. Bakken, to ask the Government the following Question No. 976:

To the Minister of Health: (1) What was the total cost to build Tatagwa View in Weyburn? (2) What are the details of how the funding was spent?

Ms. Bakken, to ask the Government the following Question No. 977:

To the Minister of Health: (1) How many long term care beds are in Tatagwa View in Weyburn? (2) How many beds are there in Tatagwa View for patients requiring mental health services? (3) How many beds are there for palliative care? (4) How many beds are there for respite care?

Ms. Bakken, to ask the Government the following Question No. 978:

To the Minister of Health: (1) How many permanent full-time staff members are employed at Tatagwa View in Weyburn and what is the breakdown with respect to job descriptions, categories or classifications? (2) How many part-time staff are employed and what is the breakdown with respect to job descriptions, categories or classifications?

Mr. Brkich, to ask the Government the following Question No. 979:

To the Minister of Rural Development: (1) How many positions are in this new Department? (2) How many of these positions are new? (3) How many people will be hired by the Department to December 31, 2005?

The following Questions were asked on day no. 87 and are to be answered by day no. 92:

Mr. Morgan, to ask the Government the following Question No. 980:

To the Minister Responsible for Saskatchewan Government Insurance: How much money has SGI paid out to date in rebates to people who have renewed their license plates in 2005 to take advantage of the safe-driver discount?

Mr. Morgan, to ask the Government the following Question No. 981:

To the Minister Responsible for Saskatchewan Government Insurance: How much money would SGI have paid out to date if every person who was eligible for a safe-driver discount would have applied by renewing their license plates prior to the regular expiration date?

Ms. Draude, to ask the Government the following Question No. 982:

To the Minister of Highways and Transportation: (1) How many kilometres of highways have been constructed under a "partnership agreement"? (2) Are the financial terms of these "partnership agreements" based on a similar percentage of costs for construction maintenance?

Ms. Draude, to ask the Government the following Question No. 983:

To the Minister of Highways and Transportation: Has the Department determined if an additional amount allocated for fuel will be part of tenders let for highway construction this year?

STANDING COMMITTEE ON PRIVATE BILLS

NOTICE OF MEETING

Tuesday, April 19, 2005 – Room 8

9:45 a.m.

Consideration of the following Bills:

Bill No. 304 – The Concentra Trust Act, 2005

Bill No. 305 – The Saskatoon Foundation Amendment Act, 2005

Bill No. 306 – The Soeurs de la Charite de St. Louis Repeal Act