EXECUTIVE GOVERNMENT ORGANIZATION IN SASKATCHEWAN
AND THE GOVERNMENT ORGANIZATION ACT 1986-87-88

A Thesis Submitted to the College of
Graduate Studies and Research
in Partial Fulfilment of the Requirements
for the Master of Arts Degree
in the Department of Political Studies
University of Saskatchewan
Saskatoon

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Fall 1996

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ABSTRACT

In the 1986-87-88 session of the Saskatchewan Legislative Assembly, the government of Grant Devine introduced Bill 5 an Act respecting the Organization of the Executive Government of Saskatchewan. The Devine government claimed that it was an explicit definition of the authority of executive government organization while the opposition charged that it was a 'power grab.' The main purpose of this thesis is to investigate the effect the Act has had on the relationship between the executive and the Legislative Assembly and on parliamentary democracy in Saskatchewan. After defining the authority of government organization and an analysis of the content, debate, applications, and consequences of the Act, it is argued that although Bill 5 increased the power of the executive to effect government organization, parliamentary democracy in Saskatchewan was not eroded.
TABLE OF CONTENTS

PERMISSION TO USE. .................................................. i
ABSTRACT. ................................................................. ii
TABLE OF CONTENTS. .................................................. iii
ACKNOWLEDGMENTS. .................................................... iv
DEDICATION. .............................................................. v
INTRODUCTION. .......................................................... 1

CHAPTER TWO:
GOVERNMENT ORGANIZATION AND ITS SOURCES. ............... 9

CHAPTER THREE:
BILL 5: CONTENT AND DEBATE. ................................. 19

CHAPTER FOUR:
BILL 5: APPLICATIONS AND CONSEQUENCES. .................. 47

CONCLUSION:
BILL 5 AND PARLIAMENTARY DEMOCRACY IN SASKATCHEWAN... 68

ENDNOTES. ............................................................... 87

BIBLIOGRAPHY. .......................................................... 99

APPENDIX A: THE GOVERNMENT ORGANIZATION ACT ........... 106

APPENDIX B: ORDER-IN-COUNCIL 3/87. .......................... 113

APPENDIX C: ORDER-IN-COUNCIL 56/87. ........................ 126

APPENDIX D: REGULATION 1 (CHAPTER G-5.1). ................ 130
"Sword sharpens on stone, man sharpens on man," goes the old Chinese saying. With that in mind, I recognize the contribution of Joseph Garcea, my supervisor, the 'stone' to my 'sword.' I would like to thank all the people who, at one time or another, were on my thesis committee: Hans Michelmann, Donald Story, David E. Smith and John Courtney. I want to thank, in particular, Professor Courtney for sparking my interest in politics in POLST 110 and Professor Smith for teaching me the skills, in both my undergraduate and graduate years, with which to pursue that interest. The Department of Political Studies provided me with some financial assistance during my year of course work for which I am grateful.

I thank the six other graduate students in the class of 1993-94 for the camaraderie, empathy, and dialogue that we shared during those eight months Fate threw us together. I would like to offer special thanks to one of those six students, Gerry Baier, for his friendship and for the extensive use of the fledgling Baier Collection. I thank all my interview subjects for taking the time from their busy schedules to speak to me. Finally, I would like to thank my family: my sister Vivian for being my nemesis; my brother Danny for the courier services he so generously provided; and my parents -- this thesis would not have been possible without their support and sacrifice for which I am forever grateful.
For my parents,
whose strength and courage
fill me with awe each and every day.
Introduction

When the late Robertson Davies wrote that, "people have two if not twenty-two sides to them,"¹ he was perhaps reminding his readers that in order to fully understand any complex thing, like a person, one must look at more than one side or aspect of it. Most Canadians are, arguably, indifferent to government organization because it is viewed as an uninteresting, non-controversial, technical aspect of government. Indeed, when one mentions controversy in Canadian politics, many other topics, such as the Constitution or taxation, would likely come to the minds of most Canadians before government organization. Nevertheless, despite its public image of uninteresting technicality, government organization is a crucial aspect of government because, just as the organization of a person's time and energy affects the outcome of a person's life, the way a government is organized can affect its performance. Therefore, the authority to execute government organization is of vital importance.

In December 1986, at the beginning of its second mandate in office in Saskatchewan, the government of Grant Devine introduced Bill 5, an Act Respecting the
Organization of the Executive Government in Saskatchewan. The Devine government claimed that Bill 5 would increase the efficiency of government organization and was merely legislative recognition of the executive’s prerogatives in Saskatchewan’s version of the Westminster constitutional tradition. On the other hand, the opposition vehemently denounced it as a ‘power grab’ that would harm parliamentary democracy in Saskatchewan by consolidating legislative and spending powers in the hands of the cabinet.

By carefully examining the concept of government organization, the content of Bill 5, the debate surrounding it, and its consequences, one can determine whether parliamentary democracy and the power of the legislature were eroded by the bill. From such an examination one resonant theme will emerge: Although Bill 5 increased the authority of the executive to effect government organization while decreasing the legislature’s ability to scrutinize it, one could argue that the state of parliamentary democracy in Saskatchewan was not eroded by the bill given the executive-dominant nature of the Westminster parliamentary system, provisions for executive government organization in other Westminster-based jurisdictions, and the tradition of executive dominance over government organization in Saskatchewan. With the development of this theme, droplets of information will be
added to three pools of knowledge in the realm of political studies: the knowledge and understanding of the time during which the Devine government held power; the knowledge of the authority of government organization in Saskatchewan and other Westminster-based government systems in Canada; and the knowledge of the power relationship between the executive and the legislature in Saskatchewan and in other Canadian jurisdictions.

Throughout its time in office, the Devine government repeatedly broke with the traditions and conventions common in most Westminster parliamentary systems: it broadened the interpretation of the legislative provisions for the use of special warrants, it ignored many of the conventions of parliamentary practice with respect to question period and privilege, and it interfered with the work of government officials. This has led many analysts to state that the 'reign' of the Devine government was a time during which the spirit of parliamentary democracy and the power of the legislature were eroded. An episode often cited to support this contention is the passage of Bill 5. This study will seek to make a contribution to this debate by adding to the knowledge and understanding of the time during which the Devine government held power.

In his book, The Canadian Public Service, J. E. Hodgetts notes that, "... the public service is held to be an extension of the political executive arm (in
practice, the cabinet) of the state." Therefore, executive government organization, the organization of governmental responsibilities into departments and the appointment of ministers to those departments, affect the organization of the public service. While the literature on government organization with respect to the public service is diverse, little has been written specifically about the authority of executive government organization upon which the organization of the public service is based.

Indeed, in literature about public administration the authority for executive government organization is usually mentioned briefly in the context of the organization of the public service. For example in *The Canadian Public Service*, Hodgetts mentions the evolution of the authority for executive government organization in the Canadian federal jurisdiction only in the context of the evolution of the federal public service. In literature on cabinet, the executive, and the Prime Minister, the authority for executive government organization is usually referred to briefly as "a prerogative of the Prime Minister." It is commonly overshadowed by other topics about the executive such as the size of the cabinet, cabinet formation, representation in cabinet, and decision making in cabinet.

These trends are also applicable to literature about Saskatchewan politics. In her book, *Saskatchewan*
Government: Politics and Pragmatism, Evelyn Eager discusses government organization largely in the context of the growth and development of the Saskatchewan public service from 1905 to the 1970s. When she discusses the Saskatchewan cabinet, she mentions executive government organization as a prerogative of the Crown exercised upon the recommendation of the Premier. In his article about departmentalization in Saskatchewan, Robert McLaren examines executive government organization in the context of the executive's policy goals and public administration. McLaren investigates departmentalization in Saskatchewan in order to determine a theoretical approach to departmentalization based upon empirical evidence.

This lack of literature specifically on the authority of executive government organization can perhaps be explained by the fact that full legislative recognition of the executive's prerogatives for executive government organization is a relatively recent trend. Introduction of legislation explicitly defining the authority for executive government organization in Canadian Westminster-based jurisdictions began only in 1960 in Quebec and has continued, most recently, in 1994 in Alberta. Within that time period, six other Canadian jurisdictions have enacted legislation defining the authority of executive government organization: the Canadian federal jurisdiction, Prince Edward Island, Ontario, British
Columbia, Manitoba, and Saskatchewan. Only New Brunswick, Nova Scotia, and Newfoundland have not introduced legislation fully recognizing the executive’s authority to execute executive government organization.

By examining one case in this recent trend, the passage of Bill 5 in Saskatchewan, this study hopes to provide some insight into why legislation seeking to recognize the executive’s authority for executive government organization is initiated. More important, by focusing specifically on the authority for executive government organization, this study seeks to shed some light on this ‘prerogative of the First Minister’ by examining its legislative and constitutional roots.

At the heart of any investigation into the state of parliamentary democracy in Canadian Westminster-based jurisdictions is an examination of the power relationship between the executive and the legislative assembly. Most observers of Canadian politics agree that the various executive branches dominate their respective jurisdictions. With the support of a majority in the legislative assembly and strong party discipline, the executive can do as it wishes within the limits set by convention, the rule of law, time, fear of political repercussions, and its own ability.

The literature on the power relationship between the executive and the legislative assembly has identified many
ways in which executive dominance manifests itself. In most jurisdictions the executive controls the timetable and sets the agenda for the legislative assembly. Moreover, the procedural rules of the legislative assemblies, especially those that limit debate, favor the executive. Furthermore, the executive controls the civil service and often has access to important information that is not readily available to the individual members of the legislative assemblies. More important, the executive initiates all financial legislation and virtually all other types of legislation. In addition, through the various Governors-in-Council, the executive can issue orders-in-council. This study hopes to add to this pool of knowledge by demonstrating one more area, executive government organization, in which executive dominance manifests itself.

To that end, the themes of this study will be developed over the next four chapters. Chapter Two will examine the concept of executive government organization and the sources of the Saskatchewan executive's ability to execute it prior to 1986. A description of the debate over Bill 5 including the stated reasons the Devine government introduced the bill and the opposition's objections to it will be investigated in Chapter Three. Chapter Four will look at the applications and consequences of the bill after it was passed. The last chapter will summarize the
information presented in the preceding three chapters and provide some thoughts on the effect the bill had on parliamentary democracy in Saskatchewan.
In the Twentieth Century, government in Canada has grown exponentially both in size and complexity. As a result, the meaning of the term 'the government' has broadened. Indeed, when Canadians speak of 'the government,' they may be referring to the cabinet or a part of the public service. Similarly, when speaking of 'government organization,' one may be referring to the organization of the cabinet or the organization of the public service.

The main focus of this study is on executive government organization. Executive government organization refers to the organization of governmental responsibilities into departments and the designation of responsibility for those departments and legislation to ministers in the executive. It generally includes the execution of some or all of the following functions: the appointment of ministers to departments; the transfer of responsibility for departments between ministers; the designation of responsibility for legislation and entities such as commissions, boards, Crown Corporations, and committees to ministers and their departments; the transfer of those
responsibilities between ministers and departments; and, the modification of the administrative structure of departments.¹

Given this general delineation of the components of executive government organization, it is now possible to examine each component in greater detail. At the same time, the sources of the executive's authority to execute each of the functions can also be investigated.

In Westminster based political systems, the executive's authority is typically derived from an amalgam of convention, legislation, and judicial decisions. Accordingly, the Saskatchewan executive's authority to perform executive government organization prior to 1986 flowed from a combination of: convention, the Saskatchewan Act, the Legislative Assembly and Executive Council Act, and departmental statutes.

The first component of executive government organization is the appointment of ministers to departments. It is quite simply the designation, by the Premier, of responsibility for a government department to a member of cabinet. This is a 'power' exclusive to the Premier; however, because the Premier is part of the executive, it can arguably be generalized as belonging to the executive for the purposes of discussing the relationship between the legislature and the executive.
The Premier's authority to appoint ministers is based on convention. Theoretically, the appointment of ministers is the purview of the Lieutenant-Governor as stated by section 8 of the Saskatchewan Act, 1905:

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The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant-Governor from time to time thinks fit.²
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However, since the middle of the Eighteenth Century when George II (r. 1727 to 1760) deferred most executive decisions to his Prime Minister, Sir Robert Walpole (r. 1727 to 1742), the convention has been that the Crown makes the appointments on the advice of the First Minister.³ Therefore, the ability to appoint ministers in Saskatchewan is, effectively, the exclusive purview of the Premier.

Despite the fact that section 8 of the Saskatchewan Act states that ministers shall be appointed by the Lieutenant-Governor, the actual departments that a minister could be appointed to were specified by departmental statutes. These are statutes that create the departments and define their jurisdiction. The ministerial positions that were necessitated by the creation of the various departments were reflected in section 3 of the Executive Council Act, 1906. The Executive Council Act, 1906, was the first statute that dealt specifically with executive government organization. In it, one finds the provisions that account for a large part of the Premier's ability to
effect executive government organization. Section 3 states that:

The Lieutenant-Governor may appoint under the Great Seal of the Province of Saskatchewan from among such persons as may be appointed members of the Executive Council the following officers to hold office during pleasure, that is to say: President of the Council, Attorney General, Provincial Treasurer, Provincial Secretary, Commissioner of Education, Commissioner of Public Works, Commissioner of Agriculture . . . .

Section 3 of this act was amended from time to time to include any new departments that may have been created. By 1972, the year the Executive Council Act was last amended, the Premier could appoint ministers to twenty-one positions -- up from seven in 1906. When the Executive Council Act was merged with the Legislative Assembly Act in 1979 to become the Legislative Assembly and Executive Council Act, this provision was carried over in section 70 of the new act.

To summarize, the authority to appoint ministers to departments rests in the executive through the Premier. It is derived from convention and the Saskatchewan Act and is limited by provisions in departmental statutes reflected in section 70 of the Legislative Assembly and Executive Council Act.

The second component of executive government organization is the transfer of responsibility for departments between ministers. This usually occurs during cabinet shuffles where ministers are promoted or demoted
for performance, personal, or political reasons. Again, the authority to transfer ministers belongs solely to the Premier through convention. Like the authority to appoint ministers, the authority to transfer ministers rests, in theory, with the Lieutenant-Governor. Section 71 subsection 3 (b) of the Legislative Assembly and Executive Council Act authorizes the Lieutenant-Governor to:

... transfer the administration of any part of the public service from one member of the Executive Council to another. . . .7

Prior to the passage of the Legislative Assembly and Executive Council Act in 1979, this provision rested in section 4 subsection 3 (b) of the Executive Council Act.

The authority to designate responsibility for legislation and entities such as commissions, boards, Crown Corporations, and committees, to ministers and their departments is the third component of executive government organization. Unlike the previous two components, the legislature plays a limited role in designating responsibility. When general legislation or legislation creating an entity such as a commission or a board is passed, the legislation frequently has a section in it that designates responsibility to a department or minister. For example in section 2 of The Government House Act, 1906, responsibility for Government House was designated to the Department of Public Works.8
In cases where designation of responsibility does not take place, the authority to designate responsibility falls upon the Premier. This occurs as a result of the doctrine of ministerial responsibility. The notion of ministerial responsibility, an idea prevalent in all Westminster-based political systems, dictates that legislation and every entity such as a board should have a minister responsible for it. Consequently, if the legislature does not designate responsibility, the Premier, by convention, must.

For example, The Public Service Act, 1947; created the Public Service Commission but did not designate responsibility for it to a department or minister. As a result, it fell upon the Premier to assign responsibility for it to the Minister of Labour. While the legislature and the executive share the authority to designate responsibility for legislation and entities of government, the authority belongs predominantly to the executive. Two main reasons account for this situation. First, when there is a majority government with strong party discipline, there is little the legislature can do to influence legislation. Second, the initiation of legislation is controlled, with the exception of Private Members’ Bills, by the executive.

The authority to transfer the responsibility for legislation and government entities between ministers and their departments is the fourth component of executive
government organization. Similar to the third component, this aspect of executive government organization is another authority shared by the legislature and the executive. In most departmental statutes, there is a section that demarcates the legislation for which the department is responsible. For example, section 5 of The Department of Social Services Act states that:

The department shall administer the following Acts:

(a) The Corrections Act;
(b) The Saskatchewan Assistance Act;
(c) The Deserted Wives' and Children's Maintenance Act; .. ..\n
This section of the departmental statute can be amended if the legislature wishes to transfer responsibility.

In spite of this, the authority to transfer responsibility belongs effectively, once again, to the executive because of its dominance in a majority government situation. Moreover, the Premier, by the convention that sees the Crown defer most executive decisions to the First Minister, has the authority to transfer responsibility for legislation.

The source of this authority is rooted in section 71 subsection 3 (a) of the Legislative Assembly and Executive Council Act. According to the section, the Lieutenant-Governor may:
As a result, the authority to execute the fourth aspect of executive government organization belongs mostly to the executive.

Closely related to the transfer of responsibility for legislation and government entities is the fifth component of executive government organization, the modification of the administrative structure of departments. In essence, the modification of the administrative structure of departments is the same as the transfer of responsibility for a piece of legislation or an entity from one department to another. The authority to do both resides, in fact, in the same section of the Legislative Assembly and Executive Council Act. The distinction between the two is that the former usually implies a wholesale reorganization of departmental responsibility while the latter implies a minor change.

A hypothetical example of a large scale change would be the merger of two departments, for instance, the Department of Health and the Department of Social Services. Through section 71 subsection 3 (a) of the Legislative Assembly and Executive Council Act, the Premier, in theory, had the authority to effect this change by transferring all the responsibilities of one department over to the other.
However, such a large scale change typically has widespread repercussions. In the case of the above example, the reorganized department would need a new name since neither "Department of Health" nor "Department of Social Services" would accurately describe it. Moreover, the department that was stripped of all its responsibility would have to be disestablished since it would no longer be needed. To attend to repercussions such as these legislation in the form of a new departmental statute was effectively required because the Premier did not have the authority to unilaterally resolve these residual questions.

Using once again the hypothetical example of the merger of the Department of Health and the Department of Social Services, a bill 'creating' the 'new' department, the Department of Health and Social Services Act, would have to be introduced. In it, sections pertaining to the name of the new department, the responsibilities of the new department, and the repeal of the statutes creating the two old departments would be included. Therefore, even though the Premier could have, in theory, executed the modification of the administrative structure of departments unilaterally, legislative approval was effectively required because the Premier could not resolve the repercussions of any modifications.

From the examination of the concept of executive government organization and the sources of the Saskatchewan
executive's authority to execute it, it is clear that executive government organization in Saskatchewan, from the time Saskatchewan was created in 1905 to the passage of Bill 5 in 1986, was dominated by the executive mostly through the Premier. The source of the Premier's authority flowed from a combination of convention and legislation that authorized the execution of most components of executive government organization. Specifically, the appointment of ministers to departments; the transfer of responsibility for departments between ministers; the designation of responsibility for legislation and entities such as commissions, boards, Crown Corporations, and committees to ministers and their departments; the transfer of those responsibilities between ministers and departments; and, to a limited extent, the modification of the administrative structure of departments.

The legislature played an effective part in executive government organization only when a new department was created and when the modification of the administrative structure of departments resulted in repercussions that needed to be resolved by legislation. These repercussions often involved the accuracy of the names of restructured departments and the need for the amendment or repeal of the statutes that created the departments before they were restructured.
Chapter Three: Bill 5: Content and Debate

Having established that, through the Premier, the executive has dominated executive government organization from the time of Saskatchewan's creation in 1905 to the passage of Bill 5 in 1986, the content of the bill and the debate over it can now be investigated. Specifically, a clause by clause examination of the bill, an examination of the government's stated reasons for the introduction of the bill, the opposition's objections to it, and the government's rebuttal to those objections will be performed.

As stated in Chapter Two, the Premier, prior to the passage of Bill, could have in theory effected major restructuring of government departments without legislative approval through section 71 subsection 3 (a) of the Legislative Assembly and Executive Council Act. However, because of residual matters such as the accuracy of the name of the restructured department, legislative approval, in the form of a new departmental statute, was effectively required.

Changing this situation was the main motive for the introduction of Bill 5. The Devine government felt that a
new act was required to fully recognize the Premier's ability to execute executive government organization. It claimed throughout the debate that Bill 5 was just an explicit statement of the existing authority of the Premier and that it would not give any new powers to the executive. The government stated that the bill would make the process of executive government organization more efficient by allowing the Premier to singlehandedly resolve the residual matters arising from departmental restructuring. Moreover, it would allow the government to effect executive government organization while the Legislative Assembly was not in session. When introducing the bill for second reading, the Deputy Premier and Government House Leader at the time, Eric Bernston, stated that Bill 5:

"... does not give new powers to the cabinet... the Bill recognizes the prerogatives of the Premier to determine the mechanisms of delivery of his government’s programs and policies."

In order to see if this was indeed the case, a clause by clause examination of Bill 5 is necessary.

Sections 1 to 3 of the bill did not spark any controversy. Section 1 provides for the name of the prospective act, the Government Organization Act; while section 2 defines terms used in the bill such as: 'department', 'executive council', and 'minister'. These definitions are taken directly from the Legislative Assembly and Executive Council Act. Section 3 defines the
executive council in more detail and provides for its continuance. Section 3 states:

The Executive Council of the Province of Saskatchewan is continued and consists of its present members and any other persons that the Lieutenant Governor may appoint. 6

Section 4 of Bill 5 authorizes the appointment of ministers. It allows the Lieutenant Governor to:

4(1) . . . appoint, under the Great Seal, from among the members of the executive council, the following officers to hold office during pleasure:

(a) a President of the Executive Council;

(b) ministers to preside over the departments of the executive government and to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5;

(c) ministers, in addition, to those appointed pursuant to clause (b), to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5.

(2) The Lieutenant Governor in Council may determine the titles by which the ministers appointed pursuant to subsection (1) shall be known. 7

This section is basically the same as section 70 in the Legislative Assembly and Executive Council Act which allows for the appointment of ministers. However, it eliminates the list of the ministerial positions that are available for appointment. The elimination of this list, though, was not particularly controversial as the opposition did not raise any objections to the provisions of section 4.
On the other hand, section 5 of the Bill proved to be highly contentious. This section deals with the transfer of responsibility between ministers. Like section 4, section 5 is essentially the same as its corresponding section in the Legislative Assembly and Executive Council Act, section 71. However, it is modified, according to the government, in order to definitively describe the authority to transfer responsibility. For example, in subsection 1 it recognizes convention by explicitly labelling the role played by the Premier in the designation and transfer of responsibility. Specifically, section 5 states:

5(1) The Lieutenant Governor in Council may, on the recommendation of the President of the Executive Council:

(a) assign to any minister any power, duty or function conferred or imposed by law on a minister;

(b) transfer any power, duty or function assigned to a minister under clause (a) to any other minister;

(c) transfer any power, duty or function that is conferred or imposed by law:

(i) on any minister, to any other minister;

(ii) on any department, to any minister or other department;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may assign to any minister or
transfer from one minister to another the administration of:

(a) any Act or portion of an Act;

(b) any part of the public service;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(3) Where the administration of an Act or portion of an Act or a part of the public service is transferred to a minister under subsection (2), the Lieutenant Governor in Council may also transfer to the minister for administration the whole or any part of the moneys appropriated in respect of that Act or part of the public service."

Sections 6 through 11 did not raise any objections from the opposition. Section 6 deals with the ability of the Premier to form cabinet committees. Section 7 provides for the institution and use of the Great Seal of Saskatchewan. The allowance of salaries and expense accounts for the Premier and cabinet ministers is provided for in section 8. Sections 9 through 11 establish the positions of the various legislative secretaries by defining their: appointment process, duties, salaries and expense allowances.

In contrast to sections 6 through 11, section 12 of the bill was vigorously debated. According to the government, this section explicitly affirms the authority of the Premier to effect the restructuring of responsibility among departments. It authorizes the Premier to unilaterally deal with the repercussions of a
major departmental restructuring by allowing the Premier to, through orders-in-council, change the name of departments and dissolve any departments that are no longer needed. However, it also forces the executive to publish every change in the Saskatchewan Gazette. Section 12 states:

12(1) Notwithstanding any Act or other law, but subject to the other provisions of this Act, the Lieutenant Governor in Council may, by Order, on the recommendation of the Premier of the Executive Council, determine the organization of the executive government and of its various departments, and for that purpose may:

(a) establish, continue, or vary any department and determine the objects and purposes of the department;

(b) disestablish any department;

(c) determine or change the name of any department.

(2) The Regulations Act applies to every Order of the Lieutenant Governor in Council made under subsection (1).9

The inclusion of this section was the primary motive for the introduction of the bill.10 The government claimed that this section is the logical descendant of section 71 subsection 3 of the Legislative Assembly and Executive Council Act, the section that allowed for the transfer of responsibility. Specifically, it claimed that if the Premier has the authority to transfer responsibility among ministers and their departments, then the Premier should have the authority to deal with any repercussions any
transfer may cause for existing departments. The government believed that this section merely elaborates on the authority granted in section 71 and does not represent any new power for the Premier. These claims were vehemently rejected by the opposition.

In contrast to its strong objection to section 12, the opposition did not contest the four subsequent sections, sections 13 through 16. Section 13 allows for the creation and use of departmental seals. Sections 14 and 15 provide for staff and advisors for the various departments. In section 16, the establishment of advisory committees for departments is provided for. All of these sections have antecedents in departmental statutes and the Legislative Assembly and Executive Council Act.

According to the government, sections 17 through 19 are sections taken directly from departmental statutes. It placed these sections in Bill 5 to standardize the authority of ministers. In spite of the fact that these sections existed previously in departmental statutes, the opposition strongly objected to two of the sections, section 17 and section 19. Section 17 allows the minister to enter into agreements with external parties. Section 17 states:

17(1) A minister may, subject to subsection (2) and to any restriction that may be prescribed in regulations made by the Lieutenant Governor in Council, enter into agreements on behalf of the Government of Saskatchewan with:
(a) the government of any other province or territory of Canada or a minister, agent or official of any such government; or

(b) any person, agency, organization, association, institution or body within or outside Saskatchewan;

for any purpose related to the exercise of any of the powers or the carrying out of any of the duties or functions assigned or transferred to the minister by or pursuant to this Act or any other Act or law.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement under subsection (1) other than an agreement for the purpose of section 15 or 16, whereby the Government of Saskatchewan is liable to make expenditures in excess of $10,000 in any fiscal year.  

Ministers are authorized by section 18 to give grants, "... for any purpose relating to any matter under his administration or for which he is responsible ..." The provision of this authority was not strenuously contested by the opposition. On the other hand, section 19 proved to be contentious. It allows the ministers to provide financial assistance to external parties. Section 19 authorizes ministers to do the following:

19 A minister may, for any purpose relating to any matter under his administration or for which he is responsible, provide financial assistance by way of grant, loan, guarantee or other similar means, in accordance with any terms or conditions that are prescribed in regulations made by the Lieutenant Governor in Council, to any person, agency, organization, association, institution or body within or outside Saskatchewan.
The last five sections of Bill 5, sections 20 through 25 were not controversial. These sections recognized the fact that Bill 5 does not abrogate any provisions in departmental statutes. It also dealt with the tabling of annual reports, the effective date of any reorganization the Premier may execute, and the date the bill would come into force.

Essentially, Bill 5 is a resurrection of the old Executive Council Act before it was merged with the Legislative Assembly Act into the Legislative Assembly and Executive Council Act by the Blakeney government in 1979. Like the Executive Council Act, Bill 5 deals exclusively with the authority of the executive. As the clause by clause examination has shown, many of the sections in the Legislative Assembly and Executive Council Act that dealt with the Executive Council were absorbed by Bill 5. The only 'new' sections in the bill were: section 12, the section that explicitly affirmed the authority of the Premier to restructure departments, and sections 13 through 19, sections that were found in most departmental statutes. The latter was included to allow for the standardization of the powers of ministers. When introducing the bill, Deputy Premier Bernston stated that it was merely a recognition of existing authority in the Saskatchewan political system. He noted:

Many of the provisions of this Act are carried over unchanged from the Legislative
Assembly and Executive Council Act. Sections 13 and 21 of this Bill are taken from many existing departmental statutes.\textsuperscript{17}

Despite this, the opposition objected to many sections of the bill. It objected in particular to section 5, section 12, section 17, and section 19. However, before the specific objections of the opposition are detailed, it is necessary to review the government's reasons for introducing Bill 5. This will lead to a deeper understanding of the opposition's objections.

The government introduced Bill 5 to address the situation that arises when the Premier wants to restructure responsibility among the various government departments. Although the Premier could, in theory, effect any changes unilaterally, residual questions, such as the accuracy of the name of any restructured departments and the fate of any departments rendered unnecessary by restructuring, meant that legislative approval in the form of new departmental statutes was effectively required. The government felt that Bill 5 was essential because it made executive government organization more efficient by eliminating the need for the Premier to obtain legislative approval "to do something which [the Premier] already had the authority to do."\textsuperscript{18} It stressed vehemently that Bill 5 was a clarification of the executive's power that did not bestow any new powers;\textsuperscript{19} rather, it fully recognized the
Premier's authority to effect all five aspects of executive government organization.

Accordingly, the government noted that Bill 5 was created by borrowing several sections from the Legislative Assembly and Executive Council Act pertaining to the Premier's authority to execute executive government organization. In fact because parts of Bill 5 so closely mirrored parts of the Legislative Assembly and Executive Council Act, Bill 7, a bill that repealed the sections of the Legislative Assembly and Executive Council Act that Bill 5 borrowed from, was introduced. In addition, a new section, section 12, was added to explicitly affirm the authority of the Premier to restructure responsibility among the departments. Also, sections were added to standardize the authority of ministers. In effect, Bill 5 is a more elaborately detailed resurrection of the old Executive Council Act.

Despite the government's claims, the opposition believed that Bill 5 was a "power grab." Its objections were centred on the belief that the language in Bill 5 was excessively vague making it highly susceptible to broad interpretation. The opposition feared that this would fundamentally change the Westminster tradition in Saskatchewan by allowing the executive to acquire and delegate new powers without the prior approval of the legislature.
In general, the opposition believed that the broad language could authorize power for the executive in excess of the power possessed by the President of the United States. This would result in the Premier being able to govern by order-in-council without having to be accountable to the Legislative Assembly. In particular, it charged: that section 5 gave the Premier a 'line-item veto'; that section 12 gave the Premier law-making power along with the power to unilaterally affect Crown corporations, government agencies, and the manpower situation of the civil service; that section 17 authorized the Premier to effect privatization; and, that section 19 authorized an omnibus spending authority.

Having generally described the objections of the opposition, it is now possible to examine each of the specific charges in greater detail. First, the charge that section 5 of Bill 5 gave the Premier a 'line-item veto' will be investigated. As seen earlier, section 5 allows the Premier to transfer responsibility of any act or any portion of an act among ministers and departments. The opposition, led at the time by Allan Blakeney of the New Democratic Party, agreed that in a literal sense, section 5 did not, "... change, really, the powers, duties or the functions which are existing in legislation." However, the opposition noted that if section 5 were to be examined in concert with section 12, which allows the
Premier to 'disestablish' departments, one could arrive at the conclusion that the executive could 'veto' any legislation it did not want enforced. This could be done by disestablishing the department responsible for that particular piece of legislation; then afterwards, the department could be re-established without the reassignment or transfer of responsibility for the legislation. Consequently, the legislation would not be enforced because no one would be responsible for it. As Mr. Murray Koskie of the New Democratic Party explained, section 5 provides the veto because there is:

... no corresponding obligation on the part of the cabinet to transfer various, powers, duties and functions of [a] disestablished department to another minister or department.\footnote{\textsuperscript{26}}

The opposition believed that the veto could apply to any act, any government entity, or any provision in an act. In fact, speaker after speaker for the opposition rose to present potential veto possibilities. Out of the numerous veto possibilities presented by the opposition, two will be discussed to demonstrate the sweeping power of the veto the opposition believed Bill 5 bestows. The first, presented by Allan Blakeney, shows the broad array of items the government could veto by disestablishing a department. Mr. Blakeney stated:

... Just postulate for a moment what would happen if they were foolish enough to disestablish the Department of Finance and attempt to put something else in its place --
attempt to, attempt to [sic] put something else in its place. This Act is absolutely full of protections for the public. It is full of protections -- but keep very, very clear here now, the cabinet wants the power to vary all of the provisions of this Act, all of the provisions which protect superannuates and the superannuation plans. They're all here, page after page of protections of these plans, provisions which say that the auditor must audit given books, that material must be submitted to this legislature. The very, very backbone of this legislature is contained in what the government must do under the Department of Finance Act. And these people want to be able to change that by order in council. Let's assume that they wouldn't do that. Let's assume that they would vary it or take the powers and move them over to some sort of financial administration department, but in the course of so doing, are they going to provide the same protections which have been built in here very carefully for superannuation plans and the like? We have no assurance of that.²⁷

The second scenario, presented by then Advanced Education and Manpower Critic Peter Prebble, shows, by contrast, the 'line-item' nature of the veto Bill 5 is alleged to grant. Mr. Prebble noted:

... One of the areas that I would be concerned about if this Bill passes, Mr. Speaker, is what would happen to areas of the Department of Advanced Education and Manpower Act that make provision for things like the academic freedom of universities, Mr. Speaker, or for immunity from liability for universities, Mr. Speaker?

If this Bill is passed, do we have any guarantee... any guarantee that the orders in council passed by the cabinet would necessarily protect the academic freedoms of the universities? We have no guarantee, Mr. Speaker. In fact, Mr. Speaker, my interpretation of this legislation is that in theory... in theory the provision of
academic freedoms to the universities of this province could be eliminated by order in council, Mr. Speaker, that this would not need to come before the legislature.

I just give this as an example of why this is a bad piece of legislation. . . .

what I am saying is that this piece of legislation would give members opposite, would give any government that follows members opposite, Mr. Speaker, the ability to eliminate section 9 of the Department of Advanced Education and Manpower Act that makes provision for academic freedoms for our universities and do it by order in council without coming before this legislature. 28

The statements of Blakeney and Prebble show that the opposition believed that the veto section 5 potentially bestows on the government was both specific and wide-ranging. It felt that this veto went against the Westminster tradition in Saskatchewan because it allows the executive to 'frustrate the will of the legislature.' 29

Arguably the most contentious section of Bill 5 was section 12. This is the section the government claimed affirmed the Premier's authority to effect departmental restructuring. By allowing the Premier, through orders-in-council, to establish and disestablish departments, determine or change the name of any department, and define the objects and purposes of departments, the government felt that section 12 clearly defined the Premier's authority to restructure responsibility among the departments.

In principle, the opposition agreed that the traditional practice of executive government organization
in Saskatchewan allows the Premier to restructure departments. Mr. Blakeney of the opposition agreed by stating:

... the Premier can appoint the cabinet ... and we all know that the Premier can reorder departments ... and that the cabinet can assign and transfer powers from one minister to another, and we don't quarrel with that. That has already been done. They can do that without in any way this Bill having been passed.\(^3\)

However, the opposition believed that the language used by the government to clarify that authority in section 12 was too vague.\(^3\) It charged that section 12 would grant the Premier law making ability and would allow the Premier to unilaterally effect changes in Crown corporations, government agencies, and the manpower situation of the civil service.

Since section 12 allows the Premier to disestablish any department, the opposition charged that the Premier could unilaterally effect civil service cutbacks without legislative approval. It believed that by disestablishing a department, the Premier would effectively be firing all the employees within the department. Moreover, it felt that if one were to consider the veto granted in section 5, the civil servants would have no recourse since the Public Service Act and any collective bargaining agreement could be vetoed.\(^3\)

Further, the opposition claimed that the government could eliminate or change government entities simply by
disestablishing them and then reestablishing them in another form." For example, the opposition noted that the government could disestablish or change the Liquor Board or Saskatchewan Government Insurance.

The opposition also alleged that section 12 gives the Premier new law-making powers. It charged that the phrase that allows the Premier to determine the 'objects and purposes' of departments gives the Premier the ability to dictate new laws. As Louise Simard of the New Democratic Party claimed:

... Nowhere, Mr. Speaker, is it considered democratic for the legislature to give the executive power to legislate basic and fundamental powers outside of the Legislative Assembly and away from the scrutinizing eyes of the public and the opposition, but that's what Bill 5 purports to do. ... Bill 5 takes that power and gives it to the executive to establish the objects and purposes of a department and to make other substantive changes or additions to the law, such as, perhaps, the right of a minister to enter on your property and to seize something. And there is legislation on the books, Mr. Speaker, that gives the executive arm of the government or a minister the right to authorize people to enter on land and maybe seize or make an entry and seizure or search.

How is that legislation going to be affected by Bill 5? ... Will it allow them, by regulation, to create another ancillary section, giving them the power to go on and provide for some more search and seizure? ... What about the right to create an offence for non-compliance with new regulations? What about that? Does this bill give them the power to create offences outside of this legislature, Mr. Speaker? Well, if it allows them to establish objects and purposes, is that not broad enough? Could that not be
extended to include some more fundamental provisions such as creating offences?34

The opposition feared that the language in section 12 would allow the government to make laws by order-in-council. For example, the government could issue an order-in-council stating that a new 'purpose' of the Department of Social Services is to deny financial assistance to adults over 18 deemed physically capable of employment; thereby, fundamentally changing social assistance law in Saskatchewan without legislative approval.

As a result, the opposition argued that Bill 5 should not be passed because it was *ultra vires* (outside of the jurisdiction) of the legislature.35 It was noted that constitutional law in Canada does not allow the legislature to delegate the power to make new laws. Specifically, two court cases were cited. The first involved legislation passed by the government of Manitoba in 1916. The second dealt with a Supreme Court of Canada opinion in 1980 concerning a proposal to reform the Senate.

In 1916, the Manitoba government passed a law whereby laws of the province could be repealed by a direct vote of the electorate. This law was referred to the highest court of the time, the Judicial Committee of the Privy Council. The Judicial Committee of the Privy Council ruled that the law was *ultra vires* because section 92 of the British North America Act states that the legislature is the exclusive maker of law. By allowing the electorate to repeal laws,
the Manitoba legislature was ceding some of its law-making power to the electorate thereby violating section 92.\textsuperscript{36}

In 1980, the Supreme Court was asked to rule on the constitutionality of a proposal to reform the Senate which entailed the augmentation of the powers of the Senate with some of the law-making power of the House of Commons. In its opinion, the Supreme Court stated that by transferring some of the House of Commons' law-making authority to the Senate, the proposal violated once again section 92 of the British North America Act.\textsuperscript{37}

Armed with these rulings, the opposition claimed that Bill 5 would be deemed \textit{ultra vires} by the courts because it bestowed new law-making powers to the executive. As Bob Mitchell of the New Democratic Party stated:

\begin{quote}
. . . both the Privy Council and the Supreme Court of Canada have determined that the legislature cannot validly change the party which makes the law. The party which makes the law in the province of Saskatchewan is the legislature, and this legislature cannot delegate that power to any other body, including the cabinet of this government.\textsuperscript{38}
\end{quote}

Therefore, the opposition claimed, Bill 5 should be rejected on that basis alone.\textsuperscript{39}

Furthermore, the opposition alleged that section 12 would be found unconstitutional by the courts because it infringes on sections three, four, and five, of the Charter of Rights and Freedoms. As Mr. Mitchell explained:

\begin{quote}
. . . I would refer the minister to sections 3, 4 and 5 of the charter, and I think it is clear from a reading of those sections that
\end{quote}
we Canadians are to be governed by elected representatives in the House of Commons and in the legislatures of this country. And it seems implicit in the words used in that charter that Canadians have the right to expect that they will be governed in the main by primary law-making bodies. In other words, by this legislature, and not by another body, such as the Lieutenant Governor in Council referred to in section 12, subsection (1) of the Bill that's before us tonight.  

As stated earlier, sections 17 and 19 are concerned with the powers of ministers within departments. Section 17 allows ministers to enter into agreements with outside parties. Section 19 allows ministers to provide financial assistance to outside parties. The government claimed that these sections were put in Bill 5 to standardize the powers of ministers and were taken from standard sections found in most departmental statutes.

The opposition agreed in principle with the standardizing of departmental provisions in sections 13 through 19. As Anne Smart of the New Democratic Party noted:

Now the standard department Act has the following provisions. All these provisions are in every Act, as I understand it, and they seem to be fairly clear. Each department establishes the continuation of the department and names it. There's the power in the Lieutenant Governor in Council to adopt a seal. There's the establishment of [a] deputy minister position and [the] power to hire any necessary employees. There's the power to hire technical or expert advisers. There's the power for the minister to establish advisory committees, which can be useful. . . . There's the power to provide grants and financial assistance,
although some departments don’t get enough provision requiring an annual report and power to make regulations.

There is no difficulty in placing all these common provisions in one Act and making them applicable to all departments. And if that is what this Bill intends to do, then by all means let us get on with the business of streamlining the legislation. This could be an important improvement as it cuts down on non-essential repetition. 41

However the opposition believed that in the context of Bill 5, sections 17 and 19 granted the executive new powers. Specifically, the opposition alleged that section 17 allowed the executive to privatize government services while section 19 gave the executive an omnibus spending authority.

Combined with section 12, the opposition charged that section 17 allowed the government to privatize government services. For example, it was alleged that the executive could disestablish the Department of Highways and then enter into agreements with private companies to build and maintain the province’s highway network. 42

In the case of section 19, Ralph Goodale, then leader and sole MLA for the Liberal Party of Saskatchewan claimed -- in the Liberals only contribution to the debate -- that the broad language in the section would allow the executive to fund government programs with special warrants rather than funds appropriated in a budget passed by the legislature. In particular, he charged that since section 19 allows the executive to ‘grant financial assistance to
any person’, the executive could fund programs like the Home Improvement program without budgetary appropriation. Therefore, it was alleged that section 19 gave the government an omnibus spending authority.  

Besides these specific objections, the opposition also had other objections to Bill 5. First, it feared that if Bill 5 was passed, the statutes of Saskatchewan would end up in disarray. As Opposition Leader Blakeney explained:

... the system of transferring power as provided for in this Bill by section 5 will eventually get very, very confusing if we have orders in council stacked one on top of the other. ... I think we all have an obligation to make [the statutes] clear [so] that the public can find the law.

Second, it argued that even if the approval of the legislature was not effectively required for the restructuring of departments, Saskatchewan was still a small enough political system to have the capacity to take the time to review any reorganization the executive may effect. As Mr. Harry Van Mulligen of the New Democratic Party stated:

Is Saskatchewan such a large and complex jurisdiction that government can no longer function effectively if we involved the Assembly in something as basic as determining what the objectives, what the functions should be of government departments.

Are we like Great Britain with a population approaching 48 million, and with a House that has 650 members, and where it might make some sense to restrict the involvement of the House in the detailed affairs of the government and restrict it to
the broadest possible questions of policy,
Mr. Speaker.46

Third, by statutorily recognizing the ability of the
Premier to independently handle the repercussions of
departmental restructuring, the opposition noted that the
legislature would be deprived of any chance to scrutinize
any government reorganization that might take place.47

After an examination of the opposition’s objections to
Bill 5, it is clear that the opposition agreed with the
general principles of the bill -- mainly, the recognition
of the Premier’s authority to execute government
organization and the standardization of departmental
powers. Yet, the opposition objected to the bill because
its language in certain sections was too vague. Its chief
fear was that the vagueness of the language in the bill
would allow for broad interpretations resulting in the
executive gaining new powers. In particular, the
opposition alleged that Bill 5 would bestow on the
executive: a veto, law-making powers, the power to effect
civil service cutbacks, the power to change government
entities, the power to privatize government services, and
an omnibus spending authority. Consequently, the
opposition objected vehemently to Bill 5 and warned that it
would be found ultra vires by the courts. It feared that
the passage of Bill 5 would result in the shifting of
legislative power from the legislature to the executive;

41
hence, breaking with the centuries long tradition of the Westminster system.

In rebuttal, the government reminded the opposition that the primary intention of Bill 5 is to affirm in explicit terms the existing authority of the executive. Further, it emphasized that the authority of the executive is governed not only by legislation but by convention. The government insisted that if the opposition considered the role convention plays in the Saskatchewan political system, most of its fears would be assuaged. Specifically, the government noted that convention prevents Bill 5 from granting a veto power and law-making authority to the executive.48

The government stated that the doctrine of ministerial responsibility binds it to designate responsibility for every government entity that the legislature creates and every piece of legislation the legislature passes. For this reason, the government believed that section 5 does not grant a veto and does not require a statement obligating it to assign responsibility. In the words of Mr. Bernston:

... There is no requirement now statutorily to assign Acts to ministers, as I understand it. It's long-standing practice and convention.49

Likewise, the government noted that the provision in section 12 that allows the executive to 'establish and disestablish' departments is also limited by convention.
It claimed that the words 'establish' and 'disestablish' only give the Premier flexibility in restructuring responsibility. The government stressed that convention dictates that any responsibilities in a disestablished department would have to be reassigned elsewhere; therefore nothing would really be 'disestablished', it would just be rearranged. Consequently, there could not be any massive civil service cutbacks as a result of Bill 5 because staff would likely be reassigned.  

In addition, the government claimed that section 12 does not grant additional law-making powers. It emphasized that Bill 5 is concerned solely with the organization of responsibility previously granted to the executive by the legislature not the acquisition of new responsibilities or powers. It restated that the language in section 12 needed to be vague so that the government could have maximum flexibility while rearranging responsibilities given to it by the legislature. Accordingly, the government insisted the words 'object and purposes' are intended to allow the executive to define general mission statements for any 'new' restructured departments and are not intended to have any legislative effect.

As a result, the government refuted the claim made by the opposition that Bill 5 would be found ultra vires by the courts. The government reiterated that Bill 5 is concerned only with the organization of existing power not
the creation of new ones. Thus, the case law cited by Mr. Mitchell would not apply. Moreover, the government claimed that Mr. Mitchell's Charter argument was invalid. As then Justice Minister, Bob Andrew, explained:

... The hon. member ... refers and tries to rely on section 3, 4, and 5 of the charter of rights. Those provisions deal with the right to vote, the maximum duration of the Legislative Assembly, and the requirement of an annual sitting of the legislature. His argument is completely wrong on this point. There is no possible basis for the provision that the charter can be engaged. ... The Bill self-evidently does not touch either upon the right to vote, the duration of the Assembly, or the sittings of the Assembly."

Moreover, the government claimed that section 12 could never be used to change government entities such as boards or Crown corporations. Mr. Bernston noted that Bill 5 mentions exclusively entities within the executive and not government entities. He stated:

"... it is clear that this Act only deals with the executive government, departments, secretariats and the like -- not independent agencies established by statute by this Assembly."

As for the allegations the opposition made with respect to sections 17 and 19, the government claimed that these sections were taken from departmental statutes and would be interpreted according to previous practice. In the case of section 17, the government stated that the provision allows the government to enter into agreements like the one it had with Saskatchewan Sport, Recreation and Culture regarding the division of lottery proceeds. It
does not entitle the government to privatize government services. The government stated that if it wanted to effect privatization, legislation would have to be passed. Moreover, it claimed that if it wanted to effect civil service cutbacks, it would do so in the budget and the collective bargaining process.\textsuperscript{56}

In the case of section 19, the government noted that it stipulates that the minister can only expend money if it relates to 'any matter in his administration or for which he is responsible.' Accordingly, the government claimed that the expenditure must be based on a statute passed by the legislature and be paid for from funds appropriated to it by the budget.\textsuperscript{57}

The government also addressed the concern that Bill 5 would leave the statutes of Saskatchewan in disarray. It promised to introduce consequential legislation, from time to time, to "clean up" any confusion the use of Bill 5 would create. Moreover, the government noted that at that time the opposition could challenge any of the changes that were made. Mr. Bernston pledged that:

\begin{quote}
When departmental structures are changed, changes to existing Bills will obviously be necessary. It is our intention to return to this Assembly with our proposals for repeal, for re-enactment in other statutes, or enhancement by creation of special Act, of all duties and powers presently contained in departmental Acts. At that time, Mr. Speaker, all members will have an opportunity to debate what powers and duties ought to be carried on by the government.\textsuperscript{58}
\end{quote}
The government also rejected the idea that Saskatchewan was too small a political system for legislation of this kind. It argued that similar legislation has been in place since 1970 in Manitoba, a similar size jurisdiction.\textsuperscript{59} Also, the government admitted that while the opposition's ability to directly confront any reorganization during debate of 'new' departmental statutes would indeed be lost, the opposition could still effectively question any reorganization during question period in the Legislative Assembly, during sessions of the Regulations Committee, during the debate on the promised 'clean up' bills, and through the media.\textsuperscript{60}

In sharp contrast to the opposition's objection to the vagueness of the language of Bill 5, the government insisted that the broad language was necessary to allow the Premier flexibility with respect to the execution of executive government organization. The government claimed that it could not be interpreted freely because any interpretation of Bill 5 would be based upon convention and prior practice. It also stated that the bill was consistent with similar bills in other Westminster-based systems. Therefore it concluded that the objections of the opposition were "overstated and unfounded."\textsuperscript{61}
Chapter Four: Bill 5: Applications and Consequences

After more than a week of vigorous debate, Bill 5 was given royal assent in the early morning of Christmas Eve 1986, 12:32 a.m., by the Lieutenant-Governor at the time, Frederick Johnson. At that time, Bill 5 became known as the Government Organization Act. Before assessing the effects it had on government operations, it is necessary to review the positions of the government and the opposition with respect to the provisions in the Act. This will emphasize the contentious issues that must be examined in an analysis of the use of Bill 5 after its passage.

The Devine government apparently introduced Bill 5 to explicitly affirm the Premier’s authority to execute executive government organization. Through the Deputy Premier of the time, Eric Bernston, the government claimed that Bill 5 does not give the executive any ‘new’ power. Instead, it only fully affirmed the authority of executive government organization by explicitly stating the Premier’s ability to appoint ministers, transfer responsibility, and effect departmental restructuring. As a consequence, the government argued that general terms such as ‘objects and purposes’ and ‘establish and disestablish’ were needed to
allow the Premier maximum flexibility while administering government organization. However, the government assured the opposition that the interpretation of these terms would be limited by convention.

Also, the government argued that sections in Bill 5 dealing with the standardization of the powers of departments and their ministers were taken directly from existing departmental statutes and do not represent the authorization of any new powers. The government claimed that these sections would streamline departmental legislation since most departments and their ministers already had these powers.

While the opposition recognized the Premier's authority to effect departmental restructuring independently, it objected to the broad language used in the bill. It feared that the vagueness of the terms would grant the executive: a veto, law-making powers, the power to effect civil service cutbacks, and the power to change government entities. Moreover, the opposition claimed that, in the context of the entire bill, the sections standardizing departmental powers granted the executive the power to privatize government services and an omnibus spending authority. Therefore, it concluded that the bill was a 'power grab' and entirely inconsistent with the Westminster tradition.
The use of the Government Organization Act with respect to executive government organization must now be examined to see whether or not it was used as a veto and whether or not it was used to enact laws without prior legislative approval. Second, the methods the government used to effect civil service cutbacks and privatization must be analyzed to determine if the Act was as wide ranging as the opposition feared. Third, it must be determined if the Act was used by the government to change government entities. Finally, the question of whether or not section 19 of the Act was used to authorize new expenditures must be addressed. Examination of these issues will provide some of the information needed to determine whether or not the opposition overstated its objections to the Act.

Almost ten years have elapsed since the passage of the Government Organization Act. During this time, two governments, the Devine government and the Romanow government, have had an opportunity to use the provisions of the Act on numerous occasions. Moreover, changes in government entities, privatization, civil service cutbacks and spending have been effected. Looking back, it appears that the opposition in 1986 overstated its objections to the Act. Indeed since 1986, the Act has been used in a manner consistent with the claims of the Devine government.
On 14 January 1987, the Devine government used the Government Organization Act for the first time. Ironically, the first use of the Act did not involve the contentious issue of departmental restructuring. Instead, in Order in Council number 3 of 1987 (see Appendix B), Premier Grant Devine assigned responsibility for legislation and government entities to various ministers, tasks that did not entail the use of the 'new' sections of the Act. In Schedules Two and Three of Order-in-Council 3/87, it appears that responsibility for all legislation and all government entities was assigned to the various cabinet ministers. This supports the Devine government's claim that the Act does not grant a veto because the doctrine of ministerial responsibility binds the Premier to assign responsibility for all legislation. This implies that the government can be held accountable if any piece of legislation is not enforced. Reinforcing the claim that the Government Organization Act does not grant a veto is the fact that the Romanow government has continued the practice of respecting the doctrine of ministerial responsibility when effecting government organization.

The Devine government used the Act for a second time two weeks later, on 28 January 1987. On that day, Order in Council 56 of 1987 (see Appendix C) was issued with an accompanying regulation, Regulation One of the Government Organization Act [c. G-5.1, Reg. 1] (see Appendix D).
Order in Council 56/87 and Regulation One, the Devine government appears to have used the Government Organization Act in a manner consistent with its claims. Through the two statutory instruments, the Devine government used the Act to reassign responsibility amongst different ministers and form the Department of Human Resources, Labour and Employment by merging the Department of Labour, the Department of Social Services, the Employment Development Agency, the Indian and Native Affairs Secretariat, and the Women’s Secretariat.³

Moreover, in Regulation One, the terms 'establish and disestablish' allowed the Premier to handle the repercussions of the merger of the Department of Labour, the Department of Social Services, the Employment Development Agency, the Indian and Native Affairs Secretariat, and the Women’s Secretariat into the Department of Human Resources, Labour and Employment. Chiefly, the terms allowed the Premier to clarify the status of the old departments and accurately name the 'new' department.⁴

While the terms 'establish and disestablish' allowed the Premier to resolve residual matters arising from departmental restructuring, it appears that it did not allow the Premier to repeal the legislation for which the disestablished entities were responsible. In section 3 of Order in Council 56/87, responsibility for the legislation
for which the disestablished entities were responsible was transferred to the 'new' department. This reinforced the government's claim that the term 'disestablish' could not be interpreted as an authority to veto legislation.

During the debate over Bill 5, the opposition claimed that the terms 'objects and purposes' could potentially bestow new law-making powers on the executive. However, use of the terms 'objects and purposes' in Regulation One supported the government's claim that these terms allow only for the pronouncement of general mission statements for the 'new' department rather than the endowment of law-making authority. The tone of statements from section 3 of Regulation One using the terms 'objects and purposes' do not appear to be statements that create 'new' laws:

The objects and purposes of the Department of Human Resources, Labour and Employment are:

(a) to provide the structure wherein and whereby the powers, duties and functions of the Minister of Human Resources, Labour and Employment in the areas of human resources, labour and employment may be exercised and carried out;

(b) to promote, develop, implement and enforce policies and programs respecting work-place related issues and labour-management relations issues;

(c) to co-ordinate, promote, develop and implement policies and programs to encourage the full participation in the economic life of Saskatchewan of Indian and native people, seniors, women and youth;

(d) to co-ordinate, promote, develop and implement policies, programs and
activities relating to Indian and native people, seniors, women and youth;

(e) to co-ordinate, promote, develop and implement policies, programs and activities related to the labour market in Saskatchewan and the development of employment opportunities in Saskatchewan;

(f) to promote, develop, implement and enforce employment standards;

(g) to promote, develop, implement and enforce policies and standards with respect to certain pension plans in Saskatchewan;

(h) to promote, develop, implement and enforce policies and standards with respect to work-places and working conditions that are safe and healthful for employees.  

Rather, the tone of the statements in the regulation is similar to that of the mission statement of the disestablished Department of Social Services:

The mission of the Department of Social Services is to promote human growth and development and, thereby, the well-being of the people of Saskatchewan.

Given the priorities of the Government of Saskatchewan and the special needs of the people of the province, the department responds to its mission through:

providing financial assistance and related support services to persons who are unable to provide for themselves;

protecting children against abuse, neglect and abandonment;

providing substitute care for children, youth and families;

providing rehabilitative and developmental services and promoting independent living for
persons who are physically and mentally disabled;

supporting community-based services and initiatives.⁷

From an examination of the initial uses of the Government Organization Act in Regulation One and Orders in Council 3/87 and 56/87, it appears that the opposition overstated its concern that the Act gave the executive a veto and law-making powers. As the Devine government claimed in its rebuttal to the opposition, convention appears to limit the interpretation of the broad language in the Act to the organization of responsibility within the executive.⁸

The nascent uses of the Government Organization Act also support, contrary to the allegations of the opposition, the government’s contention that the Act could not be used to effect civil service cutbacks. In section 3 subsection (c) of Order in Council 56/87, the public servants previously assigned to the disestablished Department of Labour were all transferred to the newly established Department of Human Resources, Labour, and Employment.⁹ The public servants assigned to the disestablished department were not fired en masse, as the opposition feared. In fact, when the government did wish to implement civil service cutbacks, it announced its plans in a budget and realized the cutbacks through the Public Service Act and the provisions of the collective bargaining
agreement between the government and the Saskatchewan Government Employees Union. This practice has also been continued by the Romanow government.

The matter of whether or not the Government Organization Act was used to change or eliminate government entities can now be investigated. Orders in Council 3/87 and 56/87 appear to show that the Act only allows for the reassignment of responsibility for executive entities and cannot be used to change or eliminate government entities such as the Liquor Board, the Human Rights Commission, or the Potash Corporation of Saskatchewan. In order to reform government entities, the Devine government did not use the Government Organization Act; instead, it introduced legislation. For example, when it wished to change the mandate of the Meewasin Valley Authority, it introduced Bill 59 of 1988-89, an Act to amend The Meewasin Valley Authority.

The actions of the subsequent Romanow government in this area also appears to support the contention that the Government Organization Act does not allow the government to modify government entities. In 1993, when the Romanow government wanted to transfer some of the executive’s responsibilities in health care to regional health boards, it did not use the Government Organization Act to ‘establish’ a health board and then transfer responsibility to the board from the Department of Health. Instead, it
introduced legislation, The Health Districts Act, to create the regional boards and define their authority. This appears to support the Devine government's claim that the Government Organization Act does not allow the Premier to change government entities simply by transferring responsibility for legislation from a department to a government entity.

In the case of privatization of government entities and services, the Devine government sought legislative authorization. It did not, as the opposition charged it could, effect privatization by using section 17 of the Government Organization Act to enter into agreements with outside parties. For instance, when the Devine government wanted to privatize The Saskatchewan Mining Development Corporation (SMDC), it introduced Bill 56 of 1988-89, an Act respecting the Reorganization of the Saskatchewan Mining Development Corporation. In it, the executive was granted the authority to sell all or part of the SMDC. Section 4 subsection 1 states:

4(1) Subject to the approval of the Lieutenant Governor in Council, SMDC may enter into any transaction that provides, directly or indirectly, for the sale, assignment and transfer of all or any part of the SMDC assets to a purchaser corporation.

Likewise, when the Devine government wished to privatize the Potash Corporation of Saskatchewan it sought the passage of Bill 20 of 1989-90, an Act respecting the
Reorganization of the Potash Corporation of Saskatchewan.\textsuperscript{15} The actions of the Devine government appear to support its claim that section 17 of the Government Organization Act could not be used by the executive as an authority to privatize government entities. Reinforcing this contention is the fact that the Devine government introduced additional legislation (Bill 1 of 1989-90, an Act establishing the Public Participation Program) to authorize, for itself, an omnibus authority to effect privatization.\textsuperscript{16}

Having investigated the matter of privatization, the question of whether or not section 19 was used, as the Liberals feared, as an omnibus spending authority must now be addressed. The sole MLA for the Liberals, Ralph Goodale, claimed that in concert with section 12, section 19 would allow the executive to create and fund programs by orders-in-council and special warrants. However in the past ten years, section 19 has not been used by the executive as an authority for it to fund new programs. This should not be surprising since, as noted earlier, section 12 has not been used by the executive to create programs. Section 19 has been used, as the government claimed, as recognition of the executive's authority to release funds to outside parties according to conditions stipulated in legislation and appropriations.
For example, when the Devine government wanted to establish income supplement programs for farmers during a period of low grain prices in the early 1990s, it did not do so through section 19. Instead, it introduced Bill 55 of 1990-91, an Act respecting Programs to Stabilize the Income of Agricultural Producers. In it, the government created two income supplement programs: the Gross Revenue Insurance Program (GRIP) and the Net Income Stabilization Account (NISA). The terms and conditions of payouts from the programs were defined in the bill and the government was authorized to release funds based only on those conditions.¹⁷

The examination of the application of Bill 5 after its passage strongly supports the Devine government’s claim that the bill only explicitly affirms the executive’s authority for executive government organization and does not drastically alter the power relationship between the executive and the legislature. Indeed, to date, the Act has not been used as though it authorized a veto, new law-making powers, power to change government entities, power to effect privatization and civil service cutbacks, and an omnibus spending authority. However, the fact that it has not been used according to the fears of the opposition does not mean that it could not be used in that manner in the future. Theoretically, the potential to significantly alter the power relationship between the executive and the
legislature still exists. In order to determine if the provisions in the Act could be used according to the claims of the opposition, it is necessary to examine two factors that limit and guide the actions of any government: convention and law.

Governments respect conventions, practices that have been established and followed by governments in the past, because violating them could have damaging political repercussions such as loss of legitimacy, loss of popular support, loss of support from social and business elites, and heavy criticism from the media. In the debate over Bill 5, the Devine government claimed that the use of the bill would be limited by convention. The examination of the application of the resulting act appears to support this contention. In a sense, it should not be surprising that the Government Organization Act was used by the Devine government in the manner it claimed the Act would be used. Robert Cosman, current Legislative Counsel and Law Clerk for the Saskatchewan Legislative Assembly, has pointed out in an interview that since the government drafted the bill, it would be predisposed to interpret the bill according to its intentions. Therefore, since the Devine government stated that its use of the Act would be limited by convention, it is not surprising that it used the Act accordingly.
However the subsequent government, the Romanow government, did not make such a claim. It was, therefore, not bound by a verbal commitment to abide by convention with respect to the Government Organization Act. In spite of this, the examination of the application of Bill 5 has shown that, to date, the Romanow government has also followed convention. As a result, a 'convention' stipulating that interpretation of the provisions of the Government Organization Act are limited by convention has effectively been established. In the future, if a government wants to interpret the Act in a different manner it would likely weigh heavily the repercussions of breaking with this convention.

However, if a government decides that it can weather the repercussions of breaking with convention, it is free to do so because conventions do not have the force of law. For example in 1987, the Devine government financed its operations for four months through special warrants. It did this despite the fact that the section of the act that the government claimed authorized the special warrants was used in the past primarily to fund emergency expenditures such as financial relief for victims of natural disasters and the fighting of forest fires.

While convention may only give pause to any future government that wishes to broaden the interpretation of the Government Organization Act, the force of law will restrict
its ability to do so. Indeed, law and legal practices will severely limit any future government's ability to abuse the Government Organization Act by interpreting it in such a manner that it authorizes the executive to: exercise a veto over legislation passed by the legislature, exercise law-making powers beyond those currently allowed through delegated legislation, reform government entities, effect privatization and civil service cutbacks, and exercise an omnibus spending authority.\textsuperscript{21}

For example, legal practice precludes the possibility of the Government Organization Act granting a veto to the executive.\textsuperscript{22} During the debate over Bill 5, the opposition alleged that the bill does not require the executive to reassign, to another department, responsibility for any legislation from a 'disestablished' department. As a consequence, the opposition claimed that any legislation left unassigned to a minister would effectively be vetoed because it would not be enforced if no one was responsible for it.\textsuperscript{23} In response, the government countered that the doctrine of ministerial responsibility bound it to assign responsibility for every piece of legislation.\textsuperscript{24}

However, the positions taken by both the opposition and the government were wrong. In contrast to the government's claim, ministerial responsibility does not force the executive to have ministers responsible for every piece of legislation.\textsuperscript{25} Indeed, statutes that originate as
private bills do not have ministers responsible for them. Nevertheless, contrary to the allegation of the opposition, these statutes, like all legislation passed by the legislature, are enforced by the judiciary. For example, no minister is responsible for the Saskatchewan Wheat Pool Act; yet its provisions still apply every day to the operations of the Saskatchewan Wheat Pool and the people and businesses who deal with it. If anyone deems that the Wheat Pool Act is not being applied properly, court action can be initiated. Therefore, the Government Organization Act can never be interpreted by any future government as an authority to veto legislation because all legislation enacted by the legislature is ultimately enforced by the courts.

The opposition was also incorrect in its charge that the term 'objects and purposes' in section 12 of the Government Organization Act allow the executive to dictate new laws without prior legislative approval. According to the Constitution, all new laws must be authorized by legislative assemblies. There are cases where the executive can develop 'new' laws, for example delegated legislation in the form of regulations, but the executive's ability to develop these laws has already been authorized by the legislature. If, however, the executive wanted to create entirely new laws, legislation must be introduced for passage by the legislature. As a consequence, the
supreme law of Canada, the Constitution, prevents the Government Organization Act from being interpreted as an authorization for the executive to enact new law without prior legislative approval.

Similarly, the Constitution prevents section 19 of the Government Organization Act from being interpreted as an omnibus spending authority. The Constitution recognizes a fundamental practice of all Westminster based parliamentary systems by asserting that all expenditure of funds must be approved by legislative assemblies. This practice is reinforced in Saskatchewan by the Financial Administration Act which stipulates that all spending by the executive must be approved by the Legislative Assembly. Even money spent under special warrants must be approved after the fact by the legislature even though it has already been spent. Consequently, section 19 of the Government Organization Act cannot be interpreted as a provision for an omnibus spending authority for the executive.

In the case of civil service cutbacks, the opposition overstated the Government Organization Act’s purview by claiming that it gave the executive the authority to effect cutbacks simply by ‘disestablishing’ a department. Civil servants must be hired or fired according to the provisions of the Public Service Act and the collective bargaining agreement between the government and the Saskatchewan
Government Employees Union. The Public Service Act and the provision for collective bargaining included in it were enacted precisely to inhibit abuse of the civil service by the government. Thus, the Government Organization Act does not allow for the termination of employees from any 'disestablished' departments; rather, it allows only for employees to be transferred along with their existing responsibilities to other departments.

The opposition also overstated its case against the Government Organization Act with respect to government entities. It states clearly in the Act that it only allows the President of the Executive Council (the Premier) to, "determine the organization of the executive government and of its various departments..." The term 'executive government' does not include government entities such as agencies, boards, authorities, or Crown Corporations and, as a result, they cannot be modified through the Government Organization Act. Government entities all have enabling legislation that dictate their powers, their jurisdiction, and the conditions under which they must exist; therefore, amendments to these pieces of legislation must be introduced in the legislature if the executive wishes to reform any government entities.

Consequently, the Government Organization Act does not allow the executive to unilaterally privatize government entities and services because privatization requires
amendment of the enabling legislation of the entity or service. Any amendment would have to come before the legislature; as a result, the opposition's claim that the Act allows the executive to effect privatization was inaccurate.

From the examination of the restrictions law and convention put on the Government Organization Act, it is clear that the opposition overstated its case against the provisions in the Act. Convention and law prevent the Act from authorizing to the executive: a veto over legislation passed by the legislature, an expansion of its law-making power, the power to reform government entities, the power to effect privatization and civil service cutbacks, and the power to exercise an omnibus spending authority. As the executive's 'rule book,' Executive Government Process and Procedures in Saskatchewan, states:

The Government Organization Act allows the Premier to reassign powers that the Legislative Assembly has already dealt. The Premier and Cabinet cannot change the powers that they have been given for organizing government without returning to the Assembly.

The opposition's scenarios for the potential abuse of the provisions of the Act were, according to Robert Cosman, "... probably at the extreme end of the very broadest of interpretation that could possibly be placed on the bill."
However, this does not mean that broad interpretation by a future government is impossible. The potential exists but after taking into account the restrictions that law and convention place upon the executive, any 'expansion' of the provisions of the Government Organization Act would likely be limited to executive government organization and occur on a smaller scale than suggested by the opposition in 1986. In addition, any 'expansion' of the provisions of the Government Organization Act is probably unlikely since the Act already allows the executive broad discretion with respect to executive government organization. Since there is not much left for the executive to gain in this area, 'expansion' is possible but doubtful.

The investigation of the applications and consequences of the Government Organization Act after its passage in 1986 support one of the Devine government's two main contentions. Specifically, that the Act only explicitly affirms the authority of the executive to effect all five aspects of executive government organization. Indeed, the Premier can now address the repercussions of departmental restructuring -- such as the accuracy of the names of restructured departments and the fate of departments rendered unnecessary as a result of restructuring -- without having to introduce amending legislation. This has been accomplished without the drastic side effects feared by the opposition in 1986. However, the Devine
government’s contention that the Act does not represent an increase in power for the executive was incorrect. The executive can now effect all five aspects of executive government organization without legislative approval. Consequently, the Act has changed the power relationship between the executive and the legislature -- to a degree far smaller than that feared by the opposition -- with respect to executive government organization. The effect that this development has on the state of parliamentary democracy in Saskatchewan will be discussed in the concluding chapter.
Conclusion: Bill 5 and Parliamentary Democracy in Saskatchewan

As is the case for most complex concepts, there is no one single universally accepted definition of parliamentary democracy in Canada. Indeed, democracy is a difficult concept to define. In his book, *Democracy and Its Critics*, Robert Dahl identifies several different viewpoints of what constitutes a democracy. He notes that a democracy can be defined: through its goals whether it be the expression of the will of the majority or the protection of minorities or the pursuit of the common good; by the presence of institutions such as a freely elected legislative assembly, an independent judiciary and a largely unrestricted news media; or by a combination of both goals and institutions.

Considerably less contentious is the debate over the current state of parliamentary democracy in the various Westminster-based parliamentary systems in Canada. Most agree that the various systems are dominated by their respective executive branches. In all the parliamentary systems in Canada the executive, with the support of a
majority in the legislative assembly, can do as it wishes within the limits determined by the rule of law, convention, fear of political repercussions, time, and its own ability. It is within this context of executive dominance that the question of whether or not Bill 5 eroded the state of parliamentary democracy in Saskatchewan must be addressed. Before addressing the question, however, it is necessary, in order to fully understand the prevalence of executive dominance, to briefly examine how and why executive branches dominate Canadian parliamentary systems.

The current state of parliamentary democracy is rooted in a development that began in the middle of the Nineteenth Century when the executive slowly started to replace the legislature as the primary forum in which governmental decisions were formed. In Canada, this development gained public recognition as early as 1905. A newspaper editorial in the 28 November 1905 edition of the Toronto News stated that the legislature had become a "venerable relic" and that:

> The Cabinet is our real legislature. In it all the real debates take place, and all decisions are arrived at. . . . When the Cabinet comes to a decision, it instructs the Senate and the House of Commons to register its will. . . ."^{5}

Events since 1905 have further strengthened the executive’s dominance. Two world wars, the Cold War, exponential social evolution, and significant growth in technology, have made governing more complex. In response to the
increase in the demands on government the executive components of Canadian Westminster-based systems have, in a parallel manner, grown in both power and complexity.⁶

Executive dominance of the system manifests itself in many ways.⁷ In most jurisdictions, the executive controls the timetable and sets the agenda for the legislative assembly. Moreover, the procedural rules of legislative assemblies, especially those that limit debate, favor the executive. Furthermore, the executive controls the civil service and often has access to important information that is not readily available to the individual members of the legislative assemblies. More important, it initiates all financial legislation and virtually all other types of legislation. In addition, through the various Governors-in-Council, the executive can issue orders-in-council.

The extent to which the various executive branches can use these operational advantages is predicated on two factors: the support of a majority in the legislative assembly and the presence of strong party discipline. While the support of a majority in the legislative assembly is contingent on electoral success, the presence of strong party discipline is a fundamental characteristic of most Westminster systems in Canada.⁸ On the government side, party discipline is required to foster credibility and legitimacy for government decisions. On the opposition side, party discipline is needed to present a credible
alternative to the government. If members of the opposition party do not follow the party line on an important vote, the opposition appears divided and disorganized. As a result, party discipline has become a basic element of Canadian parliamentary systems. Therefore, executive dominance is ensured if one party is able to attain a majority in the legislative assembly because it can then use its majority to exert its will on the legislature.

Currently, executive dominance is a prevailing characteristic of parliamentary democracy in Canada. This characteristic has its roots in the Nineteenth Century and has been reinforced with the growth in complexity in government in the Twentieth Century. With a majority, the various executive branches in Canada can dominate government operations. The Saskatchewan political system does not escape this trend. In her book, Saskatchewan Government: Politics and Pragmatism, Evelyn Eager acknowledges the dominance of the executive in Saskatchewan. Eager notes:

The cabinet is the center of government activity and administration. That the terms cabinet and government are interchangeable indicates the reality of its authority, which contrasts with its theoretical position. 9

Arguably, the acrimony over Bill 5 may have been caused by the perception that cabinet equals government. From this perspective, the fear and suspicion that was
unleashed when the Devine government introduced the bill is understandable. Indeed because the executive is so closely linked with government, when a bill dealing with 'government organization' was introduced in December 1986, the suggestion by the opposition that it authorized for the executive powers beyond that of executive government organization such as a veto, law making power, the power to effect civil service cutbacks, the power to change government entities, the power to privatize government services, and an omnibus spending authority, was entirely plausible.

In fact, the Saskatchewan Government Employees Union (SGEU) and editorialists from a major newspaper in Saskatchewan sided with the opposition during the debate. In an editorial that appeared in the Regina Leader Post, the editorialists stated that, "...the bill’s potential for abuse is ... too obvious to let it go unchallenged." Similarly, the SGEU urged the government to withdraw Bill 5 because:

It would allow the cabinet to eliminate or reorganize government departments and agencies without the knowledge or permission of the province’s elected representatives in the legislature. ... If adopted, this Bill would constitute a radical departure from the Saskatchewan tradition in the organization of government services. ...

However, this study has shown that the fears of the opposition were overstated. The Devine government introduced the bill in order to explicitly define the
executive’s authority, through the Premier, to unilaterally effect all five aspects of executive government organization. It did so to elaborate powers that had been exercised by the Premier since the creation of Saskatchewan and to remedy, in the view of the Devine government, an inadequacy in those powers.

Since 1905, when Saskatchewan was created by the Saskatchewan Act, the executive, through the Premier, has been the primary practitioner of executive government organization. The source of this authority was rooted in the Executive Council Act, 1906, and its later legislative descendant, the Legislative Assembly and Executive Council Act, 1979. These statutes provided the authority for the Premier to execute the following functions: the appointment of ministers to departments; the transfer of responsibility for departments between ministers; the designation of responsibility for legislation and entities such as commissions, boards, Crown Corporations, and committees to ministers and their departments; the transfer of those responsibilities between ministers and departments; and, to a limited extent, the modification of the administrative structure of departments.

In the older acts the Premier’s ability to effect departmental restructuring was limited. The Premier was able to effect minor restructuring of departments through the authority to transfer responsibility for pieces of
legislation from one department to another. However, the Premier could not make major changes to the departments because major changes often raised residual matters such as the fate of unneeded departments and the accuracy of the names of remaining departments. To resolve these matters, amendment to existing departmental legislation or new departmental legislation was required. By allowing the Premier to change the names of departments and 'establish' and 'disestablish' departments through orders-in-council, Bill 5 remedied this situation. Thus, the authority of the Premier to effect all five aspects of executive government organization was affirmed. Further, Bill 5 standardized the powers of ministers by including in it sections found in most departmental statutes that deal with the powers of ministers. Limited by law and convention, it accomplished all these tasks without, contrary to the allegations of the opposition, authorizing to the executive any powers beyond that of executive government organization.

Moreover, the authority granted in Bill 5 is consistent with the provisions in similar legislation in other Westminster-based jurisdictions in Canada. The power to unilaterally effect departmental restructuring, change the names of departments and declare general mission statements for them, has been available to the Quebec executive since 1960, the Canadian federal executive since 1970, the Prince Edward Island executive since 1980, the
Manitoba executive since 1987, and most recently, the
Alberta executive since 1994. In addition, the executive
branches of Ontario and British Columbia have been able to
effect all aspects of departmental restructuring except the
declaration of mission statements since 1980 and 1976
respectively. Only three jurisdictions: New Brunswick,
Nova Scotia, and Newfoundland, require legislative approval
for departmental restructuring. Consequently in the
context of other jurisdictions in Canada, the authority
granted in Bill 5 is not exceptional.

Similarly, the argument can be made that the authority
granted in the bill is not undemocratic because it is
entirely consistent with the current climate of executive
dominance in the various parliamentary democracies in
Canada. Since departmental restructuring involves only the
transfer of existing responsibility from one department to
another, it is, arguably, not 'undemocratic' to suggest
that further legislative approval is unnecessary because
the legislature has already authorized the responsibilities
that are being transferred.

However, two questions remain about the state of
parliamentary democracy in Saskatchewan from two general
concerns the opposition raised during the debate of the
bill. They are: the potential for statutory confusion
that may result from the use of the provisions of Bill 5,
and the concern that the opposition's ability to scrutinize
government organization would be hampered by the limitation of its capacity to oversee the residual matters of departmental restructuring.

The opposition feared that eventually orders-in-council transferring responsibilities would cause confusion because the designation of responsibilities would not correspond with departmental statutes. As a result, the individual citizen’s ability to be informed about government operations, a fundamental characteristic of parliamentary democracy,\(^{16}\) could be inhibited. To assuage the opposition, the Devine government promised to periodically introduce legislation to amend departmental statutes.

On 22 June 1988, the government kept its promise and introduced Bill 84, An Act respecting the Consequential Amendments to Certain Acts resulting from the enactment of Certain Acts and the Passing of Certain Orders and Regulations pursuant to the Government Organization Act. In it, there were provisions that ‘cleaned up’ any confusion by rewriting departmental statutes to correspond with the orders in council issued through the Government Organization Act.\(^{17}\) As then Deputy Premier Bernston stated in his introduction of the bill for second reading:

Mr. Speaker, this Bill reflects the only amendments required as a result of government organization made in the past year and a half. This Act recognizes the changes required to statute because of the creation of the departments of Human Resources, Labour
and Employment; Environment and Public Safety, Economic Development and Tourism; and Trade and Investment.

This Act also recognizes changes required from the merger of some departments . . . .

Many of the amendments contained in this Act, Mr. Speaker, consist of repeal of provisions now continued in departmental statutes that are no longer required because they are covered by standard provisions in the Government Organization Act.¹⁸

In its response, the opposition recognized the fact that sections 13 to 21 of the Act standardized the authority of departments and their ministers. As Mr. Edward Tchorzewski of the New Democratic Party stated:

Mr. Speaker, let me first of all at the outset say that I am going to allow this Bill to proceed to committee. Most of what the minister has said, from my reading of the Bill, is correct.'¹⁹

Therefore, not only did the 'clean up' bill help preserve the individual citizen’s ability to be informed about government operations, it showed that, a year after the controversy, the opposition agreed that Bill 5 was not inconsistent with the current state of parliamentary democracy. This sentiment has continued to the present as the New Democratic opposition in 1986 has become the government of the day and has yet to change the sections of the Government Organization Act it had found objectionable. Nevertheless, the individual’s ability to be informed about government operations is still in jeopardy because there is no obligation in Bill 5 for the government to
periodically introduce consequential legislation. However, the bill is subject to the provisions of the Regulations Act. Consequently, the regulations for each department must be published. Currently, the enabling legislation for departments can be found either in Revised Statutes of Saskatchewan or Consolidated Regulations of Saskatchewan both equal in their readability and accessibility. Therefore, the individual’s ability to be informed about government operations is not hampered in any significant manner.

A more serious concern that the opposition raised with respect to parliamentary democracy was that the Government Organization Act unnecessarily limited the ability of the opposition to scrutinize government organization. It argued that the Saskatchewan political system was small enough to have the capacity to take the time in the Legislative Assembly to review reorganization in spite of the fact that the Premier had the authority to unilaterally execute it. In response, the government noted that the opposition could still effectively scrutinize any reorganization through other avenues such as question period and the media.

On 23 November 1995, Premier Roy Romanow of the New Democratic Party announced that he had expanded his cabinet to nineteen ministers and created a new department called the Department of Post-Secondary Education. Since those
changes were made the opposition has repeatedly criticized the government exclusively through the media. The highly publicized objections of the opposition may have played a part in forcing the Premier to later admit that he had to reconsider the size of the expanded executive government. Therefore, it appears that the opposition's ability to criticize any government reorganization has not been significantly inhibited by the Government Organization Act. However, the Romanow government has yet to make any changes to its expanded executive and seems unlikely to do so in the immediate future. This suggests that while Bill 5 does not appear to hamper the legislature's ability to scrutinize executive government organization, it does, by allowing the Premier to effect all five aspects of executive government organization by order-in-council, further limit the ability of the legislature to influence any reorganization.

This ineffectiveness, however, is not abnormal in the current climate of executive dominance. Indeed, as Gary Levy and Graham White note in their introduction to Provincial and Territorial Legislatures in Canada, "cabinet still dominates the legislature [and] private members are essentially without power over public policy. . . ." As a result, given the current state of executive dominance in the various Canadian parliamentary systems, the provisions
in Bill 5 do not erode the state of parliamentary democracy in Saskatchewan.

While the passage of Bill 5 did not erode the state of parliamentary democracy in Saskatchewan, it did, nevertheless, contradict the spirit of parliamentary democracy. The Legislative Assembly is the place where the citizens of Saskatchewan are represented. Ideally, opportunities for the legislature to question and seek justification for the actions of the executive should not be curtailed. Therefore, in accordance with the spirit of parliamentary democracy, the legislature should play some part in government organization. In an interview, former Premier Allan Blakeney suggested that the legislature approve reorganization after the fact in a similar manner in which it approves special warrants. This would allow members of the legislature an opportunity to place any objections they have to any reorganization on record. Moreover, it would force the government to defend, on record, its actions. However, the general public in Saskatchewan and in Canada appear to be either comfortable with, resigned to, or indifferent to the dominance of the executive branch in the political system. Any reforms hoping to restore a measure of efficacy to the legislature will have to wait for a different alignment of social, political, and economic forces.
Several themes have emerged from this study of the introduction, passage, application, and consequences of the Government Organization Act. For the executive in Saskatchewan, the Act has increased its power by allowing it to accomplish all five aspects of executive government organization without legislative approval. For the Saskatchewan Legislative Assembly, the Act has decreased its power to scrutinize any major departmental restructuring that may take place by eliminating the need for the executive to introduce legislation seeking the repeal or amendment of existing departmental statutes.

Nevertheless, these developments have not eroded the state of parliamentary democracy in Saskatchewan. Over the last one-hundred and fifty years, executive branches in Westminster-based parliamentary systems have dominated their respective legislatures. Through a variety of means available to most executive branches in Canadian Westminster-based systems, the executive in Saskatchewan dominates its own system. One aspect of this dominance is the tradition of executive dominance over executive government organization. Since 1905, the Saskatchewan executive has been able to unilaterally effect most aspects of executive government organization. With the enactment of the Government Organization Act in 1986, their power to exert this dominance has been augmented.
This augmentation of the executive's powers for executive government organization has not authorized, as the opposition in 1986 feared, powers beyond executive government organization. Indeed, provisions in the Government Organization Act are consistent with provisions in legislation authorizing executive government organization in seven other Canadian Westminster-based systems. With the presentation of these themes, the central contention of this study -- although Bill 5 increased the authority of the executive to effect executive government organization while decreasing the legislature's ability to scrutinize it, the state of parliamentary democracy in Saskatchewan was not eroded by the bill given the executive-dominant nature of the Westminster parliamentary system, provisions for executive government organization in other Westminster-based jurisdictions, and the tradition of executive dominance over government organization in Saskatchewan -- has been substantiated.

At the outset of this study, the claim was made that this study would contribute droplets of information to three pools of knowledge in the realm of political studies: the knowledge and understanding of the time during which the Devine government held power, the knowledge of the authority of executive government organization in Saskatchewan and other Westminster-based jurisdictions in
Canada, and the knowledge of the power relationship between the executive and the legislature in Saskatchewan and in other Canadian jurisdictions. With the development of the main theme of this study the hope is this claim has been fulfilled.

By examining the legislative and constitutional roots of the authority of executive government organization, the hope is that this study has helped to describe a concept usually referred to as a 'prerogative of the First Minister.' Also, by examining the manner in which executive government organization has been effected in Saskatchewan from its creation in 1905 to the present day, the hope is that this study has demonstrated one more way in which executive dominance manifests itself in the executive-legislature relationship.

Finally, by describing the introduction, passage, application, and consequences of Bill 5, the hope is that this study has contributed to the knowledge and understanding of the time during which the Devine government held power. Analysts of Saskatchewan politics have stated that the 'reign' of the Devine government was a time during which the spirit of parliamentary democracy and the power of the legislature were eroded. By showing that the Government Organization Act allows the Premier to completely bypass the Legislative Assembly when effecting
As is the case with all studies, there are limitations to this study. During second reading of the Act, it was repeatedly suggested by the opposition that the Devine government had a secret agenda and that the Act was the first step in this secret agenda. To support this suggestion, the opposition claimed that by introducing Bill 5 ten days before Christmas, when the attention of the general public would be occupied by holiday matters, the Devine government wanted to 'sneak' the bill through. Throughout the debate, the Devine government maintained that the reason for the bill was merely to make the process of executive government organization more efficient by explicitly affirming the power of the Premier to effect it. Without access to key figures in the Devine government, it is difficult to demonstrate if the government had an agenda beyond the codification of the authority of executive government organization. This task must be left to researchers who have better success in gaining access to key members of the Devine government.

Also, this study has focused mainly upon three aspects of executive government organization: the authority of executive government organization, the authority of executive government organization in relation to the power relationship between the executive and the legislature, and
the authority of executive government organization in relation to the current state of parliamentary democracy. Nevertheless, there are more aspects to executive government organization. As J. E. Hodgetts pointed out, "... the public service is held to be an extension of the political executive arm (in practice, the cabinet) of the state[;]" Consequently, the authority of executive government organization exercised by the Premier has effects on the management of the government's human and financial resources. In his book, The Institutionalized Cabinet, Christopher Dunn notes that the Government Organization Act allowed the Devine government to exert financial control over the public service. Moreover, it has been noted that although the Act allows only for the transfer of previously approved funds and does not allow the creation of 'new' funds, it has become more difficult to scrutinize departmental expenditures because appropriations for any 'new' or reorganized department would not be listed in the budgetary appropriations for that fiscal year. Therefore, while this study has shown that the state of parliamentary democracy in Saskatchewan was not changed by the passage of Bill 5 even though the executive's authority to effect executive government organization was increased and the power of the legislature to scrutinize it was decreased, the effect Bill 5 had on the management of the government's human and financial
resources has not been investigated. Again, this task is left to other researchers.

Finally, while the power to change the names and mission statements of departments may appear to be relatively minor powers dealing with relatively minor issues. Changes in names and mission statements may be an indication of a major change in the policy direction of a department. Therefore, the power to change names and mission statements may also entail a power to significantly change the nature of a government department. The investigation of this potential consequence must be left to other researchers because more cases of changes to departments must occur before a definitive answer can be reached.
ENDNOTES

INTRODUCTION


7. For examples and references see: Hodgetts *The Canadian Public Service*; articles in *The Administrative


11. See Ibid. for examples and references.


13. Ibid., 130.


15. The Government Organization Act (Alberta), and the Executive Power Act (Quebec). Citations for these acts may be found in the bibliography.

16. The Constitution Act (British Columbia), the Public Service Realignment and Transfer of Duties Act and the Ministers and Ministries of State Act (Canada), the Executive Government Organization Act (Manitoba), the Executive Council Act (Ontario), the Executive Council Act and the Public Departments Act (Prince Edward Island), and the Government Organization Act (Saskatchewan). Citations for all of these acts may be found in the bibliography.

18. Much has been written about these methods of dominance. For a good summary see Dawson's The Government of Canada, 137-152.

CHAPTER TWO

1. This definition of government organization is developed from a study of the thirteen bills that provide for government organization in eleven government jurisdictions in Canada (ten provincial governments and the federal government). Specifically they are: the Government Organization Act (Alberta), the Constitution Act (British Columbia), the Public Service Realignment and Transfer of Duties Act and the Ministers and Ministries of State Act (Canada), the Executive Government Organization Act (Manitoba), the Executive Council Act (New Brunswick), the British North America Act 1949, the terms of union between Canada and Newfoundland (Newfoundland), the Executive Council Act (Nova Scotia), the Executive Council Act (Ontario), the Executive Power Act (Quebec), the Executive Council Act and the Public Departments Act (Prince Edward Island), and the Government Organization Act (Saskatchewan). Citations for all of these acts may be found in the bibliography.

2. Canada, Statutes of Canada, 1905, c. 42.


4. Saskatchewan, Statutes of Saskatchewan, 1906, c. 3.

5. A subsection was added in later amendments to allow the Lieutenant-Governor to appoint ministers to newly created departments not listed in section 3.


7. Saskatchewan, Revised Statutes of Saskatchewan, 1979, c. L-11.1.
8. Saskatchewan, Statutes of Saskatchewan, 1906, c. 6.


10. Saskatchewan, Statutes of Saskatchewan, 1947, c. 4.


CHAPTER THREE

1. Only the public statements of the government can be examined. Attempts to gain further insight into the government's motivations through personal interviews with prominent members of the Devine cabinet were unsuccessful. Requests for interviews were either unanswered or denied.


6. Bill S.
7. Bill S.
8. Bill S.
9. Bill S.
11. Ibid., 466.
14. Bill S.
15. Bill S.
16. Bill S.

18. The government, through Mr. Bernston, repeatedly made these claims both inside and outside the Legislative Assembly. Intra-Legislative Assembly quotations can be found in Debates, December 15, 1986, 270-71. Extra-Legislative Assembly quotations can be found in Larry Johnsrude, "Bill expanding cabinet’s power slammed by NDP’s Romanow," in the Regina Leader-Post, December 15, 1986, A7, and Larry Johnsrude, "Legislature adjourns after spirited debate," in the Saskatoon Star-Phoenix, December 24, 1986, A9.

21. Ibid., 273.
26. Ibid., 346.
29. **Ibid.**, 353.
32. **Ibid.**, 386.
35. **Ibid.**, 357.
36. **Ibid.**, 358.
37. **Ibid.**, 358.
38. **Ibid.**, 359.
40. **Ibid.**, 359-60. Section 3 of the Charter deals with the right to vote. Section 4 deals with the duration of the Assembly and section 5 provides for an annual sitting of the Assembly.
43. The Home Improvement program was created by the Devine government to provide matching grants to homeowners if they spent $1 500 on home renovations.
46. **Ibid.**, 444.
49. **Ibid.**, 478.
50. **Ibid.**, 472.
51. Ibid., 466.
52. Ibid., 466-68.
54. Ibid., 394.
57. Ibid., 503.
61. Ibid., 453.

CHAPTER FOUR

2. Saskatchewan, Saskatchewan Gazette vol. 91, no. 50 (December 7, 1995).
4. Ibid., Regulations Section, 42-43.
5. Ibid., Orders in Council Section, 195-96.
6. Ibid., Regulations Section, 42-43.
9. Saskatchewan Gazette vol. 83, no. 6 Orders in Council Section (February 6, 1987), 196.


18. Interview with Robert Cosman.


21. Interview with Robert Cosman.

22. Interview with Robert Cosman.


25. Interview with Robert Cosman.

26. Interview with Robert Cosman. It must be noted that interpretation of legislation by the judiciary may not conform to the intention of the legislation when it was approved by the legislature. Moreover, it must be noted that the ability to launch court challenges to legislation involves a considerable financial commitment. As a result, the number of people or groups that could consider a court...
challenge as a viable option of protest against any perceived injustice is severely limited.

27. Interview with Robert Cosman.

28. British North America Act, 1867, British Statutes, 30 Victoria, c. 3. Also interview with Robert Cosman.

29. Ibid., sections 53, 54, 55, 56 and 57.


31. Ibid.

32. Interview with Robert Cosman.

33. Chapter 10 of Evelyn Eager, Saskatchewan Government: Politics and Pragmatism, 146-168, describes the evolution of the public service in Saskatchewan. In it, she describes how the provision for collective bargaining and the Public Service Act were enacted to protect civil servants from the government.

34. Interview with Robert Cosman.


36. Interview with Robert Cosman.

37. Interview with Robert Cosman.

38. Interview with Robert Cosman.


40. Interview with Robert Cosman.

CONCLUSION


4. Excerpt from a newspaper article from Toronto News (Toronto), November 28, 1905, as printed in Robert MacGregor Dawson (ed.), *Constitutional Issues in Canada 1900-1931* (London: Oxford University Press, 1933), 123.

5. Ibid., 123.


13. The Government Organization Act (Alberta), the Public Service Realignment and Transfer of Duties Act and
the Ministers and Ministries of State Act (Canada), the Executive Government Organization Act (Manitoba), the Executive Power Act (Quebec), the Executive Council Act and the Public Departments Act (Prince Edward Island). Citations for all of these acts may be found in the bibliography.

14. The Constitution Act (British Columbia) and the Executive Council Act (Ontario). Citations for these acts may be found in the bibliography.

15. The Executive Council Act (New Brunswick), the British North America Act 1949, the terms of union between Canada and Newfoundland (Newfoundland), and the Executive Council Act (Nova Scotia). Citations for these acts may be found in the bibliography.


17. Saskatchewan, Legislative Assembly, Bill No. 84, Bills of Saskatchewan: Second Session - Twenty-First Session, 1988-89.


19. Ibid., 2387.


25. Interview with Gordon Barnhart.

26. Interview with Allan Blakeney.


29. Many speakers for the opposition mentioned this, but Murray Koskie of the NDP summarized this the best. His speech can be found in Debates, 18 December 1986, 345-350.


31. Requests for interviews with key members and officials of the Devine government were either denied or unanswered.


35. Interview with Allan Blakeney.
BIBLIOGRAPHY

BOOKS


ARTICLES IN BOOKS


GOVERNMENT PUBLICATIONS


Canada. Statutes of Canada, 1905. c. 42.


Saskatchewan. *Saskatchewan Gazette* vol. 83, no. 6 (February 6, 1987).


Saskatchewan. *Statutes of Saskatchewan*, 1906. c. 3.


Saskatchewan. *Statutes of Saskatchewan*, 1928. c. 94.


**JOURNAL ARTICLES**


Dunn, Christopher. "Changing the design: cabinet decision making in three provincial governments." *Canadian

NEWSPAPER ARTICLES

Barrie, Doreen. "Government enters new area/ Profound changes in Alberta are raising questions." In Calgary Herald, A9, Saturday 1 April 1995.

Braden, Bonny. "Ottawa should do it my way: Romanow." In Saskatoon Star-Phoenix, A1, Monday 19 February 1996.


Eisler, Dale. "Bill to rearrange departments is introduced in legislature." In Regina Leader Post, A4, Saturday 13 December 1986.


Mandryk, Murray. "Budget axes 544 jobs." In Saskatoon Star-Phoenix, A3, Friday 29 March 1996.


INTERVIEWS


Frank Bogdasavich. Deputy Minister to Premier Roy Romanow and Cabinet Secretary. July 23, 1996.

Robert Cosman. Legislative Counsel and Law Clerk of the Saskatchewan Legislative Assembly. March 15th, 1996.

Robert Cosman. Legislative Counsel and Law Clerk of the Saskatchewan Legislative Assembly. March 27th, 1996.

Flo Krichkowski. Assistant in the Cabinet Secretariat. June 18th, 1996.

Don Toth. Member of the Legislative Assembly for Moosomin. Former Member of the Devine Government. March 19th, 1996.
Appendix A: The Government Organization Act

An Act respecting the Organization of the Executive Government of Saskatchewan

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

SHORT TITLE AND INTERPRETATION

1 This Act may be cited as The Government Organization Act.

2. In this Act:

(a) "adjusted amount" means adjusted amount as defined in The Legislative Assembly and Executive Council Act and calculated in accordance with that Act;

(b) "department" means a department, secretariat, office or other similar agency of executive government;

(c) "executive council" means the Executive Council of the Province of Saskatchewan continued pursuant to section 3;

(d) "executive government" means the executive government of Saskatchewan;

(e) "legislative secretary" means a legislative secretary appointed pursuant to section 9;

(f) "minister" means a member of the executive council and includes the President of the Executive Council.

EXECUTIVE COUNCIL

3 The Executive Council of the Province of Saskatchewan is continued and consists of its present members and other persons that the Lieutenant Governor may appoint.
4 (1) The Lieutenant Governor may appoint, under the Great Seal, from among the members of the executive council, the following officers to hold office during pleasure:

(a) a President of the Executive Council;
(b) ministers to preside over the departments of the executive government and to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5;
(c) ministers, in addition to those appointed pursuant to clause (b), to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5.

(2) The Lieutenant Governor in Council may determine the titles by which the ministers appointed pursuant to subsection (1) shall be known.

5(1) The Lieutenant Governor in Council may, on the recommendation of the President of the Executive Council:

(a) assign to any minister any power, duty or function conferred or imposed by law on a minister;
(b) transfer any power, duty or function assigned to a minister under clause (a) to any other minister;
(c) transfer any power, duty or function that is conferred or imposed by law;
   (i) on any minister, to any other minister;
   (ii) on any department, to any minister or other department;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(3) Where the administration of an Act or portion of an Act or a part of the public service is transferred to a minister under subsection (2), the Lieutenant Governor in Council may also transfer to the minister for administration the whole or any part of the moneys appropriated in respect of that Act or part of the public service.

6(1) The Lieutenant Governor in Council may:
(a) establish one or more committees to the executive council, each consisting of a minister, who shall preside over the committee, and any other persons that the Lieutenant Governor in Council may appoint; and

(b) determine the duties and functions of each committee established pursuant to clause (a).

(2) Each committee established pursuant to clause (1)(a) may prescribe its own rules and methods of procedure.

7 The Lieutenant Governor in Council shall designate a minister to be the keeper of the Great Seal and the minister so designated shall issue under the Great Seal all documents authorized or required by law to be issued under the Great Seal and countersign them.

8(1) Each minister, other than the President of the Executive Council, shall be paid a salary at the rate of the adjusted amount of $20,500 per annum.

(2) The President of the Executive Council shall be paid a salary at the rate of the adjusted amount of $27,250 per annum.

(3) The salaries of the President of the Executive Council and ministers shall be paid out of the consolidated fund in monthly instalments.

(4) The Lieutenant Governor in Council may make regulations providing for the payment to a minister of reasonable travelling and other expenses incurred by him in the discharge of his duties.

LEGISLATIVE SECRETARIES

9(1) The Lieutenant Governor in Council may appoint, under the Great Seal, one or more members of the Assembly to be legislative secretaries to ministers.

(2) The appointment of a legislative secretary terminates:

(a) on December 31 in the year in which the appointment is made;

(b) when he ceases to be a member of the Assembly; or

(c) on cancellation of the appointment;

whichever occurs first.
10 A legislative secretary appointed to assist a minister shall assist the minister in any manner that the minister may direct.

11(1) A legislative secretary shall be paid a salary at the rate of the adjusted amount of $5,000 per annum.

(2) The salary of a legislative secretary shall be paid out of the consolidated fund in monthly instalments.

(3) The Lieutenant Governor in Council may make regulations providing for the payment to a legislative secretary of reasonable travelling and other expenses incurred by him in the discharge of his duties:

(a) while away from Regina during a session of the Legislature; or

(b) while away from ordinary place of residence during the period when the Legislature is not in session.

GOVERNMENT DEPARTMENTS

12(1) Notwithstanding any Act or other law, but subject to the other provisions of this Act, the Lieutenant Governor in Council may, by Order, on the recommendation of the President of the Executive Council, determine the organization of the executive government and of its various departments, and for that purpose may:

(a) establish, continue or vary any department and determine the objects and purposes of the department;

(b) disestablish any department;

(c) determine or change the name of any department.

(2) The Regulations Act applies to every Order of the Lieutenant Governor in Council made under subsection (1).

13(1) The Lieutenant Governor in Council may create a seal for a department established or continued pursuant to section 12 and may, in his discretion, alter or modify the seal.

(2) If, on the coming into force of this section, a seal is in existence for and in use by any department, that seal continues to be the seal of the department until otherwise ordered by the Lieutenant Governor in Council.
14 The staff of a department consists of a deputy minister or other head as determined by the Lieutenant Governor in Council and other employees that are required for the proper conduct of the business of the department, and their duties and functions include those that are prescribed by law and that are assigned to them by the minister who presides over the department.

15 For the purposes of exercising any of the powers or performing any of the duties or functions conferred or imposed on him by or pursuant to this Act or any other law, a minister may engage the services of or retain any technical, professional or other advisors, specialists or consultants that he considers necessary.

16(1) For the purposes of exercising any of the powers or performing any of the duties or functions conferred or imposed on him by or pursuant to this Act or any other law, a minister may appoint one or more advisory committees for a specific period and for a specific purpose.

(2) A minister shall obtain the approval of the Lieutenant Governor in Council before appointing an advisory committee for a period of longer than one year.

17(1) A minister may, subject to subsection (2) and to any restriction that may be prescribed in regulations made by the Lieutenant Governor in Council, enter into agreements on behalf of the Government of Saskatchewan with:

(a) the government of any other province or territory of Canada or a minister, agent or official of any such government; or

(b) any person, agency, organization, association, institution or body within or outside Saskatchewan;

for any purpose related to the exercise of any of the powers or the carrying out of any of the duties or functions assigned or transferred to the minister by or pursuant to this Act or any other Act or law.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement under subsection (1), other than an agreement for the purpose of section 15 or 16, whereby the Government of Saskatchewan is liable to make expenditures in excess of $10,000 in any fiscal year.

18(1) Subject to subsection (2), a minister may, for any purpose relating to any matter under his administration or for which he is responsible, make grants on any terms or
conditions that he may prescribe, to any person, agency, organization, association, institution or body within or outside Saskatchewan.

(2) A minister shall obtain the approval of the Lieutenant Governor in Council before making any grant under subsection (1) that is in excess of $10,000 in any fiscal year.

19 A minister may, for any purpose relating to any matter under his administration or for which he is responsible, provide financial assistance by way of grant, loan, guarantee or other similar means, in accordance with any terms or conditions that are prescribed in regulations made by the Lieutenant Governor in Council, to any person, agency, organization, association, institution or body within or outside Saskatchewan.

20 The powers of a minister under sections 15 to 19 do not limit in any way similar powers conferred on a minister by any other Act or law.

21 Each minister shall, in each fiscal year, in accordance with The Tabling of Documents Act:

(a) prepare and submit to the Lieutenant Governor in Council a report respecting the work performed by each department over which he presides; and

(b) lay before the Legislative Assembly each report prepared pursuant to clause (a).

22 On and from the date that a transfer pursuant to subsection 5(1) or (2) becomes effective, the minister or department to which the power, duty, function, or administration is transferred and the appropriate officers of the department:

(a) have and may exercise the respective powers, duties and functions that formerly belonged to or were exercisable by; and

(b) in relation to the exercise of the respective powers, duties and functions shall, in any Act, regulation, order or document, be substituted for;

the minister or department and the respective officers of the department from which the power, duty, function or administration is transferred.

23 The Lieutenant Governor in Council may be regulation determine that any of the provisions of sections 13 to 19
and 21 do not apply in respect of a minister or department or for any purpose that is specified in the order.

GENERAL

24 For the purpose of carrying out the provisions of this Act according to their intent the Lieutenant Governor in Council may make regulations respecting any matter or thing required or authorized by this Act to be prescribed in the regulations by the Lieutenant Governor in Council.

25 This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.
Appendix B: Order-in-Council 3/87

management he transferred from the Minister of Health to the Minister of the Environment.

The undersigned has the honour, therefore, to recommend that Your Honour's Order do issue pursuant to subsection 71(3) of The Legislative Assembly and Executive Council Act:

1. Transferring the administration of paragraph 73(1)(p) of The Public Health Act from the Minister of Health to the Minister of the Environment.

2. Transferring the administration of section 83 of The Public Health Act as it pertains to waste management from the Minister of Health to the Minister of the Environment.

Recommended by:
Grant Devine
President of the Executive Council.

Approved by:
Grant Devine
President of the Executive Council.

Ordered by:
F. W. Johnson
Lieutenant Governor.

Regina, Saskatchewan.

THE GOVERNMENT ORGANIZATION ACT

(O.C. 3/87)
14 January 1987
To His Honour
The Lieutenant Governor in Council:
The undersigned has the honour to report that:

1 Section 5 of The Government Organization Act provides as follows:
"5(1) The Lieutenant Governor in Council may, on the recommendation of the President of the Executive Council:
(a) assign to any minister any power, duty or function conferred or imposed by law on a minister;
(b) transfer any power, duty or function assigned to a minister under clause (a) to any other minister;
(c) transfer any power, duty or function that is conferred or imposed by law:
(i) on any minister, to any other minister;
(ii) on any department, to any minister or other department;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may assign to any minister or transfer from one minister to another the administration of:
(a) any Act or portion of an Act;
(b) any part of the public service;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(3) Where the administration of an Act or portion of an Act or a part of the public service is transferred to a minister under subsection (2), the Lieutenant Governor in Council may also transfer to the minister for administration the whole or any part of the moneys appropriated in respect of that Act or part of the public service.

2 As a result of the proclamation of The Government Organization Act, it is desirable to assign powers, duties and functions to certain ministers including ministerial responsibility for certain Acts of the Legislative Assembly.

The undersigned has the honour, therefore, to recommend that Your Honour's Order do issue pursuant to Section 5 of The Government Organization Act effective January 15, 1987:

(a) Repealing Your Honour's Order 1060/86, as amended by Your Honour's Orders 1062/86 and 1063/86, and Your Honour's Order 556/83;
(b) Listing the members of the Executive Council in order of seniority as set out in the first column of Schedule I attached hereto along with their respective departments of office set out in the second column;
(c) Appointing the Acting Minister for each Minister as set out in the third column of Schedule I attached hereto;
(d) Designating the senior member of the Executive Council present in the City of Regina according to the list of Ministers in Schedule I attached hereto, excluding the President of the Executive Council, to be the Acting Minister in the event that the Minister and the Acting Minister are absent for any reason;
(e) Prescribing duties and responsibilities of the members of the Executive Council as set out in Schedule II attached hereto;
(f) Assigning ministerial responsibility for the various Acts of the Legislative Assembly as set out in Schedule III attached hereto.

Recommended by:
Grant Devine
President of the Executive Council.

Approved by:
Grant Devine
President of the Executive Council.

Ordered by:
F. W. Johnson
Lieutenant Governor.

Regina, Saskatchewan.

SCHEDULE I

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<th>Department of Office</th>
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<td>Hon. Robert Lynal Andrew</td>
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**SCHEDULE II**

**RESPONsIBILITIES OF MINISTERS**

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Hon. R. L. Andrew
Minister of Justice and Attorney General
Minister of Economic Development and Trade
Planning and Priorities Committee (Member)
Treasury Board (Member)
Crown Investments Corporation (Member)
Saskatchewan Human Rights Commission
Criminal Injuries Compensation Board
Law Reform Commission of Saskatchewan
Surface Rights Arbitration Board
Public and Private Rights Board
Saskatchewan Police Commission
Saskatchewan Securities Commission
Saskatchewan Farm Ownership Board
SaskExpo 86 Corporation (Vice-Chairman)
Saskatchewan Mining and Development Corporation

Hon. J. G. Lane
Minister of Finance
Minister of Revenue and Financial Services
Minister of Telephones
Planning and Priorities Committee (Member)
Treasury Board (Chairman)
Crown Investments Corporation (Member)
Provincial Auditor
Board of Revenue Commissioners
Public Service Superannuation Board
Public Utilities Review Commission
Saskatchewan Pension Plan
Saskatchewan Telecommunications
Saskatchewan Computer Utility Corporation
Potash Corporation of Saskatchewan (Vice-Chairman)
Saskatchewan Development Fund (Vice-Chairman)
Municipal Financing Corporation (Chairman)
Saskatchewan Property Management Corporation (Vice-Chairman)

Hon. D. G. Taylor
Minister of Tourism and Small Business
Minister of Supply and Services
Planning and Priorities Committee (Member)
Northern Affairs Secretariat
Liquor Board
Liquor Licensing Commission
Saskatchewan Property Management Corporation (Chairman)
Saskatchewan Government Printing Company (Chairman)
Saskatchewan Economic Development Corporation (Vice-Chairman)

Hon. J. H. Duncan
Minister of Consumer and Commercial Affairs
Minister of Co-operation and Co-operative Development
Treasury Board (Member)
Office of the Rentalman
Rent Appeal Commission
The Provincial Mediation Board
Agricultural Implements Board
Saskatchewan Government Insurance (Vice-Chairman)

Hon. N. H. Hardy
Minister of Rural Development
Legislative Review Committee (Vice-Chairman)
Board of Examiners
Saskatchewan Crop Insurance Corporation
Saskatchewan Housing Corporation (Vice-Chairman)
Saskatchewan Water Corporation (Vice-Chairman)
Municipal Financing Corporation (Member)

Hon. G. M. McLeod
Minister of Health
Treasury Board (Member)
Saskatchewan Medical Care Insurance Commission
Saskatchewan Cancer Foundation
Saskatchewan Alcohol and Drug Abuse Commission
Saskatchewan Health Research Board
Saskatchewan Farm Products Commission
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JANUARY 23, 1987

116
122

**THE SASKATCHEWAN GAZETTE**

**SCHEDULE III**

**MINISTERS RESPONSIBLE FOR ACTS**

<table>
<thead>
<tr>
<th>Minister</th>
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<td>Hon. D. G. Devine</td>
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<td>Hon. G. McLeod</td>
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117
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JANUARY 23, 1987

14 Federal Courts Act
11 Federal-Provincial Agreements Act
  3 Federal-Provincial Agreements Loan Guarantee Act
  4 Film and Video Classification Act
  15 Fire Departments Platoon Act
  10 Fire Prevention Act, 1960
  16 Fisheries Act
  25 Flin-Flon Extension of Boundaries Act, 1952
  17 Floral Emblems Act, 1981
  14 Foreign Judgments Act
  16 Forest Act
  14 Fraudulent Preferences Act
  9 Freehold Oil and Gas Production Tax Act
  16 Fuel Tax Act
  14 Garbage Keepers Act
  10 Gas Inspection and Licensing Act
  25 Gas and Electrical Rates—Public Corporations Act
  22 Geographic Names Board Act
  18 Gift Tax Act, 1972
  1 Government Organization Act
  19 Grain Charges Limitation Act
  3 Grain and Fodder Conservation Act
  7 Ground Water Conservation Act
  4 Guarantee Companies Securities Act
  12 Health Research Act
  12 Health Services Act
  12 Housing Aid Act
  11 Heritage Fund (Saskatchewan) Act
  6 Heritage Property Act
  13 Highway Traffic Act
  13 Highways and Transportation Act
  12 Home Care Act
  16 Home Energy Loan Act
  4 Home Owners' Protection Act
  14 Homesteads Act
  3 Horned Cattle Purchases Act
  3 Horse Racing Commission Act
  18 Horse Racing Regulation Act
  3 Horticultural Societies Act
  12 18 Hospital Revenue Act
  12 Hospital Standards Act
  14 Hotel Keepers Act
  14 Hotel Building Assistance Act
  12 Housing and Special-care Homes Act
  12 Human Tissue Gift Act
  14 Improvements under Mistake of Title Act
  11 Income Tax Act
  15 Indian and Native Affairs Secretariat Act
  1 Industrial Development Act
  7 Industrial Incentive Program Act
  25 Industrial Towns Act
  24 Industry and Commerce Development Act
  7 Industry Incentives Act
  14 Infants Act
  18 Insurance Premiums Tax Act
  14 International Child Abduction Act
  14 Interpretation Act
  6 Interprovincial Lotteries Act, 1984
  11 Interprovincial Steel and Pipe Corporation Ltd. Assistance Act, 1966
  14 Interprovincial Subpoena Act
  14 Interstate Succession Act
  4 Investment Contracts Act
  25 Irrigation Districts Act
  14 Judgments Extension Act
  14 Judges' Orders Enforcement Act
  14 Jury Act, 1981
  14 Justices of the Peace Act
  15 Labour Management Disputes (Temporary Provisions) Act
  17 Labour-sponsored Venture Capital Corporations Act
  15 Labour Standards Act
  3 Land Bank Repeal and Temporary Provisions Act

120
| 14 | Land Contracts (Actions) Act |
| 22 | Land Surveys Act |
| 14 | Land Titles Act |
| 4 | Landlord and Tenant Act |
| 14 | Law Reform Commission Act |
| 14 | Laws Declaratory Act |
| 8 | League of Educational Administrators, Directors and Superintendents Act |
| 21 | Legal Aid Act |
| 14 | Legal Profession Act |
| 1 | Legislative Assembly and Executive Council Act |
| 14 | Legitimacy Act |
| 14 | Libel and Slander Act |
| 14 | Limitation of Actions Act |
| 14 | Limitation of Civil Rights Act |
| 3/19 | Line Fence Act |
| E | Liquor Act |
| E | Liquor Board Superannuation Act |
| 18 | Liquor Consumption Tax Act |
| E | Liquor Licensing Act |
| 10 | Litter Control Act |
| 3 | Livestock Facilities Tax Credit Act |
| 3 | Livestock Investment Tax Credit Act |
| 3 | Live Stock Purchase and Sale Act |
| 12 | Lloydminster Hospital Act, 1948 |
| 25 | Lloydminster Municipal Amalgamation Act, 1930 |
| 25 | Local Government Board (Special Powers) Act |
| 25 | Local Government Board (Temporary Special Powers) Act |
| 25 | Local Government Board Act |
| 25 | Local Government Election Act |
| 25 | Local Improvements Act |
| 14 | Lord's Day (Saskatchewan) Act |
| 12 | Major Urban Centres Integrated Hospitals Act |
| 18 | Management Accountants Act |
| 22 | Manitoba-Saskatchewan Boundary Act, 1937 |
| 22 | Manitoba-Saskatchewan Boundary Act, 1942 |
| 22 | Manitoba-Saskatchewan Boundary Act, 1966 |
| 22 | Manitoba-Saskatchewan Boundary Act, 1978 |
| 14 | Marriage Act |
| 14 | Marriage Settlement Act |
| 14 | Married Persons Property Act |
| 14 | Matrimonial Property Act |
| 14 | Mechanics' Lien Act |
| 12 | Medical Care Insurance Supplementary Provisions Act |
| 12 | Medical Profession Act, 1981 |
| 12 | Medical Radiation Technologists Act |
| 12 | Medical Scholarships and Bursaries Act |
| 12 | Medical and Hospitalization Tax Repeal Act |
| Q | Meewasin Valley Authority Act |
| 17 | Members of the Legislative Assembly Conflict of Interest Act |
| 17 | Members of the Legislative Assembly Superannuation Act, 1979 |
| 12 | Mental Health Services Act |
| 14 | Mentally Disordered Persons Act |
| 3 | Milk Control Act |
| 9 | Mineral Resources Act, 1985 |
| 9 | Mineral Taxation Act |
| 9 | Mineral Taxation Act, 1983 |
| 14 | Minors Tobacco Act |
| 4 | Mortgage Brokers Act |
| 18 | Mortgage Interest Reduction Act |
| 18 | Mortgage Protection Act |
| 13 | Motor Carrier Act |
| 4 | Motor Dealers Act |
| 18 | Motor Vehicle Insurance Premiums Tax Act |
| 25 | Municipal Debentures Repayment Act |
| 25 | Municipal Development and Loan (Saskatchewan) Act |
| 19 | Municipal Employees Superannuation Act |
| 25/19 | Municipal Expropriation Act |
| 1 | Municipal Financing Corporation Act |
| 4 | Municipal Hail Insurance Act |
| 25/19 | Municipal Improvements Assistance (Saskatchewan) Act |
| 25 | Municipal Industrial Development Corporations Act |
AN ACT

1. Short Title

This Act may be cited as the Municipal Reference Act, 2019.

2. Interpretation

In this Act, the following words and expressions shall have the meanings assigned to them unless the context otherwise requires:

(a) "Municipality" means a city, town, village, or any other incorporated or unincorporated municipality;

(b) "Board of Commissioners" means the governing body of a municipality;

(c) "Director" means the person appointed as the director of a municipality;

(d) "By-Law" means a by-law passed by a Board of Commissioners.

3. Powers of the Director

(a) The Director shall have the powers and duties prescribed by this Act;

(b) The Director shall be responsible for the administration and management of the affairs of the municipality;

(c) The Director shall keep records of all By-Laws passed by the Board of Commissioners.

4. By-Laws

(a) By-Laws shall be made in accordance with the provisions of this Act;

(b) Any By-Law passed by a Board of Commissioners shall be published in the official gazette of the municipality;

(c) Any By-Law may be amended or repealed by the Board of Commissioners.

5. Enforcement of By-Laws

(a) The Director shall enforce the By-Laws passed by the Board of Commissioners;

(b) The Director may apply to the court for an order for the enforcement of any By-Law.

6. Appeal against By-Laws

Any person aggrieved by any By-Law may appeal to the court within thirty days from the date of publication of the By-Law.

7. Repeal

All By-Laws passed before the coming into force of this Act shall be deemed to be repealed.

JANUARY 23, 1987

127
Public Service Superannuation Act
14 Public Trustee Act
9 Public Utilities Companies Act
14 Public Utilities Easements Act
D Public Utilities Review Commission Act
22 Public Works Act
H Pulp and Paper Mills Act
11 Purchase of Lands by the Minister of Finance Act
22 Purchasing Act
4 Pyramid Franchises Act
14 Queen's Bench Act
14 Queen's Counsel Act
22 Queen's Printer's Act
15 Radiation Health and Safety Act
15 Radiation Health and Safety Act, 1985
11 Railway Taxation Act
4 Real Estate Brokers Act
14 Reciprocal Enforcement of Judgments Act
14 Reciprocal Enforcement of Maintenance Orders Act, 1983
11 Reconstruction and Rehabilitation Fund Act
14 Recording of Evidence by Sound Recording Machine Act
14 Recovery of Possession of Land Act
16 Regional Parks Act, 1979
8 Registered Music Teachers Act
12 Registered Nurses Act, 1978
12 Registered Occupational Therapists Act
12 Registered Psychologists Act
21 Registered Social Workers Act
14 Regulations Act
21 Rehabilitation Act
11 Relief Act
4 Religious Societies Land Act
1 Representation Act, 1981
Q Research Council Act
21 Residential Services Act
4 Residential Tenancies Act
9 Road Allowances Crown Oil Act
B Rural Electrification Act
19 Rural Municipal Secretary Treasurers Act
19 Rural Municipality Act
23 Rural Telephone Act
14 Sale of Goods Act
4 Sale of Training Courses Act
3 Sale or Lease of Certain Lands Act
14 Sales on Consignment Act
13 Sand and Gravel Act
3 Saskatchewan 4-H Foundation Act
3 Saskatchewan Agricultural Returns Stabilization Act
25 Saskatchewan Assessment Act
21 Saskatchewan Assistance Act
6 Saskatchewan Centre of the Arts Act
D Saskatchewan Computer Utility Corporation Act
11 Saskatchewan Corporation Income Tax Act, 1949
12 Saskatchewan Dental Nurses Act
D Saskatchewan Development Fund Act
11 Saskatchewan Economic Development Corporation Foreign Exchange Reserve Act, 1974
12 Saskatchewan Embalmers Act
14 Saskatchewan Evidence Act
14 Saskatchewan Farm Ownership Act
F Saskatchewan Government Insurance Act, 1980
A Saskatchewan Grain Cart Corporation Act
12 Saskatchewan Health Insurance Act
12 Saskatchewan Hospitalization Act
P Saskatchewan Housing Corporation Act
14 Saskatchewan Human Rights Code
21 Saskatchewan Income Plan Act
4 Saskatchewan Insurance Act
22 Saskatchewan Land Surveyors Act
12 Saskatchewan Medical Care Insurance Act
C Saskatchewan Mining Development Corporation Act
The given text appears to be a list of statutes enacted in Saskatchewan. It includes various acts such as the Saskatchewan Multicultural Act, Saskatchewan Oil and Gas Corporation Act, Saskatchewan Oil and Gas Corporations Act, Saskatchewan Oil and Gas Corporations, Saskatchewan Oil and Gas Corporations Superannuation Act, and many others. Each act is numbered and listed in a specific order, covering a range of subjects from cultural diversity to taxation and medical services. The list includes a mix of acts that deal with financial matters, education, health, and administrative procedures.
3 Veterinary Services Act
12 Vital Statistics Act
14 Wage Recovery Act
P Wakamow Valley Authority Act
14 Warehousemen's Lien Act
P Wasana Centre Act
12 Wasana Rehabilitation Centre Act
10 Water Appeal Board Act
R Water Corporation Act
R Water Power Act
R Water Users Act
R Watershed Associations Act
6 Western Development Museum Act
12 White Cane Act
16 Wildlife Act
14 Wills Act
15 Women's Secretariat Act
14 Woodmen's Lien Act
N Workers' Compensation Act, 1979
N Workmen's Compensation Board Superannuation Act
12 X-Ray Technicians Act
Appendix C: Order-in-Council 56/87

(O.C. 56/87)
28 January 1987

To His Honour

The Lieutenant Governor in Council:

The undersigned has the honour to report that:

1. Sections 4 and 5 of the Government Organization Act provide as follows:

4(1) The Lieutenant Governor may appoint, under the Great Seal, from among the members of the executive council, the following officers to hold office during pleasure:

(a) a President of the Executive Council;

(b) ministers to preside over the departments of the executive government and to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5;

(c) ministers, in addition, to those appointed pursuant to clause (b), to exercise any powers and perform any duties or functions that the Lieutenant Governor in Council may assign or transfer pursuant to section 5.

(2) The Lieutenant Governor in Council may determine the titles by which the ministers appointed pursuant to subsection (1) shall be known.

5(1) The Lieutenant Governor in Council may, on the recommendation of the President of the Executive Council:

(a) assign to any minister any power, duty or function conferred or imposed by law on a minister;

(b) transfer any power, duty or function assigned to a minister under clause (a) to any other minister;

(c) transfer any power, duty or function that is conferred or imposed by law:
(i) on any minister, to any other minister;
(ii) on any department, to any minister or other department;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may assign to any minister or transfer from one minister to another the administration of:

(a) any Act or portion of an Act;
(b) any part of the public service;

either absolutely or limited for any period and in respect of any purpose or area of Saskatchewan that may be specified by the Lieutenant Governor in Council.

(3) Where the administration of an Act or portion of an Act or a part of the public service is transferred to a minister under subsection (2), the Lieutenant Governor in Council may also transfer to the minister for administration the whole or any part of the moneys appropriated in respect of that Act or part of the public service.

2. The Department of Human Resources, Labour and Employment was established pursuant to the Department of Human Resources, Labour and Employment Regulations, R.R.S. c. G-5.1 Reg 1.

3. Pursuant to Your Honour’s Order 1062/86, as confirmed by Your Honour’s Order 3/87 certain matters were transferred from the Minister of Social Services and the Ministers responsible for the Employment Development Agency, Women’s Secretariat and Indian and Native Affairs Secretariat to the Minister of Labour and as a result of the passage of the Department of Human Resources, Labour and Employment Regulations it is desirable to amend Your Honour’s Order 3/87 and to assign and transfer ministerial responsibility for those matters previously assigned to the Minister of Labour to the Minister of Human Resources, Labour and Employment.

The undersigned, therefore, has the honour to recommend that Your Honour’s Order do issue pursuant to
Sections 4 and 5 of The Government Organization Act effective February 1, 1987:

(a) amending Your Honour's Order 3/87 by:

(i) in Schedule I, striking out "Department of Labour" and substituting "Department of Human Resources, Labour and Employment";

(ii) in Schedule II:

(A) striking out "Employment Development Agency", "Indian and Native Affairs Secretariat" and "Women's Secretariat";

(B) striking out "Minister of Labour" and substituting "Minister of Human Resources, Labour and Employment";

(i) in Schedule III:

(A) striking out "Minister of Labour" and substituting "Minister of Human Resources, Labour and Employment" and thereby assigning ministerial responsibility for those Acts of the Legislative Assembly previously assigned to the Minister of Labour to the Minister of Human Resources, Labour and Employment;

(B) adding "(subject to O.C. 1/87)" after "Public Health Act";

(C) adding "(subject to O.C. 56/87)" after "Department of Social Services Act";

(b) transferring the powers, duties and functions conferred or imposed:

(i) pursuant to The Indian and Native Affairs Secretariat Act, on the Indian and Native Affairs Secretariat and the Minister responsible for the Indian and Native Affairs Secretariat;

(ii) pursuant to The Women's Secretariat Act, on the Women's Secretariat and the Minister responsible for the Women's Secretariat;

(iii) pursuant to The Employment and Development Agency Act, on the Employment Development Agency and the Minister responsible for the Employment Development Agency;
(iv) pursuant to The Department of Social Services Act, on the Department of Social Services or the Minister of Social Services, in relation to the Senior's Bureau;

(v) pursuant to any Act or law, on the Department of Labour or the Minister of Labour, but expecting therefrom ministerial responsibility for those Acts which were assigned to the Minister of the Environment by Your Honour's Order 1062/87;

(vi) pursuant to the Department of Advanced Education and Manpower Act, on the Minister of Advanced Education and Manpower, which powers, duties and functions were transferred and assigned to the Minister responsible for the Employment Development Agency pursuant to Your Honour's Order 1282/85 as amended by 100/86;

to the Minister of Human Resources, Labour and Employment;

(c) subject to paragraph (d), transferring and assigning the part of the public service related to the Department of Labour or the Minister of Labour not otherwise assigned or transferred to a department or minister of the Government of Saskatchewan and all moneys appropriated in connection therewith from the Department of Labour or the Minister of Labour, as the case may be, to the Minister of Human Resources, Labour and Employment;

(d) transferring the part of the public service related to the administration of the Amusement Rides Safety Act and the moneys appropriated in connection therewith from the Minister of Labour to the Minister of the Environment.

Recommended by:
Grant Devine,
President of the Executive Council.

Approved by:
Grant Devine,
President of the Executive Council.

Ordered by:
F.W. Johnson,
Lieutenant Governor

Regina, Saskatchewan.
Appendix D: Regulation 1 (Chapter G-5.1)

Chapter G-5.1 Reg 1

The Government Organization Act
Section 12


(Filed January 29, 1987)

ORDER

His Honour the Lieutenant Governor in Council, on the recommendation of the President of the Executive Council, pursuant to section 12 of The Government Organization Act, makes The Department of Human Resources, Labour and Employment Regulations in accordance with the attached Schedule.

SCHEDULE

1 These regulations may be cited as The Department of Human Resources, Labour and Employment Regulations.

2 A department of the Government of Saskatchewan called the Department of Human Resources, Labour and Employment is established.

3 The objects and purposes of the Department of Human Resources, Labour and Employment are:

(a) to provide the structure wherein and whereby the powers, duties and functions of the Minister of Human Resources, Labour and Employment in the areas of human resources, labour and employment may be exercised and carried out;

(b) to promote, develop, implement and enforce policies and programs respecting work-place related issues and labour-management relations issues;

(c) to co-ordinate, promote, develop and implement policies and programs to encourage the full participation in the economic life of Saskatchewan of Indian and native people, seniors, women and youth;
(d) to co-ordinate, promote, develop and implement policies, programs and activities relating to Indian and native people, seniors, women and youth;

(e) to co-ordinate, promote, develop and implement policies, programs and activities related to the labour market in Saskatchewan and the development of employment opportunities in Saskatchewan;

(f) to promote, develop, implement and enforce employment standards;

(g) to promote, develop, implement and enforce policies and standards with respect to certain pension plans in Saskatchewan;

(h) to promote, develop, implement and enforce policies and standards with respect to work-places and working conditions that are safe and healthful for employees.

4(1) The Department of Labour continued pursuant to The Department of Labour Act is disestablished.

(2) The Employment Development Agency established pursuant to The Employment Development Agency Act is disestablished.

(3) The Indian and Native Affairs Secretariat established pursuant to The Indian and Native Affairs Secretariat Act is disestablished.

(4) The Women's Secretariat established pursuant to The Women's Secretariat Act is disestablished.

5 These regulations come into force on February 1, 1987.

NOTE: The powers, duties and functions of the minister are the powers, duties and functions:

(a) prescribed for ministers in The Government Organization Act;

(b) assigned or transferred to him by the Lieutenant Governor in Council.