

## STANDING COMMITTEE ON THE ECONOMY

May 24, 2005

### MINUTE NO. 21

3:00 p.m. - Chamber

1. **Present:** Mr. Lautermilch in the Chair and Members Hamilton, Hart\*, Higgins, Iwanchuk\*, Kirsch, Krawetz\*, Weekes and Yates.

#### **Substituting Members**

Mr. Iwanchuk for Hon. Ms. Higgins (for consideration of the Estimates for the Department of Labour)

Mr. Hart for Ms. Bakken Lackey (for consideration of the Estimates for the Department of Environment and Bill Nos. 94, 118, 120, 121, 122, 123 and 125)

Mr. Krawetz for Ms. Bakken Lackey (for consideration of Bill Nos. 87, 86 and 122)

#### **Other Members**

Mr. Allchurch, Mr. Bjornerud, Mr. Brkich, Mr. Cheveldayoff, Mr. Chisholm, Mr. D'Autremont, Ms. Draude, Ms. Eagles, Mr. Gantefer, Mr. Stewart, Mr. Wakefield

2. The committee considered Bill No. 120 - The Fuel Tax Amendment Act, 2005.

The following Department of Finance Minister and officials appeared before the committee and answered questions:

#### Witnesses

Hon. Harry Van Mulligen, Minister

Kirk McGregor, Assistant Deputy Minister, Taxation and Intergovernmental Affairs

Doug Lambert, Director, Revenue Programs Branch, Revenue Division

3. The question being put on clauses 1 to 5, they were agreed to.

4. On motion of Mr. Yates:

Ordered, That the committee report Bill 120 - The Fuel Tax Amendment Act, 2005 - without amendment.

5. The committee considered Bill No. 125 - The Corporation Capital Tax Amendment Act, 2005.

The following Department of Finance Minister and officials appeared before the committee and answered questions:

#### Witnesses

Hon. Harry Van Mulligen, Minister

Kirk McGregor, Assistant Deputy Minister, Taxation and Intergovernmental Affairs

Kelly Laurans, Director, Revenue Operations Branch, Revenue Division

Eric Johnson, Senior Analyst, Taxation Policy, Taxation and Intergovernmental Affairs

6. The question being put on clauses 1 to 9, they were agreed to.

7. On motion of Mr. Yates:

Ordered, That the committee report Bill 125 - The Corporation Capital Tax Amendment Act, 2005 - without amendment.

8. The committee considered Bill No. 94 - The Apiaries Act, 2005.

The following Department of Agriculture and Food Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Mark Wartman, Minister  
Doug Matthies, Deputy Minister  
Mike McAvoy, Manager, Crops Section, Crop Development Branch  
Merv Ross, Manager, Livestock Loan Guarantee Program, Financial Programs Branch

9. The question being put on clauses 1 to 23, they were agreed to.

10. On motion of Ms. Hamilton:

Ordered, That the committee report Bill 94 - The Apiaries Act, 2005 - without amendment.

11. The committee considered Bill No. 121 - The Farm Financial Stability Amendment Act, 2005.

The following Department of Agriculture and Food Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Mark Wartman, Minister  
Doug Matthies, Deputy Minister  
Mike McAvoy, Manager, Crops Section, Crop Development Branch  
Merv Ross, Manager, Livestock Loan Guarantee Program, Financial Programs Branch

12. The question being put on clauses 1 to 7, they were agreed to.

13. On motion of Ms. Hamilton:

Ordered, That the committee report Bill 121 - The Farm Financial Stability Amendment Act, 2005 - without amendment.

14. The committee considered Bill No. 118 - The Saskatchewan Watershed Authority Act, 2005.

The following Department of Environment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. David Forbes, Minister  
Wayne Dybvig, Vice President, Operations, Saskatchewan Watershed Authority  
Susan Ross, General Counsel, Legal and Lands, Saskatchewan Watershed Authority  
Garnet Gobert, Policy and Program Development Analyst, Saskatchewan Watershed Authority

15. The question being put on clauses 1 to 75, they were agreed to.

16. During consideration of clause 76, it was moved by Mr. Yates:

Strike out clause 76 of the printed Bill and substitute the following:

**“Powers of inspection**

**76** For the purposes of conducting an inspection of wells or of records that relate to the drilling and operation of wells and that are required to be kept by this Act or the regulations, the corporation, or any person authorized by the corporation, has those powers set out in section 89”.

The question being put on the amendment, it was agreed to.

The question being put on clause 76 as amended, it was agreed to.

17. The question being put on clauses 77 to 123, they were agreed to.

18. On motion of Mr. Yates:

Ordered, That the committee report Bill 118 - The Saskatchewan Watershed Authority Act, 2005 - with amendment.

19. The committee considered Bill No. 123 - The Wildlife Habitat Protection Amendment Act, 2005.

The following Department of Environment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. David Forbes, Minister

Bob Ruggles, Assistant Deputy Minister, Planning and Risk Analysis

Hugh Hunt, Executive Director, Resource Stewardship Branch

Nancy Cherney, Director, Ecosystem Management Section, Resource Stewardship Branch

Greg Haase, Director, Lands Administration, Department of Agriculture and Food

20. The question being put on clauses 1 to 3, they were agreed to.

21. On motion of Mr. Yates:

Ordered, That the committee report Bill 123 - The Wildlife Habitat Protection Amendment Act, 2005 - without amendment.

22. The committee recessed from 5:05 p.m. until 7:00 p.m.

23. The committee considered Bill No. 87 - The Trade Union Amendment Act, 2004.

The following Department of Labour Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Deb Higgins, Minister

Bill Craik, Deputy Minister

John Boyd, Executive Director, Planning and Policy Division

Eric Greene, Director, Labour Standards

Witnesses (continued)

Melanie Baldwin, Board Registrar, Labour Relations Board

Mary Ellen Wellsch, Manager, Legal Planning and Legislation

Pat Parenteau, Senior Policy Analyst, Planning and Policy Division

24. The following documents were tabled:

**ECO 14/25 – Department of Labour:** Bill 87 – The Trade Union Amendment Act, 2004 – House Amendments Explanation.

**ECO 15/25 – Department of Labour:** Table of Concordance – Section 18 under Bill 87 to Section 18 under House Amendments.

25. The question being put on clauses 1 and 2, they were agreed to.

26. During consideration of clause 3, it was moved by Mr. Krawetz:

Clause 3(1) of the Printed Bill is struck out and the following substituted:

“(1.2) Subject to subsections (1.3) and (1.4), if the term of a member of the board expires after the member has begun hearing a matter before the board but before the proceeding is completed, the member may continue as if his or her term had not expired for the purpose of completing the proceeding.

“(1.3) In cases involving a member whose term has expired, the cases must be scheduled so that the cases are completed expeditiously and the Board must render a decision within 60 days after the completion of the hearing of a case.

“(1.4) Unless agreed to by the parties, a member’s term that has expired will not be extended for more than 4 months.

“(1.5) If a member continues to serve pursuant to subsection (1.2), he or she shall not begin to hear any additional matters before the board”.

The question being put on the amendment, it was negatived on division.

27. The debate continuing on clause 3, it was then moved by Mr. Krawetz:

Subsection 4(2.2) as being enacted by clause 3(2) of the Printed Bill is struck out and the following substituted:

“(2.2) With the consent of the applicant and the respondent, the chairperson may designate himself or herself or a vice-chairperson to hear a matter alone for proceedings related to section 25.1 or 36.1.

“(2.3) If either party withholds the consent mentioned in subsection (2.2), the matter must be heard by a panel consisting of three members”.

The question being put on the amendment, it was negatived on division.

The question being put on clause 3, it was agreed to.

28. During consideration of clause 4, it was moved by Mr. Yates:

Strike out clause 4 of the printed Bill and substitute the following:

**“Section 17 amended**

**4 The following subsection is added after subsection 17(1):**

(1.1) The chairperson of the board may make regulations prescribing rules of procedure for matters before the board, including preliminary procedures, and prescribing forms that are consistent with this Act and any other regulations made pursuant to this Act”.

A debate arising, it was moved by Mr. Krawetz, in amendment to the amendment:

Subsection 17(1.1) as being enacted by clause 4 of the Printed Bill is amended by striking out “The” and substituting “Subject to the approval of the Lieutenant Governor in Council, the”.

The debate continuing and the question being put on the sub-amendment, it was negatived.

The question being put on the amendment, it was agreed to on division.

The question being put on clause 4 as amended, it was agreed to.

29. During consideration of clause 5, it was moved by Mr. Yates:

Strike out clause 5 of the printed Bill and substitute the following:

**“New section 18**

**5 Section 18 is repealed and the following substituted:**

**Additional powers of the board**

**18** The board has, for any matter before it, the power:

- (a) to require any party to provide particulars before or during a hearing;
- (b) to require any party to produce documents or things that may be relevant to a matter before it and to do so before or during a hearing;
- (c) that is vested in the Court of Queen’s Bench for the trial of civil actions to:
  - (i) summon and enforce the attendance of witnesses;
  - (ii) compel witnesses to give evidence on oath or otherwise; and
  - (iii) compel witnesses to produce documents or things;
- (d) to administer oaths and solemn affirmations;
- (e) to receive and accept any evidence and information on oath, affidavit or otherwise that the board in its discretion sees fit, whether admissible in a court of law or not;
- (f) to determine the form in which evidence of membership in a trade union or communication from employees that they no longer wish to be represented by a trade union is to be filed with the board on an application for certification or for rescission, and to refuse to accept any evidence that is not filed in that form;

- (g) to determine the form in which and the time within which any party to a proceeding before the board must file or present any thing, document or information and to refuse to accept any thing, document or information that is not filed or presented in that form or by that time;
- (h) to order preliminary procedures, including pre-hearing settlement conferences;
- (i) to determine who may attend and the time, date and place of any preliminary procedure or conference mentioned in clause (h);
- (j) to conduct any hearing using a means of telecommunications that permits the parties and the board to communicate with each other simultaneously;
- (k) to adjourn or postpone the proceeding;
- (l) to defer deciding any matter if the board considers that the matter could be resolved by arbitration or an alternative method of resolution;
- (m) to bar from making a similar application for any period not exceeding one year from the date an unsuccessful application is dismissed:
  - (i) an unsuccessful applicant;
  - (ii) any of the employees affected by an unsuccessful application;
  - (iii) any person or trade union representing the employees affected by an unsuccessful application; or
  - (iv) any person or organization representing the employer affected by an unsuccessful application;
- (n) to refuse to entertain a similar application for any period not exceeding one year from the date of an unsuccessful application is dismissed from anyone mentioned in subclauses (m)(i) to (iv);
- (o) to summarily refuse to hear a matter that is not within the jurisdiction of the board;
- (p) to summarily dismiss a matter if there is a lack of evidence or no arguable case;
- (q) to decide any matter before it without holding an oral hearing;
- (r) to decide any question that may arise in the proceeding, including, without restricting the generality of the foregoing, any question as to whether:
  - (i) a person is a member of a trade union;
  - (ii) a collective agreement has been entered into or is in operation; or
  - (iii) any person or organization is a party to or bound by a collective agreement;
- (s) to require any person, trade union or employer to post and keep posted in a place determined by the board, or to send by any means that the board determines, any notice that the board considers necessary to bring to the attention of any employee;
- (t) to enter any premises of an employer where work is being or has been done by employees, or in which the employer carries on business, whether or not the premises are those of the employer, and to inspect and view any work, material, machinery, appliances, articles, records or documents and question any person;
- (u) to enter any premises of a trade union and to inspect and view any work, material, articles, records or documents and question any person;
- (v) to order, at any time before the proceeding has been finally disposed of by the board, that:
  - (i) a vote or an additional vote be taken among employees affected by the proceeding if the board considers that the taking of such a vote would assist the board to decide any question that has arisen or is likely to arise in the proceeding, whether or not such a vote is provided for elsewhere; and

- (ii) the ballots cast in any vote ordered by the board pursuant to subclause (i) be sealed in ballot boxes and not counted except as directed by the board;
- (w) to enter on the premises of an employer for the purpose of conducting a vote during working hours, and to give any directions in connection with the vote that it considers necessary;
- (x) to authorize any person to do anything that the board may do pursuant to clauses (a), (b), (d), (e), (i), (j), (s), (t), (u) and (w), on any terms and conditions the board considers appropriate, and to require that person to report to the board on anything done”.

A debate arising, it was moved by Mr. Krawetz, in amendment to the amendment:

Clause 18(m) as proposed by the amendment to clause 5 of the Printed Bill is amended by striking out “dismissed” and substituting “filed”.

A debate arising and the question being put on the sub-amendment, it was negated on division.

30. The debate continuing on the amendment to clause 5, it was moved by Mr. Krawetz, in amendment to the amendment:

Clause 18(n) as proposed by the amendment to clause 5 of the Printed Bill is amended by striking out “dismissed” and substituting “filed”.

The question being put on the sub-amendment, it was negated on division.

31. The debate continuing on the amendment to clause 5, it was moved by Mr. Krawetz, in amendment to the amendment:

Clause 18(q) as proposed by the amendment to clause 5 of the Printed Bill is struck out and the following substituted:

“(q) to decide any matter before it without holding an oral hearing where both parties consent and there are no issues in dispute;”.

The question being put on the sub-amendment, it was negated on division.

32. The debate continuing on the amendment to clause 5, it was moved by Mr. Krawetz, in amendment to the amendment:

Amend clause 18 as proposed by the amendment to clause 5 of the Printed Bill by adding the following after clause 18(x):

“(y) to provide for an appeal to be heard by a panel of the board by any party that is affected by anything done pursuant to clause (x)”.

The question being put on the sub-amendment, it was negated on division.

The question being put on the amendment, it was agreed to on division.

The question being put on clause 5 as amended, it was agreed to.

33. The question being put on clause 6, it was agreed to.

34. During consideration of clause 7, it was moved by Mr. Krawetz:

Subsection 26.5(1) as being enacted by clause 7(1) of the Printed Bill is amended by striking out “20” and substituting “60”.

The question being put on the amendment, it was negatived on division.

35. The debate continuing on clause 7, it was then moved by Mr. Krawetz:

Subsection 26.5(1)(c)(iv) as being enacted by clause 7(1) of the Printed Bill is amended by striking out “90 days” and substituting “12 months”.

The question being put on the amendment, it was negatived on division.

The question being put on clause 7, it was agreed to.

36. The question being put on clauses 8 and 9, they were agreed to.

37. On motion of Mr. Yates

Ordered, That the committee report Bill No. 87 - The Trade Union Amendment Act, 2004 - with amendment.

38. The committee considered Bill No. 86 - The Labour Standards Amendment Act, 2004 (No. 2).

The following Department of Labour Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Deb Higgins, Minister

Bill Craik, Deputy Minister

John Boyd, Executive Director, Planning and Policy Division

Melanie Baldwin, Board Registrar, Labour Relations Board

Eric Greene, Director, Labour Standards

Mary Ellen Wellsch, Manager, Legal Planning and Legislation

Pat Parenteau, Senior Policy Analyst, Planning and Policy Division

39. The question being put on clauses 1 to 7, they were agreed to.

40. During consideration of clause 8, it was moved by Mr. Krawetz:

Strike out clause 74(3)(c) as being enacted by clause 8(2) of the printed Bill and substitute the following:

“(c) any person directly or indirectly responsible for supervising the employee or any manager, director, owner or person with authority to direct the employment activities of the employee or in the case of a person employed in the public service, an elected official or senior administrator”.



The question being put on the amendment, it was negatived on division.

The question being put on clause 8, it was agreed to.

41. The question being put on clause 9, it was agreed to.

42. On motion of Mr. Yates:

Ordered, That the committee report Bill No. 86 - The Labour Standards Amendment Act, 2004 (No. 2) - without amendment.

43. The committee considered Bill No. 122 - The Miscellaneous Labour Statutes Amendment Act, 2005.

The following Department of Labour Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Deb Higgins, Minister

Bill Craik, Deputy Minister

John Boyd, Executive Director, Planning and Policy Division

Melanie Baldwin, Board Registrar, Labour Relations Board

Eric Greene, Director, Labour Standards

Mary Ellen Wellsch, Manager, Legal Planning and Legislation

Pat Parenteau, Senior Policy Analyst, Planning and Policy Division

44. The question being put on clauses 1 to 7, they were agreed to.

45. On motion of Mr. Yates:

Ordered, That the committee report Bill 122 - The Miscellaneous Labour Statutes Amendment Act, 2005 - without amendment.

46. The committee considered the Estimates for the Department of Environment.

The following Department of Environment Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. David Forbes, Minister

Lily Stonehouse, Deputy Minister

Wayne Dybvig, Vice President, Operations, Saskatchewan Watershed Authority

Bob Ruggles, Assistant Deputy Minister, Planning and Risk Analysis

Alan Parkinson, Associate Deputy Minister, Compliance, Fire and Forest Division

Hugh Hunt, Executive Director, Resource Stewardship Branch

Joe Muldoon, Executive Director, Environmental Protection Branch

Donna Johnson, Director, Finance and Administration Branch, Corporate Services Division

47. On motion of Mr. Yates:

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2006 the sum:

For Environment .....\$187,067,000

48. The committee then considered the Estimates, Supplementary Estimates and Further Estimates for the Department of Finance.

49. On motion of Mr. Yates

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2006 the sum:

**Executive Branch of Government**

For Finance .....\$149,187,000

For Finance – Servicing the Government Debt (Statutory)

For Municipal Financing Corporation of Saskatchewan (Statutory)

Fiscal Stabilization Fund Transfer

Fiscal Stabilization Fund

**Lending and Investing Activities**

For Crown Investments Corporation of Saskatchewan (Statutory)

For Municipal Financing Corporation of Saskatchewan

For Saskatchewan Opportunities Corporation (Statutory)

For Saskatchewan Power Corporation (Statutory)

For Saskatchewan Water Corporation (Statutory)

For Saskatchewan Telecommunications Holding Corporation (Statutory)

For SaskEnergy Incorporation (Statutory)

**Debt Redemption, Sinking Fund and Interest Payments**

For Finance – Debt Redemption (Statutory)

For Finance – Sinking Fund Payments – Government Share (Statutory)

50. On motion of Mr. Yates:

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2005 the sum:

**Executive Branch of Government**

For Finance..... \$4,500,000

51. The committee then considered the Estimates and Supplementary Estimates for the Department of Industry and Resources.

52. On motion of the Hon. Ms. Higgins:

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2006 the sum:

**Executive Branch of Government**

For Industry and Resources ..... \$58,623,000

53. On motion of Ms. Hamilton:

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2005 the sum:

**Executive Branch of Government**

For Industry and Resources ..... \$4,509,000

54. The committee considered the Estimates for the Department of Labour.

55. On motion of the Hon. Ms. Higgins:

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2006 the sum:

For Labour ..... \$14,744,000

56. The committee considered the Estimates for the Saskatchewan Research Council.

57. On motion of Ms. Hamilton:

Resolved, That there be granted to Her Majesty for the twelve months ending March 31, 2006 the sum:

For Saskatchewan Research Council ..... \$8,190,000

58. The committee then considered its Third Report of the 25<sup>th</sup> Legislature. It was moved by Mr. Yates:

That the Third Report of the Standing Committee on the Economy be adopted.

The question being put, it was agreed to.

59. The committee adjourned at 10:43 p.m. to the call of the Chair.

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Margaret A. Woods  
Committee Clerk

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Eldon Lautermilch  
Committee Chair