



Standing Committee on Private Members' Bills

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**STANDING COMMITTEE ON PRIVATE MEMBERS' BILLS
2002**

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Regina Elphinstone

Kevin Yates
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The committee met at 09:00.

The Chair: — Good morning, everyone. Welcome to the Private Members' Bills Committee. We have some new members so I'd like to welcome the new members to our committee.

It didn't look like a big secret to me that there would be some interest from some rural members to the Bill that'll be before us during this session.

I think for the benefit of the new members, the Private Bills Committee, or the private Bills are a different process from the regular public Bills system. They're brought forward either by private interests or private members who have been approached by groups or organizations in the community that require their legislation to come through the legislature and are sponsored by private members to be considered by the legislature. Then they are put to a committee so that the requirements for public hearings, for the committee to roll up their sleeves and look at the bills before . . . then as your Chair, I would present them to the legislature.

The duty before us this morning is a Bill that in the past has received much attention. Some of you may have been here during many hours of hearings. We are now having the Bill presented to us by a private member but also a member of the committee, Ms. Jones.

With that brief introduction and if new members have no further questions, there are requirements that the committee must meet as far as the advertising and allowing for hearings. So within our brief session we're going to try and do as much of that as possible.

So I'd ask that you look probably to next Monday, perhaps Tuesday, depending on the numbers of people that we hear from, to be able to have the hearing on the Bill.

With that I think we'll go right into what we need to have happen this morning since this is a mini-session, so to speak. We need to see if we can accommodate the petitioners for this Bill in somewhat of a different manner. And I'll now hand this over to Gwenn Ronyk, our Clerk, to explain that to us.

Ms. Ronyk: — Thank you, Madam Chair. All members have before you the report to the Chair of the committee from the Clerk and it's under the rules that the Clerk is required to report to you regarding whether the petitioners have met the requirements in the rules.

At this point you have before you just the petition and it's attached to the report. It's the second page. And on the third page in your packet is a copy of one of the notices, one of the publications that the petitioners did to notify people.

Now you'll notice in the . . . on that notice page that the final paragraph after the one, two, three, four points, is an explanation of the purpose of the amendments to the Bill. So that may be helpful background to you although we won't really be looking at the Bill until the next committee meeting.

This morning we look to see whether the petition has followed the rules, and my report there shows that rule 68, which requires the notice to be published in the *Saskatchewan Gazette* and in a daily newspaper having circulation in the area affected, have all been met. In fact they did advertise in all four dailies in the province because it is a province-wide organization. So that rule was fully complied with.

Rule 65 requires the petitioners to pay a fee for the printing and handling of the Bill and they have done that.

Rule 64 is the rule which requires that the petitions for private Bills be initiated and filed with the Clerk by the 20th sitting day. That's in order to get the Bills into the process early in the session so that they have time to get through all of the steps.

Now that is the rule that has not been able to be met by this petitioner because we are into a fall sitting, but it's a continuation of the spring. Therefore we are at day 81 today and the petitioners have not been able to of course meet that. They would have to wait until next spring if they were going to meet that rule.

Now the petitioners have asked that it be dealt with this fall session due to their internal needs, and the report there indicates to you what would need to be done to enable this Bill to be considered during the fall session.

The first point is that the filing deadlines in rule 64 would need to be waived. And if the committee agrees to do that, you would recommend that to the House in your report.

Point two. The timelines that are required under the other rules, once the Bill gets . . . or the petition gets reported back to the House, under rule 73 to 83, would need to be modified to speed up the process to enable its consideration and passage this fall session.

We have a process outlined that would allow the Bill to get through its steps by the end of this fall session, but it does still preserve the right of the public to come to a public hearing on the Bill. So that part has not been suspended; it is there.

The Chair: — Thank you, Ms. Ronyk.

With the last part in mind, I don't know if the sponsoring member for the Bill would want to make some comment or if there are any questions that the committee members would have, that what we require this morning would be a motion to the effect:

That the committee would recommend to the Assembly that rule 64 regarding the filing deadline for petitions be waived, and that pursuant to rule 84, the timelines in rule 71 to 83 be modified to enable the consideration and passage of the Saskatchewan Wheat Pool amending Bill by December 18, 2002.

So, Ms. Jones?

Ms. Jones: — I'm certainly prepared to move that. And if you wish, I could comment on the reasons.

The Chair: — What's the wish of the committee? Would you like the member to give a brief explanation or is it . . .

Ms. Jones: — Just the brief explanation of course is that timeliness is the main reason for considering the Bill at this time. And as indicated by Gwenn and . . . or the Clerk and the Chair, the normal process would require us to wait probably at least six months before this could be dealt with. And the Pool feels that in this rapidly changing global situation that they need some flexibility and ability to be able to move quickly on business opportunities that may present themselves. And so they're quite anxious that we proceed, and I'm certainly prepared to assist them in that.

The Chair: — Questions?

Mr. Dearborn: — Thank you, Madam Chair.

I have a more general question just with regards to The Saskatchewan Wheat Pool Act. Obviously the company has faced some financial troubles and it looks like it's possibly moving into getting some new investment. The question that I have, if someone can explain to me, is why they've stopped at this level. Why haven't they asked to be free of legislation and just act as a corporate entity? Could somebody explain that?

The Chair: — I think, Mr. Dearborn, what we will have is an opportunity for the Wheat Pool themselves to come forward on Monday when we're scheduling hearings. And that would probably be the good time to ask that question. They haven't requested of any of us to bring forward a repealing motion. They're asking for this amendment.

So for us to understand that better, if you can hold that question for that time, it would be appreciated.

Mr. Dearborn: — Thanks, Madam Chair.

Mr. McCall: — Thank you, Madam Chair. I would imagine at that time we will also be provided with detail concerning the final part of the notice of intention to apply for a private Bill whereby they state:

provided that any such bylaw amendment has received the necessary approvals from the delegates and the Class "B" Non-Voting Shareholders of the Corporation.

That will be discussed at that time as well, Madam Chair?

The Chair: — As the Clerk mentioned, publication notice went to all of the major dailies in the province. And at that time if there are members of the public or of shareholders or others who are interested in this issue, they would come forward and state their issue, their concern, their approval, and the representation from the Wheat Pool would be present to be able to do that. So I think that's the next stage for us.

Mr. McCall: — Yes. I was just looking for precise detail as to whether it was a vote at convention of the Wheat Pool or if it was a directive of the board of directors or what have you. But I imagine that will be taken up at that time.

The Chair: — Do we have that information at the table?

Mr. Ring: — I can respond to that question, Madam Chair. The requirement for the two-thirds majority approval of any amendments by the class B non-voting shareholders is currently a provision in The Saskatchewan Wheat Pool Act, 1995, and so the Wheat Pool is simply complying with the requirements of the legislation as it was passed in 1995.

Mr. McCall: — Thank you.

Ms. Jones: — Further to that, Madam Chair, the portion referred to by the member is something that comes into effect. It's the purpose of the request for the legislation so that it would allow the Pool, after the amendments, to do points one, two, and three, provided that the bylaw amendment receives the necessary approval in the future. So this is kind of what happens if and when the Bill is passed.

Mr. McCall: — Madam Chair, I appreciate all of that. I was just looking to get some insight into the internal decision making that has taken place to date to bring this forward.

Ms. Jones: — I see.

The Chair: — Is there anyone that has that internal knowledge? Or Mr. Allchurch, you have a question. Mr. Brkich, could I . . .

Mr. Brkich: — Yes, I believe . . . I think it was a shareholders . . . Didn't they mail out, if I'm not right, if you were a Pool member, they mailed out and you could make a decision. I think it was the actual shareholders that voted on this, but don't quote me on it. But I . . . Do you remember anything or do they have to put a petition in? But I think they did mail out something to shareholders and you could decide if you wanted to . . . Or Ms. Jones might even have some more information on it.

The Chair: — Okay. Well we'll ask Ms. Jones who's sponsoring, and then Ms. Harpauer . . . (inaudible) . . . she has, and then Mr. Allchurch has a question.

Ms. Jones: — My information, when asked to sponsor this Bill provided to me, said that two-thirds of the delegates, in order to effect the changes, two-thirds of the delegates must approve moving both provisions from the Act to the bylaws. And on October 25 at a delegates' meeting they received a 90 per cent approval. And two-thirds of class B shareholders that attend the annual meeting or vote by way of proxy must approve moving the . . . After the things are in place, then two-thirds of the class B shareholders would have to approve a change to the percentage that a shareholder can hold.

So the request for the changes have already received a 90 per cent approval from the delegates.

The Chair: — . . . you've said and what you were going to add, Ms. Harpauer.

Mr. Allchurch: — Thank you, Madam Chair. We have on the floor right now a motion to waive rule 64.

The Chair: — Well I'm going to . . . I would just for proper procedures or whatever, just to make certain that the public and others don't feel that there might be any need to question, it

would probably be good to have a mover who is not the sponsor. So if I could then call for a mover and . . . (inaudible interjection) . . . All right. Now you have a motion on the floor.

Mr. Allchurch: — Yes, we have a motion on the floor.

The Chair: — Yes.

Mr. Allchurch: — Does the motion have to be put forth today and passed today? The reason I'm saying that is we have tentatively booked Monday or Tuesday as days when the Wheat Pool representatives will come in and talk to us regarding this Bill.

After that, can we not move a motion to waive rule 64? I don't believe we should be waiving rule 64 now without having the details from the Saskatchewan wheat board here.

The Chair: — We are waiving rule 64 because they cannot meet the 20-day deadline based on the time frame for this session. So for us to be able to move to Monday, we need the approvals to do that.

So today we have to, as a committee, recommend that normal processes would not occur, and ask the legislature to agree with us so that we can have people come forward on Monday.

Mr. Allchurch: — So if we were not to have this motion pass today then it would hold up the schedule basically?

The Chair: — It would then move it to spring session.

Mr. Allchurch: — I'm just wondering why we're going ahead with the motion without correspondence first, that's all.

The Chair: — Well the correspondence has occurred. Ms. Ronyk has outlined the petitioner, for us to be able to consider this, to go through the proper gazetting. And that was met. They had to file in a certain manner and pay for that, and that was met. Then they have to correspond to this committee through that process but also through the private member to present the Bill. And now it's at the stage where we say none of that can occur this session unless we support the motion that's been presented to us.

So there's been much done, but we're not asking you today to vote on something that will pass the Bill. We're asking for you to allow the hearings to occur in a shorter time frame, and for us to be able to modify the time frame for the shorter session.

Mr. Dearborn: — Thanks, Madam Chair. I just had a . . . Hopefully somebody could clarify for me: the class A shares of the Saskatchewan Wheat Pool are the farmer-member shares who appoint the delegates and the class B shares are the shares currently floating on the TSE (Toronto Stock Exchange) — is that correct?

Ms. Jones: — Non-voting shares.

Mr. Dearborn: — They're the non-voting. Thank you.

The Chair: — The legislature and members have an opportunity — there will be many opportunities for us — first

to present our motion from this committee this morning to stop the process, or after hearing the presentations, if there's the major will to do that. So what we're doing this morning is allowing for a process to go ahead at this point.

Mr. Yates: — I just wanted to make it very clear, all this does is move the process forward. This committee does not have to approve it. We hear our presentations and we make our decisions, as we do with any piece of legislation. Thank you.

The Chair: — Okay, so that has been moved. We're looking for a seconder — Mr. Brkich — to the motion that's before us:

That the committee recommend to the Assembly that rule 64 regarding the filing deadline for petitions be waived, and that pursuant to rule 84, the timeline in rule 71 to 83 be modified to enable the consideration and passage of the Saskatchewan Wheat Pool amending Bill by December 18, 2002.

Moved and seconded. Further discussion? All those in favour? Opposed? Seeing none, the motion is carried.

The step from here . . . You have the draft report before you and our Clerk points out that pursuant to rule 84, the House cannot recommend that we don't proceed with a private member's Bill. It's our committee that pursuant to rule 84 will recommend to the House and then they could accept that recommendation.

So our report is reflecting that we passed the motion before you and then we're saying that we recommend to the legislature that they would allow for the passage to occur in this way.

Mr. Yates: — I would move your draft report.

The Chair: — Seconded by Ms. Harpauer. Further discussion? Seeing none, all those in favour? Opposed? Carried.

So the next you will hear of this is this afternoon in the Assembly when they make the report.

Mr. Brkich: — There was some petitions. At least we received some to the Legislative Clerk. Do you let the people know that mailed the petitions in, the time of the hearing? Or is it up to us? We didn't receive a cover letter but I have received some petitions of people that are against this Bill. I just feel, I guess, they should have an opportunity to come and voice their concerns. Is it up to us to let them know or does . . . The letter was mailed to the Legislative Clerk, but do they let them know, then?

Ms. Ronyk: — Madam Chair, we did not receive any petitions.

The Chair: — Mr. Brkich, the Clerk's office did not receive petitions so they are not able to respond to that. And so I'm assuming that as a member of the committee and a member of the legislature if you received them, probably then the onus would be on yourself or your caucus office perhaps to be in touch with them.

Mr. Brkich: — Okay. Just that the one we received was mailed to the Legislative Clerk, Legislative Building, but all I've got is just a copy of it. It was just given to me this morning and they

just asked if I'd just bring it up. I'll give the Clerk a copy of the petitions anyways and then I guess it's up to them to read it in the newspaper and if they want to make a presentation . . . if they want . . . I was just asking the process of it.

Ms. Ronyk: — It certainly is our role at the Clerk's office if we hear any individuals who wish to appear, then we make a commitment to let them know when the committee will be and so on. So if you do want to pass those to us we can look after that.

The Chair: — That's good.

Mr. McCall: — I'm sure that the member would have no trouble with this, but would you be able to table that with the committee so that we all might see it and have a peek at it?

Mr. Brkich: — Yes. I just received it this morning so I have some copies here of the petition here.

Mr. McCall: — Thanks.

The Chair: — And we'll distribute those to committee members.

Good. Is there any further business before the committee? If not . . .

Mr. Yates: — I move we adjourn.

The Chair: — I will take that motion for adjournment. Seconded? All those in favour? Opposed? Carried. Mr. Yates, Ms. Junor. We're done.

The committee adjourned at 09:20.

