



Standing Committee on Private Members' Bills

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**STANDING COMMITTEE ON PRIVATE MEMBERS' BILLS
1998**

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Athabasca

Bill Boyd
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Battleford-Cut Knife

Larry Ward
Estevan

Grant Whitmore
Saskatoon Northwest

The Chair: — I'll call the meeting to order, and we have two Bills that are before us. My recommendation is that we go through each Bill separately. We have a motion that we need to pass on each one, or reject. And to start with, who is giving us the examination to see whether it's correct or not? Are you or . . . This is the report. Okay.

With the first — I believe everyone has copies of this then? — with the first Bill, 301, of the . . .

A Member: — We don't have copies of the Bill.

The Chair: — No, not Bills. Okay, in accordance with the rules of the Legislative Assembly I've examined the following petition and in my opinion it is in full compliance with the rules. And I was reading what the petition covers. It's of the Conference of Mennonites in the province of Saskatchewan.

If someone would move that the petition be accepted, and then we have it on the floor for discussion.

Mr. Koenker: — So moved.

The Chair: — Is there any discussion?

Mr. Boyd: — Who can tell me what this is all about?

The Chair: — I'll ask the Clerk to bring us up to speed on the rules and the procedures of the committee, if you would please.

Ms. Ronyk — Thank you. Thank you, Mr. Chair. The purpose of the committee at this stage is to review the petitions that proceed the introduction of the private Bill into the House.

And what has happened so far is that the private interests out there who want a change to their private Act, or do want to create in this case a private Act, have petitioned the House to introduce the Act. And in order to do that they have had to advertise their intention to the public, to those interested.

And all that you're doing at this meeting is reviewing the petitions. The Bills have not yet been presented to the House. They won't be until you agree that the petitions have been properly drawn and have been advertised according to the rules. And once this committee agrees that the petitions are in order, then upon the presentation of the committee's report to the House to that effect, the Bills are then deemed to be introduced and read the first time.

And then after, on the next private members' day, when the member sponsoring the Bill, Mr. Kasperski and Mr. Renaud I think it is, the other Bill, they'll move second reading next Tuesday. And after second reading then the Bills come back to this committee as Bills.

And it is at that committee that you go through the Bills clause by clause. And you'll hear from the petitioners, and their legal counsel if necessary, who are supporting the Bill. And if there are any individuals who are opposing the Bills, you will hear from them at that point.

And so what the report that you have before you is, is your

information from the Clerk, with whom they have to file their papers with respect to the petition for the Conference of Mennonites of Saskatchewan. They have indeed published their notice in the required gazette and newspapers according to the rules, and they've submitted them in time.

Mr. Langford: — Basically what your asking right now, is for approval to carry on so this can proceed. Is that what basically what we're doing?

The Chair: — Yes, to move it to the House for first reading is actually done.

Ms. Murray: — Thank you, Mr. Chair. You may have discussed this at a previous meeting so I apologize if . . .

The Chair: — No previous meeting.

Ms. Murray: — Oh, no previous meeting. Well I just want to know, like my friend, Mr. Boyd, on the other side, what does it do? — the Conference of Mennonites? I mean what is the purpose of the legislation or the Bill?

The Chair: — Okay.

Ms. Murray: — I mean just briefly, for my own interest.

The Chair: — I'll ask the Law Clerk to give a short synopsis of what the Bills are.

Mr. Cosman: — If I may, Mr. Chair. Actually I'm going to read from the notice that the petitioners gave as to the purpose of the Bill. They are asking that a new Act be passed, the purpose being to incorporate and continue the Conference of Mennonites of Saskatchewan as a body corporate and to provide for the general conduct of its affairs. The corporation would provide for its membership and governance in its bylaws giving the corporation the flexibility to, among other things, adopt a parliamentary system of governance entitling members to send delegates to conference meetings and schedule conference meetings to decide issues without being constrained by the notice provisions in The Non-Profit Corporations Act. The corporation will cease to be a corporation under The Non-Profit Corporations Act of Saskatchewan if this Bill is passed.

And so, as I understand it, the conference Mennonites were finding the existing Non-Profit Corporations Act, 1995 in Saskatchewan to be constraining on their system of governance and so they need special legislation for their special case.

Mr. Langford: — I guess it's no place to debate now until we get officials and so on to come here and maybe protect themselves but this will be for debate down the road.

The Chair: — We will have to call at least a second meeting at which time officials that can answer the questions related to the Bill will be there and with the possibility of people that support or oppose the Bill. Okay, there's been a three weeks notice will be for the next meeting for people to attend. Any further questions or discussion on this? If not I guess it's the question. All those in favour please indicate. Opposed? Seeing none, it's

carried.

We have a second one that affects Bill 302 and I will ask the Clerk of the Assembly to present her report on that.

Ms. Ronyk: — Thank you, Mr. Chair. I apologize to the committee — I have copies of the petitions just being made so that you can look at the petition and see what it was they told the public they wanted to do. It's just on a one-pager; it tells you kind of an idea of what it was they intended to do. But with respect to the report on fulfilling the rules for the advertising and filing of the petition, my report indicates to you that there may be some doubt whether the way that the petitioners for the petition 302 proceeded, that rule 68(2) may not be in full compliance. They may not have been in full compliance with that rule. And the rule is as follows. It's rule 68(2):

Such notice shall be published prior to the filing of the petition with the Clerk of the Assembly as required in rule 64(1) in two consecutive issue of *The Saskatchewan Gazette* and four consecutive issues of a newspaper, published in English and having circulation in the locality affected.

Now you'll notice from the list of where the petition is published, they published in the *Saskatchewan Gazette* and there they follow the rules — two consecutive issues of the *Gazette* — and then they published in the *Regina Free Press*, which is an English language newspaper. But the question is whether the *Free Press* is actually sufficient to constitute publication having circulation in the locality affected, because the *Regina Free Press* is the weekly that really has circulation only in Regina and in an area of about a 10-kilometre radius around . . . or 10-mile radius around the city.

Now what the petitioners also did do was published their petition in *l'Eau vive*, which is a French language newspaper but it's a provincial newspaper. It has circulation throughout the province and certainly has circulation and leadership in the French-speaking communities affected by the Bill.

But the rules, the rules of the Assembly do use the words "published in English and having circulation in locality affected." And therefore I have pointed this out to you and it's now I think left for the committee to decide whether publication in a province-wide newspaper published in French is sufficient public notice in your view.

The Chair: — Could I have someone move that the petition be accepted and then we will have it on the floor for discussion for either defeat . . . Grant Whitmore. Okay it is now open for discussion then related to the report that the Clerk gave us.

Mr. Koenker: — I'm not aware of a province-wide newspaper in English maybe other than the *Prairie Messenger* or *The Western Producer*. Certainly the *Regina Leader-Post* or the *Star-Phoenix* would encompass the, a broader constituency than the *Regina Free Press*. And yet, I think, given the community of interest given this legislation, the fact that it was published in the French press province-wide, might cover the sin of not — if anyone were to call it a sin — of not publishing in a province-wide English press.

So I guess I would say, in this instance, I'm not particularly offended by the fact that it isn't in a province-wide English publication. In fact there may be a historic — what would we call it — a little bit of an oversight in requesting that it only be in an English-language paper. I can think of any number of different ethnic groups who might have special interests, it might be more adequately covered by giving notice in the publications of their own language.

So I'm saying then, personally I don't see this as a huge problem.

Ms. Murray: — Thank you, actually my point was similar to Mr. Koenker's. I'm reading the rule 68(2), published in English, and presumably there has never . . . that is the existing rule. There is no provision for French or, as Mark says, any other language. Has it ever happened before? I guess I have the question, has it ever happened before that legislation or private members' Bill has not been in compliance with the rules? And if so, and if you can remember, what, what was the committee's decision at that time?

Ms. Ronyk: — Thank you, Mr. Chair. I'm not aware of this particular publication issue having come up before with respect to the French language. I notice that the original Bill, the original Act, for the Fondation Fransaskois was introduced in 1975, and at that time there was no provision for the use of French . . . requirement for the use of French in the Assembly, The (French) Language Act has been passed since that time.

And I expect the requirement in the rule published in English is a bit of an oversight and a throwback from, you know, it's been that way for many, many decades. But the only times that we have had some difficulties with the publication have usually been involved in whether they advertised in time, whether they advertised too early or too late. And in those . . . on those occasions the committee was . . . looked at the likelihood of people being improperly informed and felt that they didn't believe there was a problem there and they accepted the petitions even though there was a slight variance from the rule in terms of the timing of the advertising.

Ms. Murray: — Thank you. Thank you, Mr. Chairman.

The Chair: — Okay.

Mr. Koenker: — I note that the rule calls for it to be published in English and having circulation in the locality affected. Is that correct? I think in this instance, the locality of . . . locality affected we could assume would be the French-speaking community in the province. And it certainly meets that hallmark.

So I think they . . . I think what we have before us is an effort made in good faith to fulfil the intention of the legislation, and certainly comply with the spirit of it if not the precise letter of the legislation. And I think it could be argued, and I think they would argue obviously, that they did fulfil the letter of the law in terms of the publication in the *Gazette*, which is province-wide, in the *Regina Free Press*, and their French publication.

The Chair: — Any further discussion? If there's no further

discussion then I will call the vote. All of those in favour of that the petition now be accepted, please indicate. Down. Opposed? It's carried.

This is the report that will be made to the Assembly. Okay:

Your committee has duly examined the undermentioned petition for private Bills and finds that the provisions of rules 64, 65, and 68 have been fully complied with, and the Conference of Mennonites in the province of Saskatchewan praying for An Act respecting the Conference of Mennonites of Saskatchewan;

Your committee has duly examined the underlying mentioned petition for private Bills and finds that the provisions of rules 64 and 65 have been fully complied with. And your committee is satisfied that the publication requirements of rule 68 have been met, of the Fondation . . . (Anyway, I will not try to carry through) . . . in the province of Saskatchewan praying for An Act respecting the Fondation Fransaskois, 1998.

And if the committee agrees to that then we should have a motion, I guess, to accept that as the report to the legislature. June moves that motion. Discussion on the motion? Seeing none, all those in favour please indicate. Down. Opposed? Carried.

The Chair: — There will be a delay with the report, I'm told, until tomorrow to assure that we will have the Bills printed by that time so that they can be put into the House.

Mr. Koenker: — This constitutes first reading then?

The Chair: — Yes. And we have no further business? We only have one item then necessary and that is the motion of adjournment, and Grant Whitmore was quick off the start on that one. So it's been moved adjourned, and see you all here in about three weeks to get down to the asking of questions related to the two Bills.

The committee adjourned at 10:20 a.m.