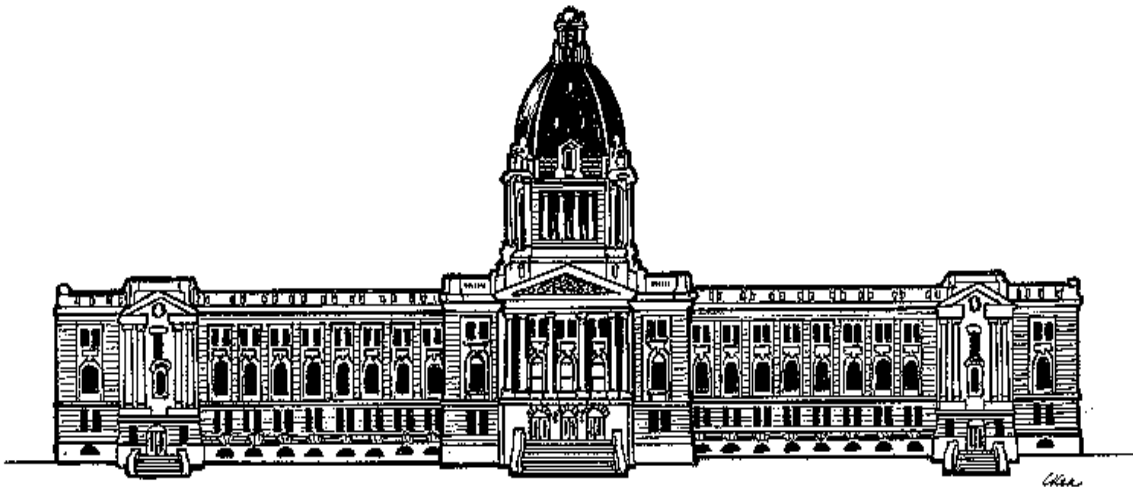




Standing Committee on Communication

Hansard Verbatim Report

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Legislative Assembly of Saskatchewan

Twenty-third Legislature

**STANDING COMMITTEE ON COMMUNICATION
1999**

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Moose Jaw North

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Regina Qu'Appelle Valley

Dan D'Autremont
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Walter Jess
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Prince Albert Northcote

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Hon. Ned Shillington
Regina Northeast

Violet Stanger
Lloydminster

Kim Trew
Regina Coronation Park

The Chair: — Ladies and gentlemen of the committee, we'll call the meeting to order. The committee membership has not changed since the last meeting and therefore I won't review the mandate of the committee unless you wish me to. Does anybody wish me to?

A Member: — No.

The Chair: — Then we shall not. I want to introduce to you our official that we have to assist us today, and he is Mr. Don Herperger. Before he begins his commentary, I just draw your attention to our agenda.

We have three — what are these things? — three sessional papers, I guess is what they are, for your consideration. And then I also have a recommendation to give to the committee regarding the review of sessional papers, pursuant to your instructions of our meeting last year.

And what I'll recommend that we do, if it's okay with you then, is to ask Mr. Herperger to briefly describe the implications and the content of sessional paper no. 338 and then we'll open the floor for discussion on that. Mr. Herperger.

Mr. Herperger: — No. 338 is from the Department of Health. It's from the branch which is now called drug plan and extended benefits. This schedule has been in development for the past two or three years and therefore only relates to a portion of that branch because the extended benefits part has been grouped together with the Saskatchewan drug plan over the past year.

So the records in no. 338 relate exclusively to the Saskatchewan prescription drug plan. They've been developing the schedule, as I said, for a number of years and have finally got to the point where it's ready for presentation.

And there's a large backlog of records which they have been retaining in accordance with the provisions of The Archives Act which do not have any current or continuing value. By having an efficient schedule, they'll be in a position to both get rid of the record which doesn't have any continuing value and then also, of course, have better access to the record which does have value now and into the future.

The Chair: — Okay. Are there any questions or comments regarding schedule no. 338? There being none then it would be in order to have a motion:

That the retention and disposal schedule no. 338 of sessional paper no. 157 of the fourth session of the twenty-third legislature be adopted.

Does somebody wish to move that? Mr. D'Autremont. Is there a seconder? Ms. Murray. Do we need . . . I guess we don't. Sorry, we don't need . . . and having determined that Ms. Murray is the Vice-Chair, I'm surprised that she agreed to second that. So it is moved by the hon. member for Cannington. Those in favour? Opposed? And that is carried.

We will now move to sessional . . . excuse me, to schedule no. 339.

Mr. Herperger: — The Department of Highways has been one of the most responsive and responsible departments in terms of adopting the new processes that have been in place since 1993 in relation to information management and the accountability structures that we've been working on. And they've got all of their administrative records organized. Now they're beginning to work away at various of their operational activities.

And the one that has come up as being in a position where all of the issues have been addressed for this year is the transport compliance branch. So these records are the records of that branch in relation to head office here and to the office they have in Saskatoon, as well as the enforcement offices throughout the province.

The Chair: — Questions or discussions anyone would like to enter on the record? If not then it would be in order to have a motion:

That the retention disposal schedule no. 339 and sessional paper no. 157 of the fourth session of the twenty-third legislature be adopted.

Mr. Krawetz. Those in favour? Opposed? And that's carried. Thank you.

And we'll now move to schedule no. 340.

Mr. Herperger: — This schedule is a progression from the last meeting. At the last meeting we indicated that there had been an order in council which had been developed to address many records of Crown Investments Corporation which were records that were no longer current in the sense that they were records of defunct Crown corporations or dealt with entities which no longer had continuity, that the functions in government or the functions in administration were no longer there.

And what has happened is that Crown Investments Corporation, in terms of dealing with this backlog and in essence addressing what was in the attic, took our recommendation to carry this forward into records that are current and therefore have developed this schedule which will bring them into the accountability structure that we've been working with this committee and with the Public Documents Committee over the past seven or eight years to get it into place. So this schedule is a comprehensive schedule. The other two that we looked at deal with branches or separate functions in branches of departments.

This schedule looks at the entire record of Crown Investments Corporation. It's divided into three different sections. The first section of it looks at the operational aspects of Crown Investments Corporation itself, business planning, and those types of activities.

The second part of it looks at the function of monitoring and advising Crown corporations. And then the third function looks at the investment role which Crown Investments Corporation plays.

And with the approval of this schedule, Crown Investments Corporation then will be drawn fully into the accountability structure in the sense that the record within the Crown

corporation will be defined. They will both be subject to and able to take advantage of the processes that are in place to ensure that record which does not have continuing use or continuing need can go through an accountable process leading to disposal. A record that does have continuing value, either for a legal or fiscal purpose or an administrative or historical purpose, will be able to be allocated properly as a result of it.

The Chair: — The floor is open for questions or comments.

Mr. Shillington: — I gather the folks in Crown corporations are quite comfortable with this. They've been historically very cautious about their records, given the comparative nature of some of the businesses. I gather they're comfortable with this?

Mr. Herperger: — Well they're certainly comfortable with defining the record in relation to the functions that are carried out. And what the . . . the way that the process is intended, and the way that it works, is that it's a vehicle that is there for a government jurisdiction to use when they so choose.

By default, any record which isn't scheduled is to be retained forever. A record that is scheduled, what this will do is it will define the minimum period of time that it has to be kept. There's a legal requirement that it be kept for seven or ten years to meet some statute of limitations, or for fiscal purposes in terms of a review that it has to be kept for two years. It will define the minimum period of time to be retained. But it does not demand that the record be disposed of once that minimum period has been retained.

If the jurisdiction has the resources in terms of space primarily to retain records for longer periods of time so they can exercise judgment and do that. Thanks.

Mr. D'Autremont: — You mentioned that it deals with defunct corporations. Would that mean something like Channel Lake would be involved in this, or perhaps even SPUDCO (Saskatchewan Potato Utility Development Company) now?

Mr. Shillington: — No, I think those all emanate from the Tory years . . .

Mr. D'Autremont: — And neither one of those do.

The Chair: — Why don't we let the official answer the question?

Mr. Herperger: — When I was talking about defunct, I was talking about that order in council which was passed last year and that dealt with a lot of record that was retained from Crown corporations which had existed in the late '40s and the early '50s. Once we have a schedule in place, it supersedes any . . . Well the order in council actually does specify. You have to have a schedule with an order in council which specifies the exact records being dealt with.

Now that there would be a schedule in place, there wouldn't be any need to develop those kinds of specific orders in council because in so far as the records of any entity held by Crown Investment related to one of these functions it could be dealt with in that context.

So that if there were records of a Crown corporation which no longer existed and in the context of monitoring that Crown corporation Crown Investment had some records, if it fit into one of the functions identified in here — once the retention period had been met — it would be eligible for either transfer to the Archives or disposal.

In the sense of an entity and its records which relate to its mandate or unique or peculiar activities, the Archives certainly would have an interest in acquiring that record once it had served its purposes within Crown Investment itself.

Mr. Osika: — So there was nothing in place for this process to occur prior to this point in time?

Mr. Herperger: — There was a previous schedule but it wasn't comprehensive by any means. It had been . . . I think it was no. 251 so it had been developed some time during the mid 1980s.

Mr. Osika: — So the retention or disposal of records was decided by whom?

Mr. Herperger: — Their records were retained.

Mr. Osika: — Total — the total records were retained?

Mr. Herperger: — Yes, all of the records that aren't scheduled are to be retained. So in terms of administrative records, routine types of records which support the mandate functions, once the administrative system had been approved by the legislature in 1993 there was the ability to deal with those kinds of records. That would be records relating to things like space occupied and tenancy and things relating to human resources along the lines of attendance statements and things like that — those types of administrative records, all entities in government were able to deal with as a result of the Saskatchewan administrative record system — SARS — being implemented. But operational records, if they haven't been scheduled, by default they have to be retained.

Mr. Osika: — Thank you.

The Chair: — Any further questions or comments? If not, then it would be in order to have a motion:

That the retention and disposal schedule no. 340 of the sessional paper no. 157 of the fourth session of the twenty-third legislature be adopted.

Is there a mover?

Mr. Osika: — I so move.

The Chair: — Mr. Osika. In favour? Opposed? And carried.

I want to thank Mr. Herperger and invite you, Mr. Herperger, just to stay with us if you would in case we would like to draw on your advice in regard to our second agenda item. And as members will know, Mr. Herperger is from the Archives office.

Now our second agenda item relates to the process that we're doing right now. As members will be aware, the committee deals with in essence three things: library, broadcasting, and

then thirdly, the retention of records.

And it has traditionally been the view of the legislature that the final decision about retention of records should rest with the legislature itself, which has then mandated this committee to do that.

Last year when the committee met, in some discussion, it recommended to the Chair to do a follow-up to determine whether it is necessary to do that here because the committee was well aware that largely it was really relying on the recommendation of the officials in order to make the decisions about the retention of records.

You have a motion that I'm recommending to you, but just for the record — if I may just walk through the process to put it on the record — that brings me to the recommendation that I give you today and then put it in your hands.

On June 18, I wrote Mr. Michael Swift who was doing a review for the Saskatchewan Archives Board, in which I said in the second paragraph in part:

The explanation of officials of the Saskatchewan Archives Board, who appear before the Committee to explain the purpose of the schedules, is largely the basis on which the committee makes its decisions. Consequently, Committee hearings on retention and disposal schedules are largely a formality. This has left some Committee members wondering what value, if any, the Committee adds to the process. It is on this basis that the Committee has asked that the Speaker, as Chair of the Committee, contact you with respect to your review of the . . . Archives Board.

And then you'll see in your package the two portions of The Archives Act which relate to this authority and responsibility designated to this committee under section 7 and section 11(3) — those are the key ones that give the legislative authority and requirement for what we're doing here now.

Then on July 19, Mr. Swift wrote back to me and, if I can read into the record his response in part, from paragraph 2:

Having looked at the process and having compared it with what is done in other provinces in Canada and in the federal government, we do indeed find that the process followed in Saskatchewan is cumbersome and unduly complicated.

And then in the next paragraph, in the latter part of the paragraph:

At this stage I do not have the final text of the recommendation on this matter, but it will certainly be something along the line of a proposal to have schedules approved by the Provincial Archivist "in consultation with" a public documents review committee. As you commented in your letter, there is little value added by having these schedules approved by a legislative committee . . .

Then I refer you to just a segment of his report, and refer you to, within that report, section 2.2.2, "Streamline the Scheduling

Process" and if you go to page 13, the middle two paragraphs there:

A further consideration in this matter is that the committee of the Saskatchewan Legislature which is currently charged with the task of reviewing scheduling recommendations has recently questioned the value of the process and has asked for advice on the matter. (See correspondence between Hon. Glenn Hagel, Speaker of Legislative Assembly and Chair of the Standing Committee on Communications, and Michael Swift.) It seems that the Committee members would support this legislative amendment to simplify the process of approving record schedules.

We recommend that the provisions of the Act governing the scheduling process be amended, and that the legislation be rewritten to assign authority for the approval of schedules to a new Public Records Committee of which the Archivist would be Chairman, or at least a member. As recommended in Chapter Two, Recommendation 4, the role of a new Public Records Committee should be expanded to give it more authority in the broad field of records and information management. (Recommendation I, 6)

And then on page 25, item no. 6, and I'd like to read that into the record because this then brings us to the motion that I recommend to you:

ROLE OF THE LEGISLATIVE COMMITTEE ON COMMUNICATIONS

Under the existing *Archives Act*, the Legislature is the final authority for approving records classification and retention plans and the destruction of government records, but only after the Communications Committee has given its approval. This process is overly complicated and slow. The Archives and departments are frustrated by the time it takes to get the requisite approvals. As the Legislature usually meets only in the spring, it is only then that these approvals can be obtained. Given the scrutiny which the Archives and the Public Documents Committee give to matters before them, this review and approval process should be sufficient. Order in Council approvals are now used for certain destruction requests under the *Archives Act* and this route could be extended in place of the Legislature's role. This would speed up the process and remove the urgency of meeting the Legislature's timetable.

The Legislative Committee is faced in some respects with the same problem as the Public Documents Committee. It meets infrequently, sometimes not even once a year, and members need to be updated about their responsibilities under the *Archives Act*. This Committee cannot be an expert authority in information management and the issues coming before it. In fact, Committee members questioned their own role at its most recent meeting on 4 June 1998 when it reviewed three operational records schedules — the Saskatchewan Pension Plan, (the) Saskatchewan Securities Commission, and the Saskatchewan Gaming Commission. The Director of the Archives' Government Records Branch provided information on (these) three

schedules, the evolution of the records management program, and the responsibilities of the Committee. The Committee felt its role was an important one but questioned whether it was the most logical body to carry out the function. The Communications Committee came to no resolution except to consider calling the consultants for this study to discuss any recommendations on the Legislature's role in the process. (See correspondence between Hon. Glenn Hagel and Michael Swift referred to in Chapter One.)

Should the pace of developing records schedule increase, there will be significant delay in getting the requisite approvals under the existing process. This frustration is now unavoidable and does little for the Archives and (the) departments. Strengthened archival legislation and improved policies and procedures could easily replace the need for the Legislature's approval. Information about record schedules could be made available to the public and the Legislature in other ways, including placing the information on the Archives' Web site. Furthermore, the Archives now submits an annual report to the Legislature, and that report should include a section on the management of government information, thus providing the Legislature yet another opportunity to scrutinize this activity. We have recommended earlier that the current role of Legislature's Committee on Communications relative to the approval of schedules be eliminated . . .

Therefore, hon. members, I bring then to you the recommendation, having listened to your comments of last year and considering these correspondence and pieces of information, I recommend to you a motion:

That the committee recommends to the Legislative Assembly that The Archives Act, Statutes of Saskatchewan, chapter A-26, be amended by removing the requirement that the transfer or destruction of public documents and records be approved by the Legislative Assembly upon recommendation by the Select Standing Committee on the Library, the title changed to Standing Committee on Communications in 1982, as is presently specified in sections 7 and 11 (3) of the said Act.

And that is what I recommend to you. The floor is open for discussion. If someone cares to move that motion.

So moved, Ms. Murray.

Mr. Shillington: — You have in your motion, Mr. Speaker, you have only picked up the second of what I see two recommendations here. I see two recommendations: one, that this be delegated to the archivist, chief archivist, in concert with Public Documents Committee, since the archivist is not here, a deputy minister; and secondly, that the role of this committee be eliminated.

You have, it seems to me, picked up the second of those two recommendations, but not the first. Why did you omit the first of the two recommendations?

The Chair: — I am not including in the motion the definition of how the archivists . . . with a recommendation of how the

archivists would proceed. The report will be received in its totality, including the portions that I've read into the record . . .

Mr. Shillington: — May I ask you why?

The Chair: — Really not any particular reason other than the assumption that it would be best handled by the government in drafting the amendments to the legislation when they look at that in the context of all of its other recommendations and what authorities it may want to assign to a new committee.

What's recommended here is that it be . . . a committee be established which currently does not exist. And that would be, in my judgment, although it's open to . . . certainly to the recommendation of the committee, would be a decision more effectively left to the drafters of the legislation in the context of matters other than those specifically for this committee.

Mr. Shillington: — Well I . . . (inaudible) . . . feel strongly about this. I frankly would have been more comfortable with this — I'm not saying I'd vote against it; I don't think I would — frankly might have been more comfortable with this if we had forwarded to the legislature a recommendation of how these records be preserved.

I think the public, and therefore we, have an interest in ensuring that . . . And this is how we got started on this a year ago; was not any sense of laziness but rather I think the members of this committee felt they just weren't adequate to determine whether or not these records should be kept. But I think this committee is cognizant of its responsibility to the public and, more important, to generations yet unborn, so that they will have something tangible of what we've done.

I think we have a responsibility and an interest in that. And I could frankly be more comfortable if we included the recommendation of . . . I don't think it's binding on the government; the government can come back with a different piece of legislation; the legislature can approve something different.

But I'd be more comfortable if we included the whole recommendation. And I want to hear some discussion of this. Because if I'm all alone, I'm quite prepared to drop this topic.

I'd personally be more comfortable if we included the recommendation that the archivist be responsible. And working in concert with a public . . . (inaudible) . . . committee is conceivable, although I think unlikely, then no one might be responsible. And therefore either they're never destroying anything, or more likely the whole system breaks down.

So I would be more comfortable if we included both recommendations, Mr. Speaker. I'll say that and I'll listen attentively for any other comments. As I say, if I'm off base and all alone, then I'd . . .

The Chair: — Sure. And maybe I'll ask Mr. Herperger to give a comment in just a moment. But before doing that, Mr. Shillington, while you're thinking about that, you may want to add an amendment which would be consistent with the recommendation on page 13, which recommends the referral of signed authority for the approval schedule to a new public

records committee.

Mr. Shillington: — I'd just to hear some discussion before I . . .

The Chair: — Okay, fine.

Hon. Mr. Lautermilch: — I would just want to say that I would support Mr. Shillington's recommendation. I think I would feel comfortable with an amendment that would address his concerns.

The Chair: — Referral to that specific body?

Hon. Mr. Lautermilch: — And I would support the amended motion.

The Chair: — All right. And I'll maybe get Mr. Herperger to . . . Do you want to comment before Mr. Herperger, Dan?

Mr. D'Autremont: — Well I can comment after . . .

The Chair: — Okay. Maybe we'll get Mr. Herperger to comment on the anticipated process from the archivist's point of view in looking at the recommendations.

Mr. Herperger: — I think the two primary models that are in use in Ottawa and the other provinces have either the Provincial Archivist or the National Archivist, an entity, given the overall responsibility and then with the assistance of a process like a public records committee. Or a situation in which a public records committee constituted as such having the responsibility.

So it could be done in either of those formats, the Provincial Archivist with the advice of, or the Public Documents Committee, usually with the Provincial Archivist as Chair and then other appropriate individuals identified.

Mr. D'Autremont: — Okay. Thank you. I have some concerns about the potential for a new committee. I was wondering who would make up this new committee, how would they be appointed or selected for the committee, and who would they report to?

The Chair: — Maybe I can ask Mr. Herperger to respond to that. Our problem here is that we're dealing with a hypothetical question because we're dealing with imaginary . . .

Mr. D'Autremont: — Yes. We're transferring our responsibility. We're saying, remove our responsibility. Now where does that responsibility go to?

The Chair: — And in essence it would be, as being discussed here I think, to the committee with the archivist either as Chair or member if we're supporting the recommendation. But, Mr. Herperger, can you add some light to that?

Mr. Herperger: — That accountability structure in these other jurisdictions flows through the minister responsible for the function.

The Chair: — For the Act.

Mr. Herperger: — Yes. So that in a lot of jurisdictions it flows through a kind of a government services function, and as a central agency, a public works and services function, for instance in Alberta.

In the federal government, the National Archives is related to the culture function so it flows through that departmental structure. So that the ultimate responsibility for the actions of the Provincial Archivist or the Public Documents Committee, public records committee as reconstituted, would then relate to the minister responsible for the archival function.

Mr. Shillington: — My concern in this, and to answer the question it touches on, my reading of this is, when this goes to the legislature, this committee disappears.

The Chair: — No, no, not the committee.

Mr. Shillington: — Well we recommended earlier that . . . If we recommend . . .

The Chair: — Just this function of the committee. The committee has some other functions.

Mr. Shillington: — Okay, yes. I'm sorry. This function of the committee disappears without anything as an alternative being put in place. That was my concern with your motion as I read it.

The Chair: — Well if I can just comment on that, Mr. Shillington. It would be my interpretation that this committee's dealing with schedules would not disappear until such time that the Act would change, to put in place an alternate structure. Because the committee is making a recommendation to the legislature.

The committee does not have the authority to change the legislation; it only has the authority to make the recommendation to the legislature. And the legislature must then respond, and until such time as it responds, the committee's purpose and procedures remain the same.

Mr. Shillington: — All right. Okay, thanks for that.

I had assumed that the committee would be kind of a deputy minister's committee; you'd be public servants representing the broad interest involved. There would be — I guess it's Frank Hart now actually at CIC (Crown Investments Corporation of Saskatchewan); or his delegate, Marchildon, his delegate from Executive Council; and probably some of the big departments, Health and Education as well. But it would be kind of a deputy minister's committee which would advise and discuss with the Provincial Archivist what's realistic and what's not. And I think that would be a sensible structure.

Anyway, as I say, I promised repeatedly to be quiet and I'll make an effort to do that.

The Chair: — But we can also ensure that the *Hansard* from this meeting which records your comments as well, is forwarded appropriately for consideration along with the committee's recommendation.

Mr. Jess: — Well I'm a little . . . maybe more questions than

answers here. I guess I believe as elected representatives we have a responsibility to answer these questions all right. And the discussion I was hearing was that there are perhaps people that are better qualified to deal with what should be retained and not retained than us.

But on the other hand who are we handing this off to. If it's another committee that makes the decision, I don't see the difference. Because we make decisions on information provided to us by individuals and people that work for the legislature all the time.

Who makes the decision? If we have to make the decision and we don't profess to know the value of the archives or which ones are of great importance, then we have to do it based on somebody else's advice. And I guess I'm prepared to do that if that's the system that's going to be developed by some other committee that's going to do the same thing.

The Chair: — That while the . . .

Mr. Jess: — Like what's the difference here?

The Chair: — Yes. The only difference is, or the essential difference I guess is that there are two possibilities. One, continue as we are now where the final decision on these limitations is made by elected members delegated by the Assembly. That's what we're doing now.

Or the alternative, recommend in the review that the final decision be made by a public records committee of which the archivist is the Chair or a member, and they would make the final decision. And that would not be a matter considered by the elected members.

The argument for it for that change was the one enunciated largely last year that members around this table were saying, we don't really feel we have the expertise to make judgment other than what is recommended to us anyhow. And so why not consider a process which expedites decision making rather than holding it up by the members of the legislature who don't seem to be — if I'm reading correctly the comments made last year — who don't seem to be adding any extra insight to the process because we're relying on the advice of officials.

So it's really a judgment call. And basically if you feel that that argument still holds weight, then I'd encourage you to pass the motion, or as amended, with a recommendation to the legislature as it's considering new changes to The Archives Act, that it would receive the recommendations of this committee about the retention of schedules. If you're comfortable with, after all that's said and done, with the way it is, then the thing to do would be to defeat the motion.

Does that answer your question, Mr. Jess?

Mr. Jess: — Well I guess in part. The clumsy process that we know as the democratic process that we go through does have problems and has worked reasonably well for the last thousand years. Maybe there's something that I'm missing here, but I'm just not sure that we're . . .

Mr. Shillington: — Are you saying you'd leave well enough

alone?

Mr. Jess: — I believe I would. And I'm kind of interested to know what I had said about it last meeting. But it just seems to me we're . . .

The Chair: — I'll check *Hansard*. I've got it here.

Mr. Jess: — Yes. It just seems to me that we're not saying that we're fully qualified but we're saying that we make the decisions of the elected representative based upon that information that's provided to us. If it's too clumsy, I can be convinced, but . . .

The Chair: — The bottom line question is, do you feel it should in the hands . . . the final decision should be in the hands of the elected members or in officials?

Mr. Jess: — Well right now I don't think it matters. But is there a potential of a problem in future years that we might want that added protection?

Mr. Shillington: — Let me try my hand at responding to Walter. Sorry.

The Chair: — I've got Mr. Trew, but are you on different points?

Mr. Trew: — No, it's the same, basically the same point.

The Chair: — Same point. We'll go Mr. Trew, then Mr. Shillington.

Mr. Trew: — I'm not sure I want to so much try and answer Mr. Jess's concerns. I agree with him; they're valid. But I want to support the motion that Ms. Murray put, and certainly have no problem supporting the amendment.

My whole premise is that as legislators we are policy makers. As opposed to individuals or groups who should involve ourselves in day-to-day minutiae or running of departments and Crowns, we set policy and hire experts to carry that policy out. At all stages if those experts can't carry out the policy, we best find ourselves another expert or some other experts.

I'm comfortable with this motion in that it requires legislative change. When said legislation is changed, it will appear again before the entire legislature. And if the drafting of that legislation somehow doesn't meet what I think is generally agreed here — there's more agreement in this committee than there is disagreement — if the new legislation didn't fit what it is we've been talking about for a couple of years, I think the onus would be on us to point that out.

So I guess I just straight up come down saying, good work. I'm glad you got the recommendation. I will be supporting us stepping back and allowing people that frankly I think are better equipped to deal with this issue, have them deal with it.

And I do in ending, in closing, Mr. Chairman, want to say I definitely support that this isn't a case of us dropping the ball. It's a case of us handing the football to somebody with fresh legs and let them run with it.

The Chair: — Thank you, Mr. Trew. And it's in that context that some of the specific questions being asked here would obviously be answered in Committee of the Whole and consideration of the legislation that nobody is able to answer in a specific way right now.

Mr. Shillington: — Yes. I was going to say what Kim had said — that we as elected people are generalists. This is a subject which is both esoteric and technical, and I think it's probably something that it is unlikely elected people would be interested in, and I think should not be. This goes beyond the sort of thing we should be doing. And that's all. I was just going to . . .

Mr. D'Autremont: — Well, I guess the first question I would have — perhaps the archivist could answer this — is what time frame are we normally looking at the retention of records for it as it is? What are we mandated to maintain the records for at present time?

Mr. Herperger: — In terms of, as I said before, any record which doesn't go through the process of being scheduled by definition is to be retained forever. It's the process of creating schedules which determines eligibility for disposition so that when a record or when a series of records within a function go through this process of retention and disposal scheduling, they go through a review by legal experts for the department. That's followed up by a legal review by the Public Documents Committee.

They're reviewed in fiscal context to ensure that any type of audit requirements are being met or that if documents are required for protection against liability, those types of issues, that the records are being retained. Once all of those purposes have been served, then the record becomes eligible for disposition, and disposition can mean either destruction or transfer to the archives. So that The Archives Act indicates that any record which is eligible for disposition must first be reviewed by the Provincial Archivist prior to destruction.

And in those instances where the staff of the archives determines that the record has continuing value, it's transferred to the archives, and the mandate of the archives is to retain that information forever. The remainder of the record, supposed to promote efficiency and accountability, can then be destroyed through whatever process is necessary, depending upon the nature of the record. So does that . . .

Mr. D'Autremont: — Somewhat, yes. I guess my concern is that the accountability side of the issue is how do we ensure that accountability is maintained in the system, that records aren't moved forward perhaps more speedily than they should be to deny that accountability.

So that's where my concern is. And that's why I want to know if there is a time frame in there that all records would be kept let's say five years, seven years, or whatever the case may be, and before they would come up for either retention or disposal — and it's the disposal part that bothers me, you know, is somehow an attempt to avoid accountability — could information be moved through more quickly?

You know, when I look at what was brought to us today, you know, secondaries 01 general, active 2 doesn't tell me a thing

about what was being planned in Crown Investments Corporation, or what the information was, or how it may have been relevant to anything. And yet we're approving it's either retention or disposal, and none of it, of all this list, provides us with any information about what we may or may not have been doing. It's irrelevant, the information that is provided to us.

Now on a new committee, the people involved, would they have some knowledge of what — you know, item no. 10, speeches — did they have some knowledge of what these speeches were or how they may have related to anything. Or before we can make an intelligent decision on these, do we have to go back and ask for all this information to be provided for us? I don't think we want it.

But who knows what this is? Certainly not this committee. And I'm not sure that another committee would have any better knowledge of what these records are than what we would have. In all likelihood, the same type of file would come to them as comes to us.

Now whoever might be on this committee from Crown Investments Corporation might have some historical knowledge about some of these papers. In all likelihood, depending on the time frames involved, they wouldn't have any more knowledge than we have.

So I'm not just sure if anybody who's going to be looking at this is going to have more knowledge than we have today, which is virtually no knowledge at all.

Mr. Herperger: — The members of the Public Documents Committee are charged with the responsibility for making themselves aware of the contents . . . (inaudible) . . . The format that was laid out back in 1991 and '92 in preparation for the development of the administrative record system, laid out certain secondaries that were going to be common to all primaries if they were applicable.

So there's a policy and procedure component for each primary. And any information which contributes to the development of or the interpretation of policies or procedures of that particular function, it's a requirement that they be filed in the context of that secondary. So whatever the primary is, and then it would be filed according to dash-zero-zero because it relates to policy and procedures.

And then you can go down to the 50 series, which are case files. In any instance in which you have a number of different topics or titles under any given function, that becomes case files and has a 50 secondary to it.

The general is one of the sections where we serve as a major watchdog. Whenever we get a request to dispose of records with that 01 tag on it, with the general tag on it, we generally do a physical review to ensure that the record is on general material and that it isn't something that is specific to one of the other secondaries involved.

General records are usually things that come in from outside — advertising or notices of meetings of a very general nature — and we try to work with the government jurisdictions to ensure that they are aware of and respect the very general nature of

things that go into that type of a secondary.

The final review in relation to accountability comes when the record is offered for disposal and the archives staff then review it. In instances where we have any concerns about what might be in the record as opposed to what's defined by the secondary, we do a physical appraisal of the record. We go and look through the files to demonstrate to ourselves that nothing that is more specific is being lost.

We have a significant interest in ensuring that things of value are retained by and for the province. It's the heart of our mandate to ensure that things of value are at the archives and are available both for the policy-makers on a continuing basis and when available, to others.

And then the final watchdog is the FOI (freedom of information) Act.

Mr. D'Autremont: — So your review would also include looking for issues of political sensitivity.

Mr. Herperger: — Political sensitivity or issues that might in a more local sense be sensitive; and, you know, this type of documentation may be of value down the road in interpreting what did happen.

The Chair: — Thank you. I'd just add, the Public Documents Committee, people who are doing the review, are the ones who are on your sheet. And you'll know some of them — the Provincial Archivist, the Legislative Librarian, is one of the five. And then Greg Thomas from the Department of Education and Post-Secondary; Ray Petrich from the Department of Justice; and Peter Knecht from the Department of Finance.

So those are the five who are the Public Documents Committee who make these recommendations to you. It's their review that is coming to you so when you pass your motions, it's endorsing their recommendation to you.

We have a Regulations Committee meeting in here in seven minutes. I've got Mr. Jess and Mr. Osika.

Mr. Jess: — Yes, I do not question who has the most knowledge on this subject, and in the end I believe we are responsible to make the decisions and we do that on information that we have available at the time.

And I'm not sure that for example the disposal of information should be decided by either group. What we might in good faith consider was irrelevant could in fact be of great importance in the future. And therefore I believe that the responsibility, I suggest that it should remain with the elected people.

The Chair: — And you would therefore vote against the . . .

Mr. Jess: — I would vote against it.

The Chair: — Then the Chair brings it to you for the committee to make its decision. Mr. Osika . . . and then if we can go to the motion, if possible.

Mr. Osika: — Thank you. I was just going to comment on the

dissertation from the archivist that . . . It's obvious that there's some extremely conscientious effort going into reviewing all these public records prior to anything being done with them. And I allude back to what Mr. Jess, I think, was trying to say. If it's broke, let's fix it; but if it ain't, why bother?

So I tend to feel comfortable that the recommendations coming from the review committee now at this point to us, allowing us to question . . . allowing us to question whether or not there is certain information that perhaps one way or another might be addressed. I would vote against the motion as well.

The Chair: — Okay. All right, is there any further discussion . . .

Mr. Shillington: — Yes, I'd be interested in Mr. D'Autremont clarifying his comments. I thought he was making an argument à la Mr. Jess that he didn't like . . . he would vote against the motion.

Mr. D'Autremont: — No, I wasn't. I haven't made up my mind whether I'll vote for or against it. I'm just not sure that anybody else is going to know more about these records that we are. And perhaps the people who are listed on here may have some better knowledge, but I don't know that they will.

You know, if it was listed on here when something comes forward, policy and procedures related to acquisition of Channel Lake, all of a sudden now I have some context. But when it just says zero-zero policy and procedures, suspended or obsolete under active files, it tells me nothing.

And so I don't know that Mr. Powell . . . or Mrs. Powell or Mr. Thomas or — I haven't got my glasses on — the other two gentlemen here, are going to know any more about it than we know.

Mr. Shillington: — Tell me, Dan, if the motion were moved — which it has not been — would you be for it or against it? I'm trying to pin you down, obviously.

Mr. D'Autremont: — I would probably vote in favour of it.

The Chair: — If the Chair can just comment before we go to that.

The Chair does not have a strong opinion on this matter, quite frankly. I think what is important is that there be some means to prevent just the mass of collection and pile-up and retention of data unnecessarily. And at the end of the day, it must be done in a way that is politically comfortable to the members of the Legislative Assembly.

If you feel — and on this point the Chair does not have an opinion — if you feel that the final authority should rest with this committee, then clearly the thing to do is to defeat the motion and retain the status quo.

The motion is recommending a change in status quo. A year ago you felt that way but upon reflection you may say well no, although provinces have, we'd like to retain the final authority for that here in the Legislative Assembly which is assigned to this committee.

And if that's your view, fair enough. I would also then urge that you might want to pay a little more attention to the exercise if you want to retain it.

And I think that's the nuts and bolts of the question. Because last year I think members were saying golly, we don't have . . . it's not our priority; we don't have the time; we're rushed; we just feel that we're rubber stamps; why are we doing this? And that's why you directed the Chair to undertake the process that I did.

But upon reflection if you're comfortable with where it is, just leave it. If you think that it serves the public good better by having it dealt with by a committee finally that's not elected members and you're confident in that, then support a motion I think is my advice to the committee.

Mr. Shillington: — It seems to me this committee is not ready to make a decision on this, and technically the motion has not actually been moved, I gather, so we actually don't have a motion. I think the matter should be left at least for another meeting and perhaps not at all. The committee's of several minds.

I would adopt the recommendation as it is. Mr. Trew, I think, would go with the motions. He's happy with the amendment; he's also happy with the motion. We've heard of two members who are comfortable with the matter as it stands and wouldn't move any motion at all.

So I think we might just adjourn this meeting without dealing with the motion. I don't think the committee's ready to deal with it. Maybe we'll just leave it as it is until there's a consensus.

Mr. Krawetz: — I would support your decision, Mr. Shillington, in terms of delaying this, allowing us the chance to consider what might be the implications. You know, and I'm hearing both sides.

Whereas I look at Mr. Jess's point of view of saying that we have a responsibility to the electorate and we shouldn't, we shouldn't abdicate that responsibility. And then the other side of the coin, I want to make sure that indeed the Public Documents Committee is still functioning properly and that we as a committee aren't tying its hands because we meet once a year, or maybe not even that.

But that is the other side of the coin, and I think we need to be able to look at all of that information to make a decision that will be in the best interest of the province of Saskatchewan.

The Chair: — Okay. Well does someone wish to move — the Chair must ask of course — does someone wish to move a motion? If not, then there is no motion to deal with.

What I would also undertake on your behalf . . . because on preparing for the strategy for the 21st century, the review has assumed a mindset of the committee which in fact is not accurate today. I think what I will want to do then, I don't feel a motion is necessary but as Chair of the committee, to forward a copy of the *Hansard* here with the advice that I had recommended a motion and the committee had consciously

decided not to propose a motion and would want to consider it again in the future. So that that's understood when the recommendation is received and the possibility of changes to the Act are contemplated. Is that acceptable?

If that is, then if I can recommend to you the Standing Committee on Communications third report, but striking the final paragraph of that, which would then read . . . the second and third paragraphs if I can read them into the record:

Your committee's considered the recommendation of Public Documents Committee under The Archives Act contained in retention and disposal schedules comprising sessional paper 157, including schedule no. 338, Saskatchewan Health drug and extended benefits branch;

Schedule no. 339, Saskatchewan Highways and Transportation transport compliance branch;

Schedule no. 340, Crown Investments Corporation of Saskatchewan tables this fourth session, twenty-third legislature referred to the committee by the Assembly on April 15, 1999.

Your committee recommends to the Assembly the recommendation of Public Documents Committee on schedules no. 338, 339, and 340 be accepted.

Is that moved by Mr. Trew that that be reported? Discussion? In favour? Opposed? That's carried. And then if Ms. Murray as the Vice-Chair of the committee would report that to the House later this day.

Ms. Murray: — I will do that.

The Chair: — Is that acceptable? It is. There being no further business this meeting stands . . . Oh there is further business — sorry, Mr. D'Autremont.

Mr. D'Autremont: — Perhaps what could be brought forward either by the Provincial Archivist or whomever would, is there a possibility of actually providing us with more information about these things as we're either voting for or against . . .

The Chair: — How many truckloads would you like?

Mr. D'Autremont: — I know that's the problem. But, you know, how do we feel comfortable in making these decisions when we have absolutely no information about what we're making decisions about?

The Chair: — You don't have none; you have some fairly thick packages provided.

Mr. D'Autremont: — Yes, but again it provides no information.

The Chair: — I think the answer is you can have as much as you want. And that what the Public Documents Committee would welcome is your input as to what more you would like that would be useful but not become . . .

Mr. D'Autremont: — That's what I understand . I'm

wondering if we could be provided with some advice in that area.

The Chair: — Okay. Well I'll try and seek advice. What would be more that they would anticipate members would consider to be informative without becoming overly burdensome?

And I'm assuming — let me just check this assumption — that the members would be particularly interested in those things that might be dealing with topics that, why don't we say, have been questions or issues before the Assembly. Is that fair? I'm trying to get a read on this to give them some indication.

Mr. D'Autremont: — Or even if it . . . Yes, that would be of interest. But also, you know, was it SaskPower, was it SaskTel? In the CIC stuff was it STC (Saskatchewan Transportation Company)? You know, it doesn't give any indication of that information.

The Chair: — Okay. I think probably the clearest way of doing this is just providing a copy, again a reference and copy of the *Hansard*, of this discussion.

Okay, is there anything further for the good of the province of Saskatchewan? If not, then, Mr. Herperger, thank you very much again for your assistance on both portions of our agenda.

Thank you, members, for your consideration of the agenda item. And clearly, this is a committee that is thoughtful and does not feel obliged for a second to be consistent from year to year in its conclusions.

Mr. D'Autremont: — Or to follow recommendation of the Chair.

The Chair: — Therefore currently always up to date and timely in its deliberations. The meeting stands adjourned . . . Oh, do we need a motion to adjourn? Somebody move this? Mr. Krawetz. Those in favour? Opposed? Carried.

The committee adjourned at 10:02 a.m.