



# **STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES**

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**STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES  
2004**

Mr. Graham Addley, Chair  
Saskatoon Sutherland

Mr. Wayne Elhard, Deputy Chair  
Cypress Hills

Mr. Dan D'Autremont  
Cannington

Mr. Andy Iwanchuk  
Saskatoon Fairview

Mr. Warren McCall  
Regina Elphinstone-Centre

Hon. Maynard Sonntag  
Meadow Lake

Mr. Randy Weekes  
Biggar

The committee met at 15:00.

**The Chair:** — Order. I call to meeting the Crown and Central Agencies Committee. We have Mr. McCall, Mr. Iwanchuk, and Mr. Sonntag, as well as Mr. Weekes, Mr. D'Autremont; and Mr. Toth will be sitting in for Mr. Elhard.

The notice of meeting was distributed and we have an agenda and a suggestion for one slight change, and that would be to move the consideration of The Gas Inspection Amendment Act, 2004, Bill No. 8 to be following Bill No. 20. Is that suggestion agreed to? Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Okay, that is agreed, that's carried.

**General Revenue Fund  
Information Technology Office  
Vote 74**

**Subvote (IT01)**

**The Chair:** — So the first item before the committee is the consideration of estimates for the Information Technology Office, which is vote 74, found on page 96. And I would recognize Mr. Thomson, the minister, to introduce his officials.

**Hon. Mr. Thomson:** — Thank you very much, Mr. Chairman. I am joined today by Richard Murray, who is the chief technology officer for the organization. He is seated to my right. To my left is Sheldon Biblow, who is the senior technology advisor. I have no opening statement and I look forward to the questions.

**The Chair:** — Administration (IT01). I recognize Mr. D'Autremont.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Mr. Minister, and your officials, welcome today. I'm hoping I'm not going to be ploughing ground that's already been covered but I have some questions in relationship to CommunityNet and SaskTel. And I'm just wondering what the relationship is between those two organizations when it comes to delivering broadband Internet across the province?

**Hon. Mr. Thomson:** — Mr. Chairman, I'm going to ask Mr. Murray to answer the member's question.

**Mr. Murray:** — CommunityNet was created and conceived within a partnership arrangement between our office, the ITO (Information Technology Office), Saskatchewan Property Management Corporation, and SaskTel.

Our office was responsible for assessing the needs of the various sundry agencies, departments, health facilities, and educational facilities, and negotiating the ultimate contract. SPMC (Saskatchewan Property Management Corporation) is the actual contract holder and is responsible for the billing and invoicing, the administrative side of the project. And SaskTel is simply the service provider. They provide us with the service and we ask for the service and pay for it.

**Mr. D'Autremont:** — Thank you. CommunityNet has gone into a number of communities across the province, to the schools in particular, or to government offices in those communities. But it's also allowed, through the partnership with SaskTel, for private individuals to access broadband. Does the ITO office in conjunction with . . . work in conjunction with SaskTel on that provision or is that strictly a SaskTel part of the partnership?

**Hon. Mr. Thomson:** — Mr. Chairman, that is strictly a consideration of SaskTel. That would have nothing to do with the ITO or CommunityNet. Our role is solely to deal with those issues of public service provision as it affects hospitals, schools, municipal offices, and provincial government agencies.

**Mr. D'Autremont:** — Does the ITO office deal with the policy side of the provision of services through CommunityNet by SaskTel?

**Hon. Mr. Thomson:** — Can you elaborate on that a bit?

**Mr. D'Autremont:** — SaskTel offers a variety of packages into the different communities. I'm wondering if CommunityNet has an involvement, or the ITO office has an involvement, into the offering of those different kind of packages?

**Hon. Mr. Thomson:** — I appreciate the clarification. CommunityNet does not directly have any involvement over the packages which would be offered. Certainly there is a standard application in terms of site blocking and those issues that we would apply that pertain only to the government customers. Private customers would be governed by SaskTel's usage policies.

**Mr. D'Autremont:** — Does ITO operate as a policy mechanism for the provision of broadband throughout Saskatchewan, particularly with your partners, SaskTel?

**Hon. Mr. Thomson:** — One of the complicating factors is of course regulation of this sector is a federally regulated sector. We do have some involvement in terms of a federal-provincial committee, but would not . . . do not undertake any particularly unique role other than as it pertains to the rollout of additional high-speed infrastructure across the province.

**Mr. D'Autremont:** — Does the ITO office have a role to play in ensuring that there is a commonality or a standard access available where broadband is offered across the province?

**Hon. Mr. Thomson:** — Mr. Chairman, I'm going to ask Mr. Murray to answer the question. There are a number of different issues, and I'm not quite sure which direction the member is wanting to pursue. But there are a couple of different ways we could interpret the question. I'll ask Mr. Murray to answer the question as it pertains to federal-provincial rollouts.

**Mr. Murray:** — One of the roles of the ITO is my participation on a federal-provincial-territorial broadband task force that works in conjunction with the federal government to assess broadband opportunities across the country.

So we do participate with the federal government in that regard, i.e., we seek out federal funding opportunities and in particular to remote rural and First Nations areas of the province, to attempt to provide and seek funding for broadband to those areas of the province — to those areas that where perhaps there is no business case for SaskTel to develop a service, then we will attempt to seek federal funding to provide that service to those locales.

**Hon. Mr. Thomson:** — One of the things that we need to be aware of though is that we do not through ITO or through the provincial government set standards in terms of thresholds at which point broadband access would become commercially available. And this is an issue which is left to commercial providers, whether that be SaskTel, which would be the dominant provider in the province, or Image Wireless or Shaw Cable or others; or Access Communications in Regina's case, Regina and Weyburn's. Those issues are left to the private sector companies or the Crown corporation to decide on their own.

**Mr. D'Autremont:** — I guess my question and concern was related to provision of services in one locale, providing a certain set of services which is in turn different from the same provider at a different location, even though they both have broadband access. But they are not providing the same packages in both locations. And I wondered if there is any policy relevance with ITO or CommunityNet in ensuring that everyone who was on broadband from a provider had access to similar products.

**Hon. Mr. Thomson:** — The brief answer would be no, that there isn't, and in fact in some cases there would be technical difficulties with it. As we think about the CommunityNet system, some of it is the wired broadband; in some cases we use two-way satellites; some cases it's still the old satellite system. So there will be some differences across the province in terms of how that broadband service is offered. But in terms of the rollout of commercially available packages, that is left up to the provider.

Certainly the member may want to address questions to the minister of SaskTel at some point, but the CommunityNet program really is there to provide the backbone of infrastructure only, and the overlay on top of that is left up to service providers.

**Mr. D'Autremont:** — The CommunityNet provision is going to most locations that have schools or government offices, some sort of connection with government. Yet when that provision is provided it's, in most of the rural communities, it's provided within a 2-mile . . . I think it's 4 kilometres direct access from the node.

Is there any consideration being given by CommunityNet to providing service beyond that point generally through a wireless system? I believe there was some discussion in one of the northern communities of going to a wireless system. What's the status on that particular situation and is it being considered for the other parts of Saskatchewan that don't have access to the hard-wired component from a node?

**Hon. Mr. Thomson:** — Indeed we are looking at a second phase of CommunityNet which will embark on a wireless

provision of services. This is particularly exciting in rural areas, as it will mean that there will be greater penetration of high-speed Internet across communities and potentially out to the farm gate for the first time. This is a new initiative which will need to be built out on a commercially viable basis, so there will be consideration there in terms of moving forward.

SaskTel is prepared to move forward in that direction. Other cable providers such as Image Wireless already do provide this in some locations throughout the province. In the northern areas, we have undertaken some pilots and indeed the two-way digital satellite upgrades that we've undertaken will provide a de facto wireless system, but not as you or I may consider it to be or as we use in the House.

**Mr. D'Autremont:** — The satellite connection. If that provision is being utilized already or being contemplated to be used, wouldn't that make the satellite available to all who wish to access it? They would need the equipment to the antenna to receive and to transmit but wouldn't — if you have a satellite connection — should that not be available to everyone, therefore, in the province or, in fact, outside of the province who is within range or line of sight of that satellite.

**Hon. Mr. Thomson:** — One of the issues with satellite provision is that it is an expensive service, whether that is the old system or, in fact, the new two-way that we're looking at and, in fact, have announced that it will be going into a number of schools. As a result we tend to buy a fairly small amount of it. We try and buy a narrow amount of it just because of cost.

When we talk about the wireless provision in terms of rolling this out across the province, both in urban and rural areas, we're thinking about a much different set-up than actually beaming up to the satellite and back down. This would be a more traditional — I don't know what you would describe it as . . .

**Mr. D'Autremont:** — Horizontal line of sight.

**Hon. Mr. Thomson:** — Yes, a horizontal line of sight, although not entirely dependent upon line of sight, but it would work on a repeater system very much like the new technology that's being rolled out by V Com in Saskatoon, which I think has great potential application here in the province.

**Mr. D'Autremont:** — Within some of the communities — in fact one of the communities in my own constituency — they have an independent provider who is providing wireless service over repeater stations throughout the area. Since CommunityNet is looking at providing that kind of support into communities, would CommunityNet be prepared to partner with someone else other than SaskTel if they can provide that service as well?

**Hon. Mr. Thomson:** — As much as possible, we're trying to keep CommunityNet focused on the provision to the schools, hospitals, and municipal and provincial government agencies as opposed to looking at duplicating where it's already in existence. Where we can use the CommunityNet infrastructure build out to enhance commercial services, we should do that and we're prepared to do that. The preference at this point has been, as we've built CommunityNet 1, to use SaskTel to do that.

We are mindful, with the wireless build out, that we will need to be careful in terms of how we deal with companies like Image Wireless that already have a competing system, so as not to displace them from the market.

I'm not familiar with the independent company operating in the member's riding but again it would be a case that we would be interested in not displacing current companies.

**Mr. D'Autremont:** — You say you would be interested in not displacing them. Would you therefore be interested in working with them?

**Hon. Mr. Thomson:** — I'm not sure what potential there would be in terms of partnering with them. The preference at this point is to partner with SaskTel who is the telecommunications provider for much of the province. It's something we wouldn't rule out, but it's not the direction that we're headed in at this point.

**Mr. D'Autremont:** — Well the community I'm thinking of is Carlyle and they do have CommunityNet with SaskTel in that community, but they don't provide the service, you know, beyond that four kilometres from the node.

The insurance company in Carlyle provides a wireless Internet connection, and they do provide repeater stations to those who wish to be in . . . participate in that and the costs are shared between them. Costs are then recovered from any other customer that comes onto the system based on that repeater tower.

But I'm sure that someone like that would be interested in discussions with CommunityNet, with the ITO office, to ensure that their service continues and that they wouldn't simply be pushed aside if SaskTel decides to enter into the wireless market in that community. They have the infrastructure in place already; they have the investment in place; they have the expertise in place; and they have the customer base developing as well.

And I know that if SaskTel was to move into that market it would certainly have an impact on the viability of that operation, if SaskTel was not looking at it strictly as a viable commercial venture that was paying for itself.

And I think that's one of the concerns that people across the province have with CommunityNet and the partnership with SaskTel, that if a provider is already in the community, why would CommunityNet not be prepared to sit down and discuss with them and operate in a partnership rather than just simply partnering with one entity.

**Hon. Mr. Thomson:** — We certainly encourage local providers who are interested to discuss with SaskTel the potential of partnering. One of the challenges that we run into from the ITO perspective is that we have partnered with SaskTel because it provides us with a stable large-based customer, a large-based vendor to build out the system with.

Certainly there was criticism under CommunityNet 1 about whether or not it should have been based with one company, SaskTel, or whether we should have employed other companies

as Alberta did. I would argue that given the success of CommunityNet 1 in terms of its rollout and the significant penetration across the province, that that strategy was a successful one.

I do know that SaskTel is mindful of not wanting to enter into . . . as we enter particularly in the southeast corner of the province and the southeast quadrant, needing to be careful of the services that are already provided by other vendors.

That being said, we also know though that there are a number of citizens who demand SaskTel services and so this is an interesting quandary. But I would encourage the local companies to contact SaskTel and deal with them.

In terms of the province's CommunityNet 2 rollout, we will be again looking at dealing with that entirely through SaskTel.

**Mr. D'Autremont:** — Well I guess the difficulty is — for someone who is already in the field, providing in this case wireless service — is SaskTel would be a competitor and therefore would be . . . The potential partnering with SaskTel may be complicated because of that, that to share the data, to share the customer base with SaskTel in a partnership arrangement may not be to the benefit of the local provider.

Obviously SaskTel has huge financial resources they can draw on from government to provide the services there, and that's what CommunityNet is about — is providing services to communities that aren't necessarily economically viable for that service but need the service nevertheless.

And I think the local providers that are already in place would have a great deal of concern about partnering with SaskTel without some assurances that they simply wouldn't be swallowed whole in the process and that they could remain as a viable unit and operating in that community, which is a concern. And they're providing the services already.

**Hon. Mr. Thomson:** — One of the things that's important for us to identify is — we've talked about CommunityNet and SaskTel, and the role of the ITO and where these lines separate — is because this is a federally regulated industry, CRTC (Canadian Radio-television and Telecommunications Commission) is fairly strict in terms of what it believes governments should embark on in terms of infrastructure investment out of public treasuries versus what should be supported through the revenue base of individual companies.

The CommunityNet 2 rollout that's being envisioned would be built on a commercial basis and as such there would be very limited involvement at this point from the treasury, from ITO. And as such, whatever decisions are made would need to be made on a business basis using SaskTel's business model and would not involve ITO.

There would be a role for ITO in this as we start to move into non-commercially viable areas, where we start to look at doing a wireless build out into those areas, whether they're very remote or northern or particularly isolated or for whatever other reason may not be viable.

But as we look at the CommunityNet 2 rollout as is envisioned,

the majority of it, in fact I'd say the vast majority of it at this point would be driven entirely by commercial factors and as such would be built on a business model of SaskTel not involving the ITO.

**Mr. D'Autremont:** — Well I guess, Mr. Minister, then I would have to ask, if CommunityNet 2 is going to be designed as a viable commercial package, why does CommunityNet need to be involved at all? Why would not simply the providers, such as SaskTel or anyone else who is in that business, not be providing that service?

**Hon. Mr. Thomson:** — Mr. Chairman, in large part that's exactly what they will be doing, is providing that service. This will be driven in terms . . . One of the interests that we have is to see a widespread distribution of high-speed broadband, whether that be in a wired format or a wireless format, across the province. If that can be undertaken by private sector companies or undertaken on a commercial basis by the commercial Crown of SaskTel, so be it.

In areas where we run into difficulty, where there's not a commercial model that can be applied, that's when we would apply the public treasury, as we have in terms of building out CommunityNet 1. But we should also recognize that much of CommunityNet 1, a good portion of it, was built out on a commercial basis.

**Mr. D'Autremont:** — Well it's my understanding, Mr. Minister, on the first CommunityNet that the provision was made to the communities for their schools, for their government offices, and that was done without regard to the commercial viability of that service.

And then the commercial viability was layered on top of that, that SaskTel needed a certain number of sign up in a community to make that commercially viable, and I think that was 150 units. I could be wrong and perhaps you're familiar with that, I don't know. I would suspect though in a large number of the communities where there was a school where CommunityNet was in place, there was not 150 homes within that 4-kilometre radius to provide for 150 units.

And so I . . . Mr. Minister, was CommunityNet then involved in providing the broadband to individual homes and citizens, businesses other than the schools, or was that simply a decision made by SaskTel then to provide that service to those communities?

**Hon. Mr. Thomson:** — That decision in fact was made strictly by SaskTel. There was no involvement by CommunityNet beyond providing services in the schools, libraries, government offices, and hospitals.

**Mr. D'Autremont:** — On CommunityNet 2 then, what is the rationale, the policy basis for that distribution if the communities with schools and government offices have already been serviced with CommunityNet 1? Or is it to provide that service to those communities with those facilities that have not yet been serviced?

**Hon. Mr. Thomson:** — Well every school in the province is now connected through CommunityNet. So that has happened.

Municipal offices, libraries, and hospitals are largely connected as well.

What the CommunityNet 2 will do is now focus on how, on a commercial basis, broadband can be better provided across the province. And in fact as I understand the business model for wireless, although still a relatively new phenomena, is new technology does provide a better opportunity to build that out on a commercial basis in a province like Saskatchewan where you don't need to worry about the wire.

**Mr. D'Autremont:** — I guess I still haven't got it clear then in my own mind what the policy basis mandate is for CommunityNet 2 to facilitate a commercially viable system, wireless system throughout the province. What role does ITO and CommunityNet play in that? Is it a facilitator role? Is it a promoter role? What is the role?

**Hon. Mr. Thomson:** — As it will be built out on a commercial basis, our role is limited. We would have a role if the decision were made . . . if a policy decision were made at some future point to move the wireless broadband system into communities where it's not otherwise commercially viable. But at this point, those decisions were made entirely by service providers, whether it be SaskTel or others.

And I should say in terms of the wireless build out, this is not a technology that's in any way proprietary to SaskTel. Indeed other companies, I would certainly encourage, that are interested in looking at doing a wireless build out should consider to do so.

Our interest from a policy perspective, as a government, is to see that we have a greater number of Saskatchewan homes and businesses hooked up to broadband services in the coming years. There is also some role where we will see the wireless system replace some of the satellite systems that are already existing. Again this deals largely with the cost drivers that we talked about in terms of switching over to a lower cost technology with more flexibility. But those are fairly isolated situations.

**Mr. D'Autremont:** — How much money then is ITO . . . or CommunityNet . . . how much money is ITO providing to CommunityNet, if any? How much money is CommunityNet putting into CommunityNet 2 project?

**Hon. Mr. Thomson:** — Well, Mr. Chairman, there is no money budgeted. The build out will be done on a commercial basis through SaskTel.

**Mr. D'Autremont:** — So ITO and CommunityNet have no monetary involvement in the development of CommunityNet 2?

**Hon. Mr. Thomson:** — No, Mr. Chairman, we do not — not to preclude that at some point in the future we may have, as we start to deal with filling in what are called gaps within the system. There may well be some call on the public treasury to do so.

But again because this is a CRTC regulated industry, we need to be mindful of allowing the commercial build out to happen and for the province to only step in with its treasury to fill in

gaps and to deal with isolated communities that would otherwise be . . . fit within the CRTC guidelines, so we don't end up with an argument being put forward that the treasury's being used to subsidize one particular company within the IT (information technology) sector.

**The Chair:** — I recognize Mr. Chisholm.

**Mr. Chisholm:** — Thank you, Mr. Chair. Mr. Minister, I have a few questions on the actual estimates. I noticed that the full-time equivalent staff component is scheduled to increase from 18 to 21. And it appears that this increase falls in the area of information management technology initiatives area, the (IT03). I was wondering if you could explain the reason for the increase in staffing, and does this increase result in a decrease in staffing of any other government departments or divisions or?

**Hon. Mr. Thomson:** — Mr. Chairman, this change reflects a transition of the geomatics division over from ISC (Information Services Corporation of Saskatchewan) to the ITO, and so there should be a corresponding decrease in positions listed within the ISC. It's simply a strict transfer of positions.

**Mr. Chisholm:** — There's a major reduction in the category called supplier and other payments in this same section of the budget. My question is, firstly: why the large variance? And secondly, is the estimate of the 2003-2004 — \$3.671 million — is it actually close to what the actual expenditure would be at the end of March 31, 2004? Like the 3.671 is simply an estimate of a year and a half ago or whatever, and I'm just wondering if that's what it kind of came in at.

**Hon. Mr. Thomson:** — I'm told, Mr. Chairman, that that came in very, very close to that. I don't have the exact number, but it was not over budget — in fact, that that is pretty close to spot-on.

**Mr. Chisholm:** — I guess my other question was, what was the reasoning again for the large variance between that number from one year to the other year? Obviously there's something that was done a year ago that doesn't get done over again.

**Hon. Mr. Thomson:** — Yes. During the budget cycle we made a decision to reduce the amount of money we had provided in the Government On-Line Fund. This was a fund that we use through ITO to encourage provision of on-line services to undertake any new initiatives like the learning village, a project we undertook with Sask Learning.

During the budget it was decided that rather than use that money centrally, that we would reduce that fund and ask departments to incur those costs on their own as they move forward with new technological, new programming.

**Mr. Chisholm:** — You touched on the office of the geomatics. And I wonder if you could explain again where . . . This is now being done here, and exactly where was it being done before? And why was the change made?

**Hon. Mr. Thomson:** — Geomatics has an interesting life within government. It's been in a number of different departments over time, starting out I guess in Government Services at one point, ending up in SPMC, moving over to

Information Services Corp, and now has moved over into ITO.

This change was made based largely on the recommendations of the Gartner report, which I think has been previously requested and I've agreed to table. But it outlines some reorganization in terms of this sector. And as such, the decision was made by the cabinet to move that division over from Information Services Corp over to the ITO.

**Mr. Chisholm:** — Thank you. I have a question. Do you see a time coming when the Information Technology Office will be in a position to recommend a common system and common equipment so that some of the interdepartmental and inter-office communications could be simplified? Is that a role for ITO?

**Hon. Mr. Thomson:** — In fact this is a great deal of the focus right now that we are taking into account, is how do we deal with a uniform enterprise architecture system across government and how do we employ a common sourcing strategy for government.

It is a problem that is not in itself unique to government, but rather one which many large organizations have in terms of different units having different policies. Government has certainly over the years allowed various agencies and government departments to build their own procurement processes and to establish their own protocols. And so as a result we have ended up with a number of different systems.

The challenge has been to figure out how to bring some coordination back in to this. And what we've now established is a management services council which is pulling together government departments to figure out where natural alliances are so we can identify redundancy, so we can identify life cycle renewal on equipment, so we can identify common programs without setting a strict standard that takes away some of the innovation and some of the flexibility that government agencies want.

But certainly the member has identified quite accurately what one of the biggest challenges for ITO is in the next 12 to 18 months, and that is to figure out how to get a common architecture built across the government systems.

**Mr. Chisholm:** — Thank you, Mr. Minister. That's my last question. I would like to thank Mr. Minister and your guests, our guests.

**The Chair:** — Did you want to make a final comment, Minister?

**Hon. Mr. Thomson:** — Mr. Chairman, I too would like to thank the officials who have joined us today, as well as Mr. Law who has joined us previously. And I'd certainly like to thank the members for their questions today and in the past. This is an interesting area, a challenging one, and one that I appreciate other members have a significant passion for also.

**The Chair:** — Thank you. Administration (IT01) for the amount of \$476,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (IT01) agreed to.

**The Chair:** — Accommodation and central services (IT02) for the amount of \$156,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (IT02) agreed to.

**The Chair:** — Information management and technology initiatives (IT03) for the amount of \$1,977,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (IT03) agreed to.

**The Chair:** —

Therefore resolved that there be granted to Her Majesty for the 12 months ending March 31, 2005, the following sums for Information Technology Office for the amount of \$2,609,000.

Could I have a member move that?

**Hon. Mr. Sonntag:** — I so move.

**The Chair:** — So moved by Mr. Sonntag. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Vote 74 agreed to.

**The Chair:** — This concludes the consideration of estimates for the Information Technology Office. I thank the minister and his officials for attending today.

The next item before the committee are the consideration of estimates for the Public Service Commission. We'll take a brief pause while the minister assembles her officials.

**General Revenue Fund  
Public Service Commission  
Vote 33**

**Subvote (PS01)**

**The Chair:** — Order. The next item before the committee is the consideration of estimates for the Public Service Commission, which is vote 33, found on page 117 of the Estimates book. And I would recognize the minister to introduce her officials.

**Hon. Ms. Atkinson:** — Thank you. I'd like to introduce Wynne Young, to my immediate right, Chair of the Public Service Commission. To her right is Clare Isman, executive director,

human resource development. Behind us is Lynn Jacobson, director of corporate services. And to my left is Rick McKillop, executive director of employee relations.

**The Chair:** — Administration (PS01). And I recognize Mr. Chisholm.

**Mr. Chisholm:** — Thank you, Mr. Chair. Madam Minister, last year it was suggested that an automated system would provide better information regarding whom had received what in the way of awareness in general and, more specifically, relating to the area of sexual harassment in the workplace. Has there been any progress in this regard and do you have any statistics that you could share with the committee?

**Hon. Ms. Atkinson:** — A lot of work has been done on the public service anti-harassment policy. And what I can report to the member is that the automated system is in place.

Last year there were 12 allegations of harassment and two of those allegations were founded.

**Mr. Chisholm:** — Thank you. A couple questions regarding the actual estimates and some number things. It's reported that the human resource expense as a percentage of the overall operating budget in '02 — which was the last numbers I had — was about 1.25 per cent of the total government budget. I'm just wondering if this is comparable to other provincial and federal governments and where we fall in there?

**Ms. Young:** — We actually conducted a thorough review looking at our expenditures relative to other jurisdictions and looking within the public service. And indeed it is . . . it's approximately 1.25; it might be slightly higher or lower than that, and it is similar to other jurisdictions that we found. Clare is just trying to see if she can find the other jurisdictions that we looked at, but it was in the ballpark for overall cost per percentage.

**Mr. Chisholm:** — In the performance plan 2004-2005, there were . . . there's certain items that just kind of . . . I picked out. Firstly, it said that 54 per cent of employees feel their direct supervisor is effective. To me that would leave a fairly large number that would be considered ineffective. Or I'm just wondering if that . . . if you found that particular statistic alarming or . . .

**Ms. Young:** — You are probably referring to our employee survey results. It must be, right? I guess a couple of general comments and I'll see if I can actually track that. Whereas I guess perfectly we would want 100 per cent to be satisfied, I think the relationship of employee and employers is always such that employees are often not as satisfied as they could be with their supervisors. And yes it's of concern to us, and that's certainly one of the areas that we're focusing on.

What I'm going to hunt for, if I can get it, is how far off we benchmarked against other organizations and where we were in the benchmark against other organizations because that's . . . this is the first time we've done a survey, so it's hard to know where we are. But to use benchmarks is very helpful. So if I can't find that in the next few minutes, I'll make sure I give it to you.



**Mr. Chisholm:** — While we're maybe looking at some of those numbers, I had a couple other ones too that you might want to comment on. There was 47 per cent of employees state proper mechanisms were in place to deal with their concerns. So again that's something less than half of the people believed that the proper mechanisms were in place to deal with their concerns.

Maybe again you could let me know, at your convenience, how this stacks up with other industries and other governments and those kind of things because there is — like you say — there's no benchmark at this point in time.

**Ms. Young:** — I'll certainly do that. The data that was generated was huge, but I know that we can go in and look at the benchmarks on these. So we will make sure we get that to you.

**Hon. Ms. Atkinson:** — Just from my point of view, I think what the survey demonstrates to employees is that we are interested in hearing their views of their workplace and that we want to work with them.

I also think that the survey provides us with a tool that we can use, an ongoing tool so that we can continually look to improve the public service. And I think from our perspective, the survey results identified areas where the public service is doing well and areas where we need to make some significant improvements.

All of this information has been shared with the ministers in each of the government departments as well as the deputy minister. And hopefully what the survey results will do is assist the deputy ministers and the management team in establishing priorities for change.

And we know that the Department of Agriculture, Food and Rural Revitalization has had an ongoing process of employee surveys. And if you look into the data, it appears that there has been some fairly interesting improvements in employee satisfaction in that department.

So we're hoping that with the data we have, the work that's being done in individual departments, that we can improve employee satisfaction and therefore improve services to the public. Because we know that if people are feeling good about what they do, they're able to provide good service to the public. That's ultimately our ultimate goal.

**Mr. Chisholm:** — I noticed that the full-time equivalent staff complement is to be just one greater than last year — 117.9 compared to 116.9. When I went through the different areas, the salary components, some of them went up; some of them went down. But over all it went down by \$75,000, this total salary component. I was just wondering how we add one full-time equivalent staff, and we reduce our . . . Is there an explanation for that?

**Ms. Young:** — We'll pull up the numbers right now, but I can tell you that the PSC (Public Service Commission) . . . the minister's office has to be accounted for. Every minister's office is accounted for in the department's budget or another budget. Our minister's office was added to the PSC this year, and so that took us up five FTEs (full-time equivalent) because

that's the usual component of a minister's office. We ourselves went down four in the PSC, so our salaries for the PSC itself went down. But when you added back the minister's office in, it showed a net increase of one, and that's why you're seeing the plus one.

**The Chair:** — I recognize Mr. D'Autremont.

**Mr. D'Autremont:** — Thank you very much. Madam Minister, and officials, welcome today. I have a question related to your equity hiring policy. I wonder if you could explain how it works to me and whether or not it affects . . . just which areas it affects. Does it affect departments? Does it affect Crown corporations? Does it affect agencies and boards?

**Hon. Ms. Atkinson:** — What I can tell you is that there have been a number of initiatives that have been implemented or initiated by government in order to achieve a goal of a more representative work force so that our work force is reflective of who we are as citizens. We've done a significant amount of work with the Aboriginal employees group of public servants, as well as the Saskatchewan Visible Minority Employees Association. We're offering an internship at the public . . . or through the Public Service Commission for Aboriginal employees or graduates, and it's called the Aboriginal management and professional internship program.

We're trying to improve accountability by including the development and management of a diverse workforce as a required management competency. So when we're looking at evaluating management in the various government departments, one of the measures that we're looking at is, do you have a diversified workforce in the workplace. And this is also . . . we're measuring the progress of departmental diversity goals through our deputy minister's annual performance reviews.

We're also implementing recruitment initiatives to attract employment equity group candidates through the University of Regina's co-op program and the First Nations University. We're trying to recruit people with intellectual challenges through special employment programs in the Department of Highways and Transportation and also at Valley View. And we're also working very closely with the Office of Disability Issues and Community Resources and Employment on the recruiting and retaining of persons with disabilities initiative that was begun last fall.

As part of the performance measures, we look at how our workforce looks. And there is some departments that have a significant diversified workforce, and I would use the Department of Community Resources and Employment. And there are other departments that have very little in the way of diversity.

So when we look at each department's strategic plan, one of the things that we look at is, how are you doing. And then the notion is to measure this when we're dealing with the deputy minister's performance.

**The Chair:** — I recognize Ms Draude, the member for Kelvington-Wadena.

**Ms. Draude:** — With leave to introduce guests, Mr. Chair.

**The Chair:** — The member has requested leave to introduce guests. Is leave granted, committee members?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried. The member may proceed.

### INTRODUCTION OF GUESTS

**Ms. Draude:** — Thank you, Mr. Chair. To you and to the members of the Assembly that are here today, I'd like to introduce a group of people, young people, are grade 5s. There's 26 of them, and they're from the Foam Lake Elementary School. They're accompanied by their teacher, Mr. Jim Hack, and a parent supervisor.

And I have to tell you that these people have just come from the Tunnels in Moose Jaw, so I think they had a interesting time, and they can see how we are having an exciting time as well.

Foam Lake is part of the new constituency, so I haven't had the opportunity to go to their school very often although I was there last week, or two weeks ago, for the provincial badminton tournament. I hope you have an enjoyable time this afternoon, and make sure your teachers have a good time as well. And welcome to your Legislative Assembly.

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

### General Revenue Fund Public Service Commission Vote 33

#### Subvote (PS01)

**The Chair:** — Mr. D'Autremont.

**Mr. D'Autremont:** — Thank you very much. In dealing with the equity policies of government, you covered a broad range there, but you didn't inform me whether or not it just affects government departments, whether it involves Crowns or the agencies and boards.

**Hon. Ms. Atkinson:** — The policy that I just referred to deals with the Public Service Commission, but the various Crowns also have targets — or not targets — benchmarks that we're looking at. So when we get a report, when we're looking at the overall diversity of the workplace, what we want is a representative workforce. So if we have . . . 10 per cent of our population is Aboriginal, then it seems that there should be about 10 per cent of the people who work in our Crowns or in the public service should be Aboriginal. If 3 per cent of our community comes from the disabled community, then 3 per cent. So we want a workforce that reflects who we are as citizens.

And this work is going on in the Crowns as well. And there are some Crowns, such as SaskTel, that seems to be doing quite well when it comes to dealing with disabled citizens working in the Crowns or Aboriginal people. As well as SaskEnergy, they've done a good job as well.

And obviously, we're having representations made from the

various equity group communities to do better. And we've met some of our targets as I said, in some of our Crowns and some of our departments, and some of them we haven't met . . . or not targets, goals.

**Mr. D'Autremont:** — When you're looking at a position or when you're looking to hire to a new position or to fill a position, how do you reveal to any potential employees that this is being done under the equity hiring policy?

**Hon. Ms. Atkinson:** — There's a couple of ways that this could be done. One, there may be some notice when we're advertising that we're looking for an equity candidate. As well, we're trying to improve our screening assessment and selection process to ensure that we can identify qualified candidates that represent various equity groups.

We're trying to have increased representation of equity groups in our term appointments because not all appointments in government are permanent positions — there are some term positions — in order that they get some seniority or some experience in the workplace. We want . . . we're trying to increase our representation of equity group members in non-entry level positions, and we're also trying to increase awareness among equity group employees of options and opportunities for development.

So there's a whole number of actions that we're trying to take in order to identify which positions could be available for equity groups, make that known. And I think with the Web and some of the postings on the Web, that has been helpful. And the other thing that the Public Service Commission is doing is trying to have an ongoing and updated list of people that could be available for certain jobs, based on their qualifications and whether or not they're an equity group.

**Mr. D'Autremont:** — My question would be, how do you determine which position qualifies for equity hiring because I have seen some advertisements that state, you know, these preferences would apply, and yet you see another ad — the same type of position — where there are none of those qualifiers attached. So how do you make the determination this particular job position, this ad will have the qualifications attached to it whereas this one does not?

**Ms. Young:** — The decisions around which competitions are designated for equity group members or not is made by the departments themselves. And they make those decisions based on their human resource plan and what they're trying to achieve. And also, they consider such things as the likelihood of being successful in hiring an equity group member, and they also make considerations about the people already in the workforce.

And so there's, I think, a lot of considerations that go into it. And so, when one department . . . a similar position in one department to another, one may be designated and one may not be. But it is done by the actual hiring manager and the department.

**Mr. D'Autremont:** — Well I have seen some ads from the same department for the same type of position . . . not the exact same position, but the same category of position with one

having the equity conditions attached to it and one that does not have. And I'm wondering why in the same department for the same position basically — not exactly the same, you know, chair, but the same similar position — why they both wouldn't or why neither of them would not have any conditions attached to them or why they both would not . . . why they both would have conditions attached to them. But where one does and one doesn't, you have to ask what's going on here.

**Ms. Young:** — I think the answer is, competition by competition we'd actually have to go because each reason is going to be a little bit different. But if a department is hiring two very similar positions, they may . . . and they are interested in increasing their representivity of a person with a disability or a visible minority person, they may choose to designate one and not the other as a way of attracting a full range of candidates but also of focusing on designation. So they could choose to do that.

But if it's helpful at all, if you have something specific, that's the best way to answer it because they are case by case.

**Mr. D'Autremont:** — Yes. I'll raise this issue when the department that has done this comes before us.

I guess another question would be, what conditions qualify for equity hiring? I'm thinking of people with physical disabilities, visible minorities, mental disabilities, some medical. And if so — particularly in the medical field I'm interested in — what would qualify a person medically to be a part of the equity hiring?

**Hon. Ms. Atkinson:** — I'll share with you — and I think this is interesting just to put on the public record — that the Human Rights Commission has indicated a desired representation in our workplaces. And they've said for Aboriginal people that we should have about 12.2 per cent of our workforce as First Nations or Métis people.

For persons with disability, they've indicated 9.7 per cent, that a representative workforce based on our society would have about 9.7 per cent of the population in our workforce as disabled; in terms of members of visible minority groups, 2.8 per cent; and women in management, they're indicating that about 45 per cent of our workforce should be female.

In terms of how we're doing — and I think that may interest you — March 31, 1992, we had about 3.1 per cent of our workforce of Aboriginal ancestry. And today that's about 10.5 per cent. Persons with disabilities, we had about 2.4 per cent of our workforce in the public service were persons with disabilities; today it's 3. And the goal for the Human Rights Commission is 9.7 per cent. Members of the visible minority group, 1.9 per cent in '92; March 31, 2004, 2.4 per cent, and the desired representation in the workplace is 2.8 per cent. Women in management, 26.8 per cent at March 31, 1992; March 31, 2004, 32.7 per cent, and according to the Human Rights Commission about 45 per cent.

So we've come some ways. The place that we have not done a good job in is the persons with disabilities. And that is why the minister, I believe last fall, announced that there were going to be a number of initiatives to increase the numbers of persons

with disabilities working in the public service.

**Mr. D'Autremont:** — Thank you, Madam Minister. I guess my . . . the one I'm interested in getting some more clarification on is medical. Is medical considered to be like some sort of a disease or a medical impairment, to be one of the categories for which equity hiring is available? And if so, what kind of medical conditions are you looking at rather than physical disabilities, you know, from muscular dystrophy or those kind of things?

**Hon. Ms. Atkinson:** — When you talk about disabilities, I mean obviously when the Human Rights Commission sets a representation target of 9.7 per cent, well 9.7 per cent of the people in the province would not have a visible physical disability. Disabilities come in all kinds of ways in a sense, in that there could be medical disabilities, there can be hearing impairments, there could be visual disabilities, there could be mental health disabilities, there could be a variety.

So when we talk about disabilities, it's a fairly broad category. And the notion is to have a representative workforce that represents the broad category of disabilities that people in our province have.

**Mr. D'Autremont:** — Well I'll raise the particular issue that was raised with me on this. Someone within the public service was hired under an equity program based on the fact that they had diabetes. The person that was relating this to me said they didn't have any physically visible impairment, and yet was concerned that the equity program was being used to bring this person into the civil service for some other reason, other than just an equity program in place.

And the people who raised this with me were people who qualified under the equity hiring policy. And so they were concerned that this program was being used to circumvent other hiring methods to bring certain individuals into the hiring practice. And that's why I'm concerned about what conditions qualify for equity hiring on a medical level.

**Ms. Young:** — Just to fill in the response a bit, when you look to the Human Rights Commission definition of disabilities, it's a very wide-ranging definition. And the way that it is done in most employers, and indeed with us, is a self-declaration. So a person declares having a disability. And how we look to it, are there barriers to their employment.

And so I can't speak for the specific case, but somebody with diabetes may have no barriers to employment but somebody with a number of other symptoms may — and having diabetes — may have them, and so you have to make that judgment.

Very, very occasionally we have a circumstance where people are concerned that the equity declaration is used inappropriately. And in those rare cases we do have a challenge process that's in place if there is a concern.

**Mr. D'Autremont:** — To whom would this challenge process be available?

**Ms. Young:** — It's available to employees, and it's made to us at the Public Service Commission.

**Mr. D'Autremont:** — So it would be available to the other employees in that area where they felt that the policy was being used inappropriately.

**Ms. Young:** — That's who would normally put forward the challenge. I don't know about time frames; there may be some time limitations on it. But normally if a challenge came forward it would come from somebody maybe competing for the same job.

**Mr. D'Autremont:** — Okay. Thank you very much on that particular issue.

One of the issues that the minister talked about in the internship program and the Aboriginal management program, that you evaluate your managers based in part on the number of people of equity that are involved in their area. What role then do the managers play in the hiring process in that area?

If the managers are involved in the hiring process, then you're judging their evaluation of the potential employees that came forward to apply. But if the manager doesn't have a role in the hiring process, therefore has no influence over who is involved in their area of responsibility, how can you then hold them responsible for the lack of equity in their area?

**Ms. Young:** — First of all, I think you are referring to deputy ministers' accountability letters and what may be in there around that. What we are looking for in those is not limited just simply how many hirings there might have been and what the numbers are. In fact we're looking for something broader than that. We're looking for respectful workplace; we're looking for maybe training around equity. Because it is true that if there aren't any candidates in a field coming forward, the manager is not in a very good position to be able to hire somebody from an equity group. They have to be in that pool of candidates; they have to be qualified.

The other comment you made about, if managers aren't involved. But managers are involved in the hiring of their employees. The Public Service Commission and the managers, individual managers, work together on the hiring of them. And so they certainly do have a place in hiring of their employees.

**Mr. D'Autremont:** — Thank you. One of the issues that has been raised to me about equity in work for disabled individuals, particularly those that have mobility problems, is the ability to transport themselves to their place of employment. And this would be across the province, but especially in Regina and Saskatoon where you have a greater opportunity for employment.

The availability of transport to and from work from their place of residence is greatly restricted. And I know, from my own experience, if you want to get a cab to transport somebody, you've got a two- to three-day waiting list generally in this city. I don't know about Saskatoon. You can get lucky and when you phone to get a cab you may get it, but on a regular basis you will wait.

And if you need to get to work for 8 o'clock every morning, it's difficult to arrange that in a lot of cases. And that's been an issue that's been brought forward to me by the Canadian

Paralegic Association here in Regina, dealing with that.

So what does PSC do in those kind of situations where you have employees with mobility problems and how do you assist them or make their workplace viable for them when they have a difficulty being transported to and from work?

**Ms. Young:** — We are not directly involved with paratransit associations that are actually responsible for the transportation. We do work . . . We have what's called a duty to accommodate policy, in which we look at the whole person and how we can accommodate.

And I guess I would mention one of the most common things that we may do in a situation like this is work to vary their work hours because if, in fact, the transit isn't available between 7:30 and 8 in the morning, maybe we can shift their work hours. There are also things like working from home and other things that we can try to do to accommodate the workplace.

But our policy around duty to accommodate is one we take pretty seriously and we work individually with them. So if there is a specific issue, we'd actually be pleased to find out about it and see if there's anything we can do.

**Hon. Ms. Atkinson:** — I would just mention that there are people that work in the public service, obviously, that have fairly significant physical disabilities and they are transported to work and they are transported home. So there are people working in the public service that rely upon transportation to get there and they continue to work in the public service.

So I'm not familiar with all of the issues around paratransit in Regina. I am familiar about paratransit in Saskatoon. And they seem to be getting better at trying to accommodate people who have, you know, regular jobs.

**Mr. D'Autremont:** — Well I know that in discussions not that long ago with people from the paraplegic association that it seems in their opinion that it's an impediment to new people entering the workforce, that there isn't enough transport available for new people to come into the system, that it's there and accommodates those that are already in the system, but new people coming in find it a great deal of difficulty.

The Saskatoon situation I'm not as familiar with, but I do believe that there was a reduction occurring to the paratransit in Saskatoon in this year's budget, I believe, and they raised — not provincial budget, the city budget — and that concern was raised to me at the disability conference I attended in Saskatoon a month or so ago.

But transportation seems to be, from the paraplegic association, one of those impediments that they see out there for people to enter into the workforce. I'm sure that there's also problems in other areas of entering, but that is the one that they identified to me a month or so ago as one of their main concerns.

I guess the other . . . My last question deals with the screening assessment that you mentioned for people who are applying. Is this a voluntary thing that you have on the form, and is it, when people apply for a position, is it clearly marked on there that this is voluntary, that, you know, it's not just part of one of the

boxes to fill out and everybody thinks that they have to fill this out. Is it clearly marked on there that it's voluntary? Because my concern would be, does this somehow contravene any of the human rights and privacy acts?

**Ms. Young:** — You're talking about the equity group.

**Mr. D'Autremont:** — Yes.

**Ms. Young:** — Yes. Yes, no it is voluntary and it's very clear that they are voluntarily self-declaring and they are asked that it will be used for this competition. And those four groups that were named by the minister earlier are accepted under the Human Rights Commission to be able to identify themselves.

**The Chair:** — Administration (PS01) for the amount of \$1,430,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (PS01) agreed to.

**The Chair:** — Accommodation and central services (PS02) for the amount of \$735,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (PS02) agreed to.

**The Chair:** — Human resource information services (PS06) for the amount of \$1,250,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (PS06) agreed to.

**The Chair:** — Employee relations (PS04) for the amount of \$1,517,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (PS04) agreed to.

**The Chair:** — Human services development (PS03) for the amount of \$2,655,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (PS03) agreed to.

**The Chair:** — Aboriginal management and professional internship program (PS07) for the amount of \$623,000. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Subvote (PS07) agreed to.

**The Chair:** — Amortization of capital assets, \$141,000. That is a non-voted, non-cash expense presented for information purposes only. But is that agreed anyway?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried, just to be safe, so we don't have to come back next week.

Therefore resolved that there be granted to Her Majesty for the 12 months ending March 31, 2005, the following sums for the Public Service Commission for the amount of \$8,210,000.

**The Chair:** — Could I have a member move that? Moved by Mr. Iwanchuk. Is that agreed? Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Vote 33 agreed to.

**The Chair:** — That concludes the estimates for the Public Service Commission, and I thank the minister and her officials for being here today.

**Hon. Ms. Atkinson:** — I'd like to thank the officials who have assisted us here today. And I'd also like to thank the members of the committee for their questions. And I would make this suggestion, that if any members of the committee want to pursue further information regarding our work in the area of having a more representative workforce, we'd be pleased to have that conversation because we know that there are some members of this committee that are very knowledgeable.

**The Chair:** — Mr. D'Autremont.

**Mr. D'Autremont:** — Thank you. I'd like to thank the minister and her officials for coming in today and for their answers.

**The Chair:** — Thank you. Members, ordinarily we would report these estimates to the House on the next day by way of a motion. However we are two-thirds of the way through; we have one more estimate to deal with at another date. So with the indulgence of the committee, we can leave that motion for today and deal with it when we conclude the other estimates. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Okay, thank you.

The next item before the committee is the consideration of The Land Surveyors and Professional Surveyors Amendment Act, 2004, Bill 20. And we'll take a brief pause while the official takes their place.

**Bill No. 20 — The Land Surveyors and Professional Surveyors Amendment Act, 2004**

**The Chair:** — Order. The next item is the consideration of Bill No. 20, The Land Surveyors and Professional Surveyors Amendment Act, 2004. And I recognize the minister to introduce his official.

**Hon. Mr. Cline:** — Thank you very much, Mr. Chair, and good afternoon to you and members of the committee. With me is Mr. Ed Desnoyers, and he is the controller of surveys, legal surveys, and customer services at the Information Services Corporation.

**Clause 1**

**The Chair:** — Okay. Clause 1, short title. I recognize Mr. Weekes.

**Mr. Weekes:** — Thank you, Mr. Chair. Welcome to the minister and your official. I don't have a lot of questions but just a few clarifications. As we know, all members received a letter from the Saskatchewan Land Surveyors Association in support of this Bill. But just a couple of points. Could the minister just give us some background regarding why this proposed legislation was introduced?

**Hon. Mr. Cline:** — Yes, Mr. Chair, I would be happy to. There is no province in Canada, other than Saskatchewan, that requires its professional governing body of surveyors to be made up only of people that reside in that province. Saskatchewan is the only one that does that. And the Land Surveyors Association is not a very large association. It's comprised of approximately 72 people, I believe, of which 56 practise in Saskatchewan and 16 from outside Saskatchewan.

And because they have a governing council of, I believe, eight, it's difficult in a profession that small, out of just 56 people practising in the province, to get people to serve on the board and all the committees and all the work that the profession does. So they want to have the ability to have some of their members — only a few and certainly a maximum of three — sit on their council if they so decide, when they elect them in their meetings, so that they have a slightly larger pool to draw on. And in this way they would be the same as every other province.

The other observation is, I understand, that surveyors generally are quite mobile. They generally do work not just in one province, but they will work from province to province. So it's not uncommon to have members of one province's survey association, who may reside in another province, but do business in both. And so it's quite consistent with that profession to have a rule that anyone who's a member of the profession in any province really, if this passes, could be on the council of the association in a province in which they held a membership.

**Mr. Weekes:** — Thank you. The council is made up of eight individuals, I understand, seven whom are elected and one appointed by the government. Now three will be elected from outside of Saskatchewan. The one that is appointed by the government, what is the government's criteria concerning this

appointment and what is the background for this appointment?

**Hon. Mr. Cline:** — Mr. Chair, through you to the member, it would actually be a maximum of three people from outside the province. So they may just end up having one or two, but they could have up to three. That would be dependent upon the bylaws that they would pass within their own organization. The legislation here would allow them to have one, two, or three out-of-province members.

With respect to the person who is appointed by the cabinet, I should say that there is no specific criteria for that appointment other than they must be a resident of Saskatchewan. And that would continue to be the case.

And I should indicate as well that the pattern in professional legislation in Saskatchewan — of which there are dozens, really, of professional Acts governing the lawyers, the doctors, the surveyors, the nurses, the dental hygienists, I think and so on — is that the government appoints members to each of those bodies in order that the public may have a view, a window on the profession to make sure that the things that professions do are in the public interest.

Some examples are The Legal Profession Act, for example. The public always . . . I think there are three public representatives on that. They always have an interest in the rules the lawyers may be making about how to charge fees, whether there should be a minimum fee, that kind of thing.

I think there are three members also on the College of Physicians and Surgeons which governs the doctors. And of course, the public has a great interest in the rules governing doctors; what they can do, what they can't, issues like chelation, and so on.

And on this one, it's one member and that . . . Just like the other professional pieces of legislation, there's no set criteria for the qualifications that that person would have other than their job is to protect the public interest.

So when the cabinet is looking for people to appoint to those types of positions, they are looking for people that are experienced, have some background in the community, that are respected in the community, that would be knowledgeable and articulate and able to converse with the profession in question; but that are probably never and certainly very rarely members of that profession or knowledgeable about that profession, because it's really not their job. They may be consumers of that professional service, but they are there to safeguard the public interest.

So generally you're just looking for people that have some common sense and some experience in some aspect of life, whether working life or business or in the home raising children, which of course is good experience as well.

**Mr. Weekes:** — The Saskatchewan Land Surveyors Association in a letter said that Saskatchewan continues to be the most restrictive, have the most restrictive rules in Canada, because according to their survey that was done, there is no other province or jurisdiction has a residency requirement for a member serving on their executive boards or councils. Just ask

the minister a bit of a background. Why were the changes not made to be the same as all the other provinces and opened up to totally non-residents if that was the wish of the members of the council?

**Hon. Mr. Cline:** — Well it's a good question, Mr. Chair, to the member. It probably is something that could've been done before but it hasn't been. It's not a very controversial matter, so I suppose in the legislative agenda in years past, governments have just not attended to this. And it's something that I think when a profession asks for this, generally speaking should be attended to. And so it could've been done last year. I think there was a proposed legislation last year which didn't get dealt with by the House and of course that's always a matter of negotiation between the parties as to what legislation is going ahead and what we're spending time on.

But I should make the observation as well that there are actually other pieces of professional legislation where there still is a residency requirement. So this would be really in the smaller group of pieces of professional laws that would allow people from outside the province be on the governing body. Most of them would still require that people live in Saskatchewan to be on the governing body of a profession. And so in one sense this is somewhat unusual, but not totally unique.

I think there are, you know, another 9 or 10 pieces of professional legislation that operate this way. And certainly for this profession I think it's important, because you've got about 72 members. Some of the other professions you have over 1,000, so it's not difficult to maintain the requirement that their council be resident in Saskatchewan because they've got so many people to choose from.

So it's not the way we've typically done business in the past. That's probably why it hasn't changed in the past, and it hasn't changed for most professions. But it's certainly time that we respond to this request to make this change.

**Mr. Weekes:** — Thank you. As I mentioned, the Saskatchewan Land Surveyors Association is in support of the Bill, so we certainly have no concerns or want to hold the Bill at all at this stage. And so I'd like to thank the minister and your official.

**Hon. Mr. Cline:** — Thank you. Mr. Chair, I'd like to thank you and the members of the committee, and also Mr. Desnoyers for coming here today.

**The Chair:** — Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

**The Chair:** — Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: Bill No. 20, An Act to Amend the Land Surveyors and Professional Surveyors Act.

And I would ask the member to move that the committee report the Bill without amendment. Mr. Sonntag. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

The committee agreed to report the Bill.

**The Chair:** — The last item before the committee is — and thank the minister and his official for attending here today — the last item before the committee is the consideration of The Gas Inspection Amendment Act, 2004, Bill No. 8. We'll take a brief pause while the minister and his officials take their place.

### **Bill No. 8 — The Gas Inspection Amendment Act, 2004**

#### **Clause 1**

**The Chair:** — Order. The next item before the committee is the consideration of The Gas Inspection Amendment Act, 2004, Bill No. 8.

Clause 1, short title. I recognize Mr. Brkich.

Pardon me. I would ask the minister to introduce his officials before we begin.

**Hon. Mr. Quennell:** — Thank you, Mr. Chairman. To my immediate right is Myron Gulka-Tiechko, general counsel for Saskatchewan Power Corporation; to his right is Gordon Williams, chief inspector; to his right is John Wright, the chief executive officer of Saskatchewan Power Corporation; and behind me is Jonathon Kalmakoff, legal counsel for Saskatchewan Power Corporation.

**The Chair:** — Thank you. Now clause 1, short title. I recognize Mr. Brkich.

**Mr. Brkich:** — Thank you, Mr. Chairman. I have a few questions on this particular legislation. I guess the first one is, since it deals with 1,000 licensed gas contractors and also 21 gas inspectors, did you hold any consultations of what they . . . with this Bill, with the ones that will be affected by it?

**Hon. Mr. Quennell:** — Yes, I'm advised yes.

**Mr. Brkich:** — What was their particular take on this Bill?

**Hon. Mr. Quennell:** — It's our 10-year housekeeping legislation. This Bill hasn't really been updated since 1993, but I don't imagine there was any controversy — just updating the Bill. It's primarily a safety Bill.

**Mr. Brkich:** — When I noticed you raised the fine from \$1,000 to \$10,000, to me that was quite a bit of a jump. Was there a problem with people not complying? Why such a huge jump in the fine range?

**Hon. Mr. Quennell:** — Again I assume that the fine hasn't been raised since 1993, that it was now some 11 years later, out of sync with what is charged or levied in other jurisdictions and

under other legislation in Saskatchewan. So it was just to bring it in accordance with what would be charged across the country, these kind of penalties.

**Mr. Brkich:** — You've checked other jurisdictions and that's what they charge across Canada at each and every one?

**Hon. Mr. Quennell:** — . . . proportionate to what they charge across the country, yes.

**Mr. Brkich:** — How many charges are laid per year under this Act?

**Hon. Mr. Quennell:** — There's one in process.

**Mr. Brkich:** — I notice you also proposed amendments — it is an increase from one year to two years is when the chief gas inspector is first made aware of an offence under the Act. What was the reasoning for that? Was other jurisdictions or . . . in that period of time?

**Hon. Mr. Quennell:** — At least in part, it's to give the corporation time to fully investigate and perhaps informally resolve concerns without having to rush to make a charge within the one-year period.

**Mr. Brkich:** — It also talks about provisions for directors' liability for offences of corporations, is also part of the amendment package. In this particular second reading you'd mentioned that. Can you explain that a little more? Or do you want me to read that back to you?

**Hon. Mr. Quennell:** — I can try to explain a little bit more. The concern here is that we're dealing with relatively small corporations, sometimes one-person companies that are involved in this business. And to avoid enforcement a company can be quickly wound down, a new company started, and the shell company left behind, if the person who actually is the directing mind and will of the company isn't held responsible for the infractions.

**Mr. Brkich:** — So I take it that's just more for small companies. It says for the . . . is a provision for vicarious liability, employers for offences of their employees. So I take it that gives you the right to go after the corporation or the business?

**Hon. Mr. Quennell:** — Yes. And then the reason for those provisions in any safety legislation, I think, is to give the employer incentive to make sure that they are supervising, monitoring what their employees are doing on the job.

**Mr. Brkich:** — Another amendment also deals with the process for administrative penalties if and when contractors fail to obtain required permits. What's a permit worth? Do you charge right now for your . . .

**Hon. Mr. Quennell:** — I understand that the minimum fee is \$40. And that would be for replacing a water heater in a residence, and they can vary upwards. And for major commercial work they could be hundreds or thousands of dollars. So it varies depending on what the permit is for.

**Mr. Brkich:** — So let's say to put a water heater in a private homeowner's home they would have to apply for a \$40 permit first to do that?

**Hon. Mr. Quennell:** — Yes.

**Mr. Brkich:** — What's the reasoning for \$40? Isn't that . . . To me it's another, like, added cost. Is that cost recovery? What's the reason for the \$40?

**Hon. Mr. Quennell:** — That's considered to be cost recovery.

**Mr. Brkich:** — Can you give me a breakdown of how we came to that particular \$40?

**Hon. Mr. Quennell:** — It's based on an estimate of the administrative time taken.

**Mr. Brkich:** — To fill out a particular permit it would take \$40 — I'm guessing an hour. Is that what you're trying to tell me?

**Hon. Mr. Quennell:** — It also includes inspection costs of inspecting the work after it's done.

**Mr. Brkich:** — Okay, because when the inspector comes back to inspect that, there's no charge for that, I take it then.

**Hon. Mr. Quennell:** — It would be included in the \$40.

**Mr. Brkich:** — Makes it a little more reasonable then, the \$40 permit, when you explain it particularly like that.

If the contractor fails to obtain a required permit then, what is the first penalty on it?

**Hon. Mr. Quennell:** — Currently the first penalty is \$200. But it's going to be set by regulation as you can see from the Act. And we anticipate it will be higher than \$200 . . . (inaudible interjection) . . . \$250?

**Mr. Brkich:** — 250 for the first one. Is that also for if a person puts in a late permit? Is there a deadline?

I take it . . . I think there was a particular case that came across my desk there, one of the MLAs (Member of the Legislative Assembly) were talking about, that a contractor filed a few late permits, just past the deadline, and all of a sudden he had like a fairly hefty fine dealing with \$40 permits.

**Hon. Mr. Quennell:** — After 30 days a late permit is treated as being a permit not applied for.

**Mr. Brkich:** — There is no late . . . You have 30 days once the water heater is installed to fill out the permit and send it in? There is a 30-day grace period after that?

**Hon. Mr. Quennell:** — Yes.

**Mr. Brkich:** — I'll pass it over to . . .

**The Chair:** — Mr. D'Autremont.

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



And your officials — welcome.

Under section 36, it deals with the . . . that every director and corporation, their requirements and accountability on these issues if there's a failure to follow the Act. And I wonder if, does this also apply to the Crown corporations themselves?

**Hon. Mr. Quennell:** — Okay, this Act applies to licensed gas contractors and that's who the section applies to, and none of the Crowns would fall within that definition.

**Mr. D'Autremont:** — So SaskEnergy doesn't qualify for the . . . their installations of gas facilities?

**Hon. Mr. Quennell:** — My understanding is SaskEnergy does their work before the meter, and they wouldn't be subject to the Act that installations after the meter, installations in the building, in the home. They would hire a contractor and that contractor would be subject to the Act.

**Mr. D'Autremont:** — So none of SaskEnergy's installations need to be inspected then?

**Hon. Mr. Quennell:** — The pipeline work, the distribution work that SaskEnergy would do for distribution of their natural gas would be covered by their own Act, The SaskEnergy Act. It would not be covered by this Act. This Act covers inspections of work done for businesses, for residences, by gas contractors.

If any work was done for a building owned by SaskEnergy, it probably wouldn't be done by SaskEnergy. It would probably be done by a contractor who would be subject to this Act.

But if you're talking about the distribution systems used by SaskEnergy, they aren't covered by The Gas Inspection Act and they're not affected by this amendment Act.

**Mr. D'Autremont:** — Well this may not be a question that's appropriate for this Bill, but I think it's relevant. Does SaskEnergy's gas connections up to the point of the meter, are they inspected or regulated by any third party or are they simply in-house?

**Hon. Mr. Quennell:** — SaskEnergy is responsible for the work that they do in their own distribution, as is SaskPower responsible for the work they do in electrical distribution. There isn't a third party regulator.

**Mr. D'Autremont:** — Is there a third party regulator then that would provide inspection or regulation to any other gas transportation systems in the province?

**Hon. Mr. Quennell:** — Anything that's entirely within the province would come under The Pipe Lines Act and would be monitored by . . . and that Act would come under Industry and Resources currently. But pipelines that cross provincial borders would come under national jurisdiction.

**Mr. D'Autremont:** — There are a number of gas pipelines operated throughout the province that are entirely within the province, producing companies, and you're saying those are regulated under The Pipe Lines Act provincially. So that's a third party that's looking at their installations, ensuring that

they meet proper safety standards and regulations.

Why would SaskEnergy not be . . . would not need to be responsible to a third party as well to ensure that their procedures are carried out safely? It's always better when you have a third party doing the monitoring than doing it in-house where there is sometimes a tendency to protect what is going on rather than allowing it to become public. And that sometimes you need a third party regulator, which generally is what the government provides, to oversee and ensure that the safety procedures are being followed.

**Hon. Mr. Quennell:** — Well I'm not sure I want to enter into a debate about that because it's beyond the ambit of the Bill, and well actually beyond the ambit of my responsibilities because Saskatchewan Power Corporation has responsibilities for the inspection of these connections in buildings throughout the province, not responsibility for overseeing the other Crown, SaskEnergy.

So I'm not sure I can . . . I'm not sure it would be helpful to enter into a discussion about that. It's certainly beyond the ambit of the Act that's being amended or the amendment Act.

**Mr. D'Autremont:** — Well, Mr. Minister, then we'll move on to an area that is in this Act, and that's vicarious liability. I see that there is a change being made on this and I wonder if you could explain this sentence in the Act:

“ . . . in the absence of any evidence that the offence was committed without the person's knowledge . . . ”

**Hon. Mr. Quennell:** — Well, Mr. Chairman, to the member, that's not a sentence.

The purpose of this section is to provide that where dangerous work has been done, that it's not a defence to say that the work was done without the knowledge of the owner of the company or the employer. So it's going to . . . the purpose is to impose liability on the person responsible for the work to ensure that it is done properly.

**Mr. D'Autremont:** — Thank you. So you're saying that the presumption under this section is that, failing any evidence, you're guilty.

**Hon. Mr. Quennell:** — The presumption under this section is that the person who takes out the permit is responsible to make sure that the work is done safely.

**Mr. D'Autremont:** — Why is it necessary to make this change in the Act?

**Hon. Mr. Quennell:** — It was a concern that it was being raised as a defence to having done unsafe work, that, well it was done by an employee and I didn't know it was done unsafely. So this is a clarification that, no, it is the person's responsibility who took out the permit to make sure the work was done safely and that ignorance of how the work was actually done can't be used as a defence.

We do not want to provide an incentive for the person who takes out the permit to remain ignorant of what was actually

done. And I think that makes common sense but it obviously needs to be put into the legislation.

**Mr. D'Autremont:** — Well since it's a new provision in this Act, obviously there was no feeling that it should have been in there prior. Has there been some charges, penalties, prohibitions laid under the Act that have failed to be taken to a successful conclusion? Is that what has brought this on?

**Hon. Mr. Quennell:** — Well apparently there have been incidents where permit holders or people who have been issued permits have declined to take responsibility on the grounds that they didn't realize the work was done improperly.

**Mr. D'Autremont:** — So there have been attempts to levy fines or prohibitions that have failed?

**Hon. Mr. Quennell:** — The attempts were to have the work done properly, and people refusing to correct the work on the grounds that they didn't realize it had been done improperly in the first place and they weren't responsible therefore. That doesn't necessarily make sense but now we want to have a provision in place that says if you take out the permit, that you take responsibility and make sure the work is done properly and that you will correct deficiencies if deficiencies are discovered upon inspection.

**Mr. D'Autremont:** — Well what actions would be taken against someone who is in breach of this section or The Gas Inspection Act, where vicarious liability would come into place? Would there be a fine? Would it be . . . What is the penalties involved here?

**Hon. Mr. Quennell:** — The vicarious liability provisions only apply to prosecutions, which are the last resort of the corporation after failures to have corrective work done or have the bond pay for corrective work have failed.

**Mr. D'Autremont:** — What happens in the case where there was a disgruntled employee that sabotages the work and installation? Is the corporation still held responsible for any charges and prosecutions applied against them?

**Hon. Mr. Quennell:** — Well my view is that if an employer could establish that, that that would be a defence to a prosecution. And then SaskPower would be looking at the individual who intentionally did this, in your hypothetical situation.

**Mr. D'Autremont:** — So it would be then up to the corporation to prove that this was the case, that there was sabotage at the work site?

**Hon. Mr. Quennell:** — I don't know if I would adopt the word prove, but I think speculation is speculation and would take us back to where we already are without the amendment, which is I didn't do this myself and therefore I'm not responsible. And I'm not responsible to monitor or supervise my employees and I can't be held responsible for what was done on this work, which is an untenable situation, which is why we are making the amendment.

**Mr. D'Autremont:** — Well you say speculation, but

speculation is hardly evidence. If the Act says in the absence of any evidence is . . . I guess we need a definition of what the word evidence means.

**Hon. Mr. Quennell:** — This is not a new provision to the gas amendment Act. I mean, the common law principle that employers are responsible for the actions of their employees exists, as I say, at common law. And in all types of legislation in all jurisdictions in the country and all jurisdictions on the continent, there's nothing unusual about the concept of vicarious liability.

I mean, evidence that you shouldn't be held for an employee's — well in your hypothetical — almost criminal actions, of course it would be relevant. But the principle itself is not an unusual principle, it just has not been set out in this legislation prior to this amendment.

**Mr. D'Autremont:** — Well the wording on this particular amendment though is somewhat different than the wording in other pieces of legislation here in the province. I believe in The Wildlife Act that there are some provisions for vicarious liability.

Also in, I believe it's the highways Act — which is before the legislature now — they're dropping the provision for vicarious liability. I believe the statement was made that it's very difficult to enforce it.

So you know why . . . Like the wording on this particular piece seems to be difficult to deal with, in my opinion; that it's not clear exactly what it's saying. And you have to read it a number of times to understand that you're presumed to be guilty until you prove otherwise, which is not the way our common law works in this country, that you're innocent until proven guilty.

**Hon. Mr. Quennell:** — Two points to the member, through you, Mr. Chair. First of all, I am advised that the language in the Act is drawn directly word for word from the environment protection and management Act and that the same wording is used here as is used in that Act.

And secondly, the principle that an employer is responsible for the negligence and acts of their employees is not an unusual principle; it is a almost ancient principle of common law, English common law.

**Mr. D'Autremont:** — If the employer . . . Would the employer need to provide evidence that would . . . substantial evidence, determined in some manner or another that I'm not familiar with, as to your requirements, that the problem, the difficulty was caused by someone other than an employee?

**Hon. Mr. Quennell:** — I'm sorry, could you repeat the question? I was trying to get a better answer for your line of questions.

**Mr. D'Autremont:** — Obviously, there's a difficulty. I think we can take that as a given, that the inspectors found some problem with the installation.

Does the employer or the contractor, would they have to provide proof, evidence that the work was not done, that

something was changed after their work was done by someone else to be exempted from this?

**Hon. Mr. Quennell:** — Okay. First of all, your second, your most recent question. We have a situation where work was done by a gas fitter. Then in your hypothetical, somebody changes it afterwards to the detriment of the property owner. But it's the property owner that has access, so it would be an unlikely situation that a property owner would do that.

So when the inspection is done, I think it's a natural presumption that this was the work that was done by the gas fitter because the property owner is not going to sabotage the work. And quite frankly, gas fitters aren't going to sabotage the work either. In rare cases the work may not be done properly.

To go back to your previous line of questions, nothing in the section changes the presumption of innocence. All the section says is that you are liable for the actions of your employees, which, as I say, is not a new or strange concept, unless there is some evidence that it was done without your knowledge. And certainly providing that evidence that if it was done without your knowledge as a defence, is not onerous. I mean that's only proper. But without any evidence that it was done without your knowledge, there should be an incentive, as there is in all types of legislation and at common law, to monitor and supervise your employees because you're responsible for their actions.

**The Chair:** — Clause 1, short title. Is clause 1 agreed?

**Some Hon. Members:** — Agreed.

Clause 1 agreed to.

Clauses 2 to 20 inclusive agreed to.

**The Chair:** — Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 8, An Act to amend The Gas Inspections Act, 1993.

And if the member would move that the committee would report the Bill without amendment.

**Hon. Mr. Prebble:** — I move we report the Bill without amendment.

**The Chair:** — Moved by Mr. Prebble that the committee report the Bill without amendment. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

The committee agreed to report the Bill.

**The Chair:** — And I would thank the minister and his officials for being here today, and concludes our agenda today. Mr. D'Autremont?

**Mr. D'Autremont:** — I'd just like to thank the minister and his officials for coming in and answering our questions. Thank you.

**The Chair:** — It's 5 p.m., which is the regular adjournment time. This committee stands adjourned until the call of the Chair. Thank you.

The committee adjourned at 17:02.



