

STANDING COMMITTEE ON PRIVATE MEMBERS' BILLS

March 16, 1995

Bill No. 04 — An Act to amend An Act respecting Saskatchewan Wheat Pool, being an Act to amend and consolidate "An Act respecting Saskatchewan Wheat Pool, being an Act to amend and consolidate An Act to incorporate Saskatchewan Co-operative Wheat Producers Limited" and to enact certain provisions respecting Saskatchewan Wheat Pool

The Vice-Chairperson: — We will call the committee to order. We are here tonight to go through Bill 04, clause by clause. And I would like to mention there's a list of presenters that is available, those presenters that have tabled a . . . a list of presenters are here for anyone that's interested, and also verbatims. Please make any requests for copies of the verbatim to the Clerk's office.

And I think what we'll do . . . I have mentioned the number of the Bill 04 and the member who's appearing for and . . . These things that have been done . . . the Law Clerk's report. So to open the meeting I need a motion to accept the preamble.

Mr. Kowalsky: — Before we make that, give you that motion, I would like to just make a remark if I could, Mr. Chair. I asked to make a remark at this time because yesterday in our deliberations, one of the questions I posed that I felt I needed answered to my own satisfaction, was whether by passing certain cooperative principles under this Act, was in conflict or would legislatively or legally with the . . . and whether it would have any impact on the principles as passed in the Act respecting cooperatives, that is, The Cooperatives Act 1989. Since then I've had the opportunity to do some research and get some advice on this matter and I've come to this conclusion, Mr. Speaker, and that is that the answer to the question lies in understanding the nature of the private members' Bill itself and the process involved for private members' Bills.

By approving certain principles or really any clauses in this, the private members' Bills simply applies those definitions or those working definitions that are included in the Bill to the company or organization in question itself. It does not in any way change the definition that are presently in government statutes and does not in any way impinge on

them. The government statute, being The Cooperatives Act, remains the legislative interpretation of cooperative principles.

To be able to understand this I'll just give one example. It's very similar to the position that government might take on churches. That is, in general the government takes a broad position that there is a right to worship or to decline to worship. But yet at the same time the government has passed several Bills pertaining to the internal workings of several specific denominations without taking on the role or the responsibility for promoting that particular denomination.

So there are items that need, however, to have the status of law — items which are not government initiatives — and that is the purpose for the private members' Bills system. And it's not up to members within the committee, or it's not up to the members of this committee, to decide whether to support or to oppose any specific content within the Bill.

In this process that we've just gone through we've heard many amendments suggested. We heard excellent presentations from both sides on topics regarding changing things like the right for patronage and whether or not there should be a vote ordered for this.

In all of these cases, the opportunity for an amendment would arise if there was consent from the party that's affected — in this case the Chair and board of directors of the Saskatchewan Wheat Pool. If there's not consent then the position that the government members take is that the amendments are not presented.

Because we believe that all of these items — pretty well every one of the items that were presented — were items which were within the purview of the Saskatchewan Wheat Pool and those directions . . . they do have the capability of taking those directions that are suggested inside. It's just simply a matter of an internal political decision whether or not they would do so.

And to override any of the decisions made internally by the Saskatchewan Wheat Pool . . . well to change, pardon me, to change any or to put an amendment without the consent of

the Saskatchewan Wheat Pool would be to override the decision of the Saskatchewan Wheat Pool. And in doing that it's my position that we would not be maintaining the integrity of the legislature specifically as in terms of respecting the process of the Private Members' Bills Committee. We feel that that is in the greatest public interest, whether or not we might have specific positions personally on the content of the Bill. So accordingly, Mr. Chair, I advise that neither I nor any government members will be introducing any amendments to this Bill.

The Vice-Chairperson: — Thank you, Mr. Kowalsky. I forgot to mention to the committee members, I will use the same system that the Madam Chairman did, is I will take you as I see your hands lifted and put you on the speaking list, so that if you want to get on be sure you get your hand up.

To Mr. Kowalsky, are you referring particularly to 3(c)(1) . . . 3(1)(c)?

Mr. Kowalsky: — I was referring to the entire Bill, Mr. . . .

The Vice-Chairperson: — Because you did say you wanted a . . .

Mr. Kowalsky: — I was just giving. . . I used that as my opening point because that was where, based on a statement that I started, that I questioned last night and there was not time to pursue that further.

The Vice-Chairperson: — Okay. So I was just wondering because that is something that came up several times. I wanted to be clear that . . .

Mr. Kowalsky: — I'm talking about the entire Bill.

The Vice-Chairperson: — Okay, thanks. Thanks, Mr. Kowalsky. Can I have a motion to accept the preamble? Have you all read the preamble, satisfied with it? Do you want it read?

Mr. Kowalsky: — I will so move. I will so move.

The Vice-Chairperson: — Moved by Mr. Kowalsky. Do I have a seconder? We don't need one. Okay. Okay, then is that agreed to?

Then we will go to clause 1. Are there any questions in clause 1?

Mr. Johnson: — Because this Bill is written, structured, in a strange way, can you be a little more explicit in some of these things as to what is clause 1 and where we are, because we might as well know what we're doing here.

The Vice-Chairperson: — Okay. The whereas clauses on the front page are the preamble. And we accepted them. Excuse me, I have a bit of a cold. And so we're down to where it says, "Short Title, Part I." That's clause 1. Agreed?

Clauses 1 to 6 inclusive agreed to.

The Vice-Chairperson: — Okay, thank you. We're into the schedule at the top of the page, section 5, but because of the structure of this we're going to go through that clause by clause. Agreed? Okay.

Clauses 1 to 13 inclusive agreed to.

Mr. McPherson: — Mr. Vice-Chair, do we have to go clause by clause or can we go, clause 14 through to 24 inclusive?

The Vice-Chairperson: — It has been done where you can go a page at a time or . . .

Mr. McPherson: — Obviously the government members have already said there's no amendments coming forward. I just thought for the sake of time . . .

The Vice-Chairperson: — With leave of the committee you can do that. We have done it. Okay. Then let me, before I get out of . . . We were on clause 13. Let us go from 13 to 15.

Mr. McPherson: — From 14 to 24.

Clauses 14 to 24 inclusive agreed to.

The committee agreed to report the Bill.

The Vice-Chairperson: — Just bear with me, I've got to sign these.

You all have before you a draft of the eighth report of the committee. Are there any comments? Then I will read into the record the only thing that's different on this, and:

Pursuant to Rule 68, the committee held 32 hours of public meetings to hear witnesses for and against the Bill. The committee heard from 70 witnesses and also received 10 written submissions. (And) the committee (now) wishes to thank all those who participated in this process.

Your committee has agreed to report Bill No. 04 without amendment.

Can I have now a motion to adopt the report? Mr. McPherson and Mr. Johnson. Are you agreed? Carried.

I'm going to have Gwenn give you a little briefing here. She's much, much more up to date than I am.

Ms. Ronyk: — Thank you, Mr. Chairman, just to brief the members on the process from here on in. Tomorrow morning the committee's report can be presented to the House and the Vice-Chair will move the concurrence motion, usually seconded by a member from the other side of the House, and that is the opportunity for any debate or remarks that members may wish to make.

And upon concurrence in the report, the Bills, all four of the private Bills will be set down for Committee of the Whole and third reading to take place on the next private members' day, which is next Tuesday. At that point the House of the Whole looks at the Bills clause by clause, and will proceed to third reading, following the clause by clause in the House. And then after that the only thing remaining is of course, Royal Assent.

Thank you, Mr. Chairman.

The Vice-Chairperson: — Is everybody pretty clear? I would entertain a motion to adjourn.

Mr. Langford: — I move the motion that we adjourn.

The Vice-Chairperson: — I want to — now that we're adjourned — I want to, I think, say a few words to the committee.

We sat here for quite awhile, I missed a couple of meetings, and I was pleased with the way the Chair handled a meeting. I was impressed with the way the members approached the

questions and the presenters were very good.

I don't remember having a Bill like this before us, and I think it was only right that the Chair should recognize not only the presenters and the witnesses, but you as a committee, the way . . . I think you handled yourselves very well. And I think we should let Mrs. Teichrob know that I for one was quite satisfied with the way she handled what might have been a difficult meeting. So I want to thank you all.

If there's no further comments, I will declare the meeting adjourned.

The committee adjourned at 7:30 p.m.