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DEBATES and PROCEEDINGS

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Bill No. 129 – *The Executive Government Administration Act*

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. I rise today to enter into the debate on Bill No. 129, *An Act respecting the Administration of the Executive Government of Saskatchewan, making consequential and related amendments to certain Acts and regulations and repealing certain other Acts*. And of course this is a very important piece of legislation and there will be many questions what the consequences both, you know, the intended consequences and the unintended consequences.

And we see, you know, as this government came into power, and of course they were anxious to put their own face on things, and so they changed the word from department to ministry. And we're not sure why that was, but it's a language change and they never really fully explained why. Now we're having . . . Here we are, seven years later still dealing with some of that.

And of course we know that this government is particularly fond of regulations and not so much legislation. We see a decline in legislation in the House, and we don't know whether it's because they've run out of ideas or they just prefer to do regulations. And today we probably saw the most bizarre example of how quickly regulations can be made overnight, where we were in committee last night going late into the evening, late into the evening, and the officials and the minister were quite clear, there were no regulations. There were no regulations. And here we are. Apparently the cabinet meeting this morning, from what we understand from the Premier, who was twisting himself in knots, about that they had been made. And so there you go.

And so here we have a bill before us to talk about the kind of management this government has done. And we've seen some of the most bizarre behaviour of government to date, this afternoon and yesterday and last night, just to make sure that . . . You know, I'm not sure what they were trying to make the point of, you know, because when we looked at what the minister said in his remarks of November 12th — and I read it last night — he said later in 2014 that this was all going to be happening. He was quite, quite

fine with that.

And all of a sudden today, we hear that it's got to be done and we'll see what the timeline is. So I think that it's really important to talk about those kind of things because when we have issues before us about making regulations, and this is what this bill is, about how do we make regulations . . . And as I say, this is the government . . . This cabinet would prefer not to be here, not to be accountable, not to be transparent. And in fact they would like to do things behind a shroud of secrecy. We see that more and more and more, that we have concerns when this kind of legislation comes before us.

If it's just as simple as changing words from department to ministry, hey, we have a concern. Is this the best use of our civil servants, especially when we have a government that seems to be so dedicated to the use of lean? Is this a lean type of initiative, that they put together a piece of legislation of this size to change the word from department to ministry? This is efficiency at its best? I am not sure. So we are here to debate this bill and it's one that we'll have many, many questions.

He talks about how its intention is to consolidate the provisions of *The Government Organization Act* with the Executive Council provisions of *The Legislative Assembly and Executive Council Act, 2007*, and incorporates provisions of *The Tabling of Documents Act, '91*, *The Federal-Provincial Agreements Act*.

The new legislation will remove any confusion about the organization of ministries, and they talk about ministerial responsibilities. You know, and it does talk about legislative secretaries will not need to be reappointed every year. I mean the sad thing about this, Mr. Deputy Speaker, is you know the legislative secretaries themselves have not been as effective as we had hoped that they would. They are not out in the communities. We are not seeing them at places. So I'm not sure what exactly they're doing. Clearly we have some questions about that. And is that part of their lean initiatives, to have legislative secretaries? I mean that it is interesting that they don't want to reappoint them every year. Maybe they will even forget that they're in existence. I don't know. I think it's maybe a good idea to have their contracts renewed every year so at least we know that they're actually . . . that they have a job, that they have a job. I think that's important.

Interesting, you know, the appointment of advisory committees to ministers will require cabinet approval in all cases — and I think that's a good thing — and then that they can last, if I was reading this correctly, longer than a year. I think advisory committees are important. I think that it's a way to keep your ears to the ground, that you can hear what's happening. It's very difficult for ministers to get their best information, and this is one of the ways to make sure that they actually do. So I think this is a good thing. And I'll talk more at length about this.

The federal-provincial agreements will not require cabinet approval unless they require an expenditure by government of more than \$50,000. Of course we have some questions about what exactly does that mean. One of the things we know it means is that we may not find out about it because if it goes through cabinet then it's an order in council, and that's one way of us knowing that there's actually something happening. If this is done at

the ministerial level, there may not be any way that the public will get to know that this is happening. And we would expect that if something was happening, if 75,000, 100,000, or 250,000, it might be broken up to meet the requirements of being less than 50,000. What's to stop that?

So I think cabinet, and its way of having orders in councils published, that there's a way of keeping track of what is actually happening. What are the decisions being made? What will happen here? Will decisions be made publicly? So we'll have a question for the minister about how will he make this public. What accountability process will take place?

And I mean the thing with federal-provincial . . . I mean first of all we would like to know what examples there are of the kind of initiatives. Is it a promotion? Is it a public relations event? When you talk about less than 50,000, what kind of a project is it that is involving, you know . . . And I assume that when we talk about federal-provincial agreements, is that just between Canada and Saskatchewan? I would have some questions about that because we have here a situation where we have governments of like minds who would all of a sudden be doing a lot of initiatives of less than \$50,000.

This is something that could be very interesting and, you know, maybe it could be broken up so if there was something between the Ministry of Environment that was 75,000, all of a sudden there was two projects, one of 35 and one of 40,000. But what happens if there is a multi-ministerial project that involves, say, 10 ministries? There is 50,000 each from those 10. That's a half a million. I would assume that you would then have the same ministries from the federal government side. You have another half a million. All of a sudden you've got \$1 million, and nobody knows about it.

How does that work? How does that work for accountability and transparency? So this would allow that to happen. Are there ways of making sure that doesn't . . . or if it does take place . . . Because there might be a good reason. And we think that ministries should work in co-operation and there should be federal-provincial co-operation, but what is the accountability process here? And I am worried. I am worried deeply about what that could mean, and so we'll have lots of questions for the Minister of Justice on this about what kind of accountability will this be and where will that take place.

It could slide through the estimates process. Should we be asking, are there things that you're going to be anticipating spending 40,000, \$50,000 with the federal government? You know, these agreements come up in mid-year or at the end of the year, and all of a sudden you need to find resources, I would assume. This is not part of necessarily the budgeting process. So we'll be curious about this.

And again, you know, there are so many different angles you could talk about this, Mr. Deputy Speaker, because you're talking about federal-provincial. It's Sask-Canada agreements, but what about other provinces? Is it one across, right across? You know, all of a sudden we are talking about a lot of money. And what kind of projects are we talking about here?

So I have some questions about that, and I think that hopefully we can get some straight

answers from the officials and the minister in the evening that doesn't change by the time the sun comes up in the morning, like what happened today when we had questions last night in committee and those answers today are irrelevant because something happened over the course of the evening, of early morning.

An Hon. Member: — It's called work.

Mr. Forbes: — And so now I hear the minister over there, one of the folks over there saying it's called work. But it seems like an odd time to be working between midnight . . . You know, maybe this is the time they do regulations in Health, between midnight and 6 in the morning. I don't know how you do that with consultations. The officials are very clear in here about the work, the process that needed to take place.

And so I do have some questions about that, how this will be done in a transparent and accountable process, and how things that you get the answers in committee, if we get answers in committee the night before, that all of a sudden those answers the next day don't stand the light of day. They simply don't stand the light of day. How does that happen in a government that prides itself on transparency and accountability?

And today we look at this bill here. And it talks about the administration of executive government. Well we saw some very interesting transparency or administration of the executive government of Saskatchewan in the last 24 hours. So I have to tell you, we have a lot of questions about that.

And how do we, when we go to committee and we ask questions of the minister, of the minister and the officials, how can we have any confidence that they actually will have any meaning the next day? Because I tell you, I have to tell you, I think the minister and the officials were being straight and quite honest. They were talking to the best of their knowledge. But that knowledge clearly was different than the Premier's and what happened in the next convening hours between 11 p.m. last night and, you know, 1:30 today.

So we have lots of questions about this, Mr. Deputy Speaker, because we think that, as we go through this, we have to make sure . . . And this is a government that was elected, and it says they take great pride . . . They say they take great pride, but do they act with that great pride in transparency and accountability and consistency, all of that stuff? And now credibility, and now credibility that you should expect from a provincial government and from any ministry. Whether you call them a ministry or a department, it's all the same, isn't it? They should be transparent and accountable. And it doesn't matter whether you change their name or whether you keep it with the old name. It's all the same, isn't it, when it comes to having any credibility in the eyes of the people of this province?

So you know, and it talks about the kind of things, grant making and all of that. And I do want to talk a little bit about this last piece, about *The Financial Administration Act* as being amended to eliminate the Investment Board, and provide the treasury board so it can have non-ministerial members.

And it would be, you know, I've found that interesting because it's kind of a different practice the government has where they have non-Executive Council members. And maybe I'm wrong because this hasn't really been explained well to . . . you know, that they do have non-executive members, Executive Council members as part of the treasury board. And typically, you know, from what I understand, you have Executive Council, then you have the backbenchers, and the backbenchers are there to support the Executive Council.

And that's how our democracy kind of works. You have the backbenchers, while technically not part of the Executive Council, can sort of say, you know, we want to keep you in line. That's how a caucus meeting goes, right? That you have to make sure your work that you present has the support of the backbench, and if it doesn't, then you've got a problem.

But now you see the backbench is being brought into Executive Council. And I have a question about what does that really mean? It's not really a separate role anymore. It's kind of fuzzy, that backbenchers can be brought in and out. And whatever happened to the Executive Council concept? Because essentially they all can be part of the Executive Council. And I guess now they can be, and it's been an experiment this government has tried for the last few years for a variety of reasons. But I think that I'm curious about that. That's a significant change.

So I want to take a minute now to reflect on what the minister had to say about this in terms of the intention of Bill 129, *The Executive Government Administration Act*. Of course the Minister of Justice has been very busy. He's been bringing lots of things forward, and this just came forward just a few weeks ago. And it talks about the reason for this, and it reviews . . . And he says, it ". . . will remove any confusion about the organization of ministries and the assignment of ministerial responsibilities." And these changes are made from the current legislation.

And he talks about, and I talked about, the Legislative Secretary will not need to be reappointed every year. And this was just simply a way to get rid of unnecessary paperwork, and so that they will just continue forward. Now it will be interesting to see whether they actually continue into the election period or not. Like cabinet ministers continue past the election. I remember my own experience that once the, you know, in 2007, to continue the running of the government, cabinet continues until the next cabinet's appointed. And so when does the Legislative Secretary appointments . . . Do they continue as well?

We know that in practice that when a government is defeated, and this is what happened with us, that essentially it would be bad form for the old cabinet to do anything beyond the running of the government and not to initiate any new initiatives because they had lost their mandate. The only mandate they had was to make sure government ran and that there was not a breakdown of good services. And so I have a question about that.

And again I think that when we have legislative secretaries that they're . . . And I was one too. And I remember I was the Legislative Secretary for a few short, a few months of

SchoolPlus. And I think the initiatives then were that we would see legislative secretaries do a lot of work. And I think about the member from Fairview and her work on bullying and there was actually a lot of profile and her work did create a lot of interest.

But many of the other legislative secretaries haven't quite achieved the same level of profile in the public. And I think that it's important that when we have people who are appointed legislative secretaries that they actually do get out there and create profile within the public and do some work on that.

And as I say, the bullying one was a very interesting one. And the work came forward and there were consultations done, and now we await the government to see what will come out of that. And it's only a few short days. We wait until next Wednesday, and we are hopeful that this government, at the larger level, will actually take some initiatives that were laid out.

So I think there is a role for legislative secretaries, but they need to be much more active. And as I say, I think that very few of them actually do achieve that profile in the public, and so I wonder, why do you even have legislative secretaries? Now you're getting rid of the idea that you have to reappoint them. I mean I think it would be good for them to show up maybe once a year to get their new contract. That would be at least showing that they are interested in their role. I mean I know some of them over there are legislative secretaries and we haven't seen them.

I have to say though I've heard about the . . . I have heard from the . . . One of the members from Moose Jaw is actually the Legislative Secretary for foster parents. And I have to say, I'm looking forward to the report from that member around foster parents. So he's achieving some. But some of the others, I don't know what they've been doing. I don't know what some of those others have been . . . So if they only show up once a year to get their reappointment, I think that would be a worthwhile exercise . . . [inaudible interjection] . . . Yes, yes. But others, I mean we don't know what they do. So once a year to show up and get their reappointment would be a good thing.

We await the report from the foster parents Legislative Secretary. I did read the thing in the Moose Jaw *Times-Herald*. Looking forward to big things there. Looking forward to great things there. That's an important area. So he's been out doing his work. I know what he's doing. And I know what the member from Fairview did.

But some of the others, I don't know what they do. And now they don't want to even get . . . They don't want to show up for their once-a-year appointment. And now this has caused some interest on the other side. I don't know if their legislative secretaries, who are feeling that they're too busy, they're too busy to show up once a year for their once-a-year contract, this is a big thing to the folks over there. This is a big thing. I can't believe that I've hit a nerve talking about the once-a-year appointment. They really didn't think they would have to show up again once they were appointed Legislative Secretary.

So I've named two, and I have found their work interesting. But I don't know who the other legislative secretaries are over there. And you know, I mean I really clearly, I think

what they need to do is work harder in the public eye than in this House to make noise. I would say go out in the public, go into our communities, make some noise so people know what you're doing, so people know what you're doing.

I have some real concerns about this, Mr. Speaker. And so this may be a big issue, and we should get a list of what actually they do, what they do. This is important. I think this is important work, you know. And so as I go through this, I think this is important. I do want to say actually there is the other, there's at least one other. I want to recognize the Legislative Secretary for disabilities. I'm interested to see what his report looks like too. That's very important as well. I think that's important work too.

So yes, we want to see what they do, what they do. So I don't know if that's the only three that there are. There may be more. There may be more. I don't know. But those are the three that I've had some contact with. I don't know if there's more. But as I said, Mr. Speaker, we'll have lots of questions about this in the House.

And of course, you know, the minister went on to talk about the advisory committee, and that's important. I think that again we will know . . . And this is essentially, this is an interesting thing because it really kind of ties in to that lobbying thing, doesn't it? So now we know who the advisory committees are. And so this is interesting. And I would think the minister is spot on when he says this will provide more accountability and oversight because now we will know the names of who are on the advisory committees. And so from looking at that, I think that's a good recommendation and a good piece of legislation. We'll ask in committee more about that.

But then he goes on, and this is where we will have some questions. We will have lots of questions about this, about the federal-provincial agreements that will not require cabinet approval unless they require an expenditure by the government of more than \$50,000. And this is consistent with agreements under section 18 of the new Act. So apparently that's the thing there. But again we'll want to know about the accountability, how that works in terms of, is it just straight between the federal government and the provincial ministry or is it multi-ministry or is it multi-provincial? At what point . . . Is it the total cost of 50,000, or can it be broken up and hidden away? Because again, as I said, this government really likes to talk a lot, likes the great talk about it being accountable and transparent, but are they really? Are they really? And this is how this is inconsistent, and I have some real questions about it.

And again, you know, as I said, and I have some real questions about how lean this government . . . You know, this government came in and was going to do great things and was going to be efficient. And we've seen the fiasco with Linkin in Social Services, the cost overruns with that. We've seen all sorts of cost overruns, and here is one. And it'll be very interesting to get a sense of what is this costing the government of Saskatchewan when they do this change from the word department, to removing all references from department, to minister or ministry and removing references like that in annual reports, seals, and staff. So I have some questions about that.

Now the minister didn't really talk about a couple of other things in his report. And I

know that the minister tends to keep shorter comments, but we'll have questions about this. And that is in terms of annual reports and laying documents before the Assembly. And I hope, I hope, and I don't know how you feel about this, Mr. Deputy Speaker, or how some of the other members feel about this. But I find it difficult. Maybe one of the weaknesses of our new schedule is the fact that we're not often in the House. We're scheduled for 65 days, so that means we're not here for 300 days, which often means things can be turned in, whether it's the annual report or laying documents before the Assembly. And it's inconsistent about which ones MLAs get notices that have been turned in to the Clerk. And I would like to see a better notification system.

We don't have to have the documents necessarily laid out but, in my case, I'm interested when the annual report for Sask Housing comes out, and I think — and I could be wrong — but I think it usually comes out in June, and we're not here in June.

So I have to make sure I ask for it or I go looking for it. I think if it was done in May, we may get it in the House. And I'm not quite sure about this, and this is one question I would have in committee. Is there a way for us to get notification that these important documents are being laid on the table or given to the Clerk on a consistent basis?

The annual plans for each department, especially as a critic it's important that we know what the annual plans are for each ministry. And unless you go looking for it . . . And somebody would say, well maybe that's your responsibility. But, you know, if we can all make this work a little bit better, then that's a good thing. The annual plans, the annual reports that come out . . . And I know the library has a . . . They send out a report every week or every month about documents that they receive, and I do check that.

But I think it's important that these other documents . . . So this would be one thing that we may ask in the House, if there is some way to streamline that so that we actually do get those documents or access to those documents because it is a critical piece of how we do our work. And if we don't have those documents or three or four months go by or if you've changed your critic roles, you may not realize that the documents actually are available and that you should be looking at them.

And so if there was some way to make sure that when we have the annual documents or laying documents before the Assembly . . . I think this is an important piece that we shouldn't just glide over. I know I take a look at these documents and they're important. They're an important piece of our accountability. It's an important piece of us doing our work. It's an important piece of the government doing their work. And a lot of people take a lot of time to make sure we do that. Does this fit into our new calendar? I don't really think so. Is there a better way of doing it?

And so I know that there's lots of questions, and I just want to take a minute to review what I've said because I think this is really critical in terms of this piece of legislation, which is a significant piece, you know. And especially as I said earlier that, I mean you know, on one hand we see a government, you know, very short on ideas, and we're seeing legislation that is a little late, and then they've been working on this about ministries. I don't know if that's an indication of lean initiatives within the department and of Justice that it took them this long to bring this forward in terms of

changing departments to ministries. Not a great thing, but it is what it is.

But we do have a lot of questions. We have a lot of questions. And it will be interesting if all the legislative secretaries show up for committee. Maybe they'll have some comments to make when we ask questions about why they should not have to be reappointed every year.

I think that the idea of the advisory committee's names being approved by committee, that's very, very important and adds a lot to the accountability and transparency. And the minister has pointed that out, and that point I do agree to that.

I do have questions about the \$50,000. I have to be honest with that, and we'll have to ask what does that look like. And if it's just a one-off and that's simply . . . But if it's really, if it really is . . . [inaudible interjection] . . . Now it seems to have hit a nerve over there. Somebody really wants to get in on this and really thinks that they should just be able to go wild on it, and they really can't see what the problem is. I think people want to know a little bit more about this. There is this question of accountability, and when you have, you know, people who want to know what's going on with the government, this is really, really important, you know, so . . . [inaudible interjection] . . . Yes, once they're in order in council where all those camping fee rebates that we're seeing . . . And of course that's an interesting piece of work on that. So I think that there is a lot of questions that we have, Mr. Deputy Speaker, on this issue.

So while on one hand I think that there is merit, you always have to take a look. And as I said in my opening remarks about unintended consequences and intended consequences, and here where you have a government into its seventh year of mandate and still working out how it does its business . . . And we saw a fine case of mismanagement since last question period into this question period. The 24 hours really indicated that how this government can, you know, double down. They want to get a result, I guess, that's the only . . . And they will do that, and we'll see how that plays out in the days and weeks ahead.

Yet, at the same time, at the same time they do not know how many homes are at risk right now or how many people are at risk, vulnerable people are at risk in those homes. They cannot answer that, but they can stay up all night writing regulations that really they didn't need to do, that they didn't really need to do. They prefer to do them. Fair enough. But they didn't need to do it. And so we have a problem with that, Mr. Deputy Speaker.

So with that, and I know the hour is late and we want to make sure that we want to be able to adjourn for the day, I want to move adjournment for Bill No. 129, *An Act respecting the Administration of the Executive Government of Saskatchewan, making consequential and related amendments to certain Acts and regulations and repealing certain other Acts*. I do so move. Thank you.

