

The Assembly met at 1:30 p.m.

Prayers

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mr. Goohsen:** -- Thank you, Mr. Speaker. I'm happy to present petitions again. I will read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to put aside any consideration of forcing small-business owners to pay 100 per cent of the costs involved with digging up underground storage tanks and replacing them, and instead offer alternatives through abandoning regulations calling for digging up underground tanks, with the exception of those tanks which have been proven to be leaking, cost sharing or another alternative agreed upon by all parties affected.

And as in duty bound, your petitioners ever pray.

From Goodsoil, Medstead; several communities -- Glaslyn; I see Saskatoon in here; Pike Lake; looks like they're coming in from all over the province now, Mr. Speaker. So I'm happy to present these today.

**Mr. D'Autremont:** -- Thank you, Mr. Speaker. I too have petitions to present today:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to put aside any consideration of forcing small-business owners to pay 100 per cent of the cost involved with digging up underground storage tanks and replacing them, and instead offer alternatives through abandoning regulations calling for digging up underground tanks, with the exception of those tanks which have been proven to be leaking, cost sharing or another alternative agreed upon by all parties affected.

And these petitions, Mr. Speaker, come from Kisbey, Arcola, Carlyle, Rapid View, Dorintosh, Weyburn, Lake Alma, Canora, Bethune, Goodsoil, Moose Jaw -- across the province, Mr. Speaker.

**Mr. Britton:** -- Thank you, Mr. Speaker. I too have several pages of petitions that I would like to read the prayer into the record, if you will allow it:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to put aside any consideration of forcing small-business owners to pay 100 per cent of the costs involved with digging up underground storage tanks and replacing them, and instead offer alternatives through abandoning regulations calling for digging up of underground tanks, with the exception of

those tanks which have been proven to be leaking, and cost sharing or other alternative agreed upon by all parties affected.

As in duty bound, your petitioners ever pray.

Mr. Speaker, these petitions come from over in my country: Macklin, Evesham, Primate, Saskatoon even, Salvador, Hudson Bay. As in other petitions, Mr. Speaker, they cross almost across the province. I would like to lay these on the Table at this time.

**Mr. Toth:** -- Thank you, Mr. Speaker. Mr. Speaker, I too have petitions signed by individuals from across this province urging the government to give consideration to their actions regarding underground fuel tanks.

These petitions are signed by concerned individuals from communities like Fleming, Rocanville, Montmartre, and Kendal, Mr. Speaker, and Shaunavon; individuals from Humboldt, Meadow Lake, and Fulda. I so present them.

**Mr. Boyd:** -- Thank you, Mr. Speaker. I as well have petitions with respect to the environmental concerns of underground storage tanks and the costs in dealing with digging those underground storage tanks up. They come from across the province -- communities like Margo, Gronlid, Codette, Weyburn, Nipawin, Mr. Speaker; Kamsack, and Hudson Bay. I present them now.

**Mr. Swenson:** -- Thank you, Mr. Speaker, I also have petitions concerning the issue surrounding underground fuel tanks. Today I present on behalf of people from Willow Bunch, Regina, Bengough, Assiniboia, Moose Jaw; people from Hudson Bay, Saskatchewan; Lemberg, Saskatchewan; Pelly, Kamsack, Danbury, Norquay, Pleasantdale, Lac Vert, Melfort -- people from all over the province of Saskatchewan, Mr. Speaker.

I so present.

**Mr. Martens:** -- Thank you, Mr. Speaker. I too have petitions that I want to present to the Assembly on behalf of constituents of mine from Herbert, dealing with the underground tank storage. And they come from Herbert, they come from Stewart Valley, Swift Current, Naicam, Prince Albert, Spalding, Cando, and various part of the province of Saskatchewan.

I want to lay these on the Table today.

**Mr. Neudorf:** -- Thank you, Mr. Speaker. I want to join my colleagues in presenting petitions to the legislature this afternoon, dealing with underground tanks, and the Workers' Compensation, and Occupational Health and Safety Act. And the prayer has already been read, Mr. Speaker.

And these petitioners come from such places as Waldheim, Hepburn, Laird, RR (rural route) Saskatoon, Dalmeny reeves are here, Neudorf,

Neudorf, Neudorf -- a whole bunch of people from that fair community, Mr. Speaker; Rapid View, Naicam, Naicam, Lac Vert, and virtually from all over the province, Mr. Speaker.

And I would like to lay this petition on the Table. Thank you.

**Mr. Devine:** -- Thank you, Mr. Speaker. I too would like to table in the legislature a petition with respect to underground tanks. And I'll just briefly read the prayer, Mr. Speaker:

Wherefore your petitioners humbly pray that your Hon. Assembly will be pleased to put aside any consideration of forcing small-business owners to pay 100 per cent of the costs involved with digging up underground storage tanks and replacing them, and instead offer alternatives through abandoning regulations calling for digging up underground tanks, with the exception of those tanks which have been proven to be leaking, cost sharing or other alternative agreed upon by all parties affected.

Mr. Speaker, several pages of petitions from people in my riding -- people from Torquay; and people across the province which include Yorkton; the north-east part of the province; MacNutt; Francis, Saskatchewan; several other communities, Mr. Speaker.

#### READING AND RECEIVING PETITIONS

**Clerk:** -- According to order the following petitions have been reviewed, and pursuant to rule 11(7) they are hereby read and received.

Of citizens of the province of Saskatchewan praying that the Assembly urge the government to change the regulations requiring the replacement of underground storage tanks.

#### INTRODUCTION OF GUESTS

**Hon. Ms. Atkinson:** -- Thank you very much, Mr. Speaker. On behalf of all of the government colleagues, including the Premier, and particularly the members of the legislature from the city of Saskatoon, I want to welcome Mayor Henry Dayday, to the Legislative Assembly this afternoon.

I know that Mayor Dayday is in Regina to attend a number of meetings. I hope he enjoys the proceedings; and on a personal note, as the Minister of Education, I want to welcome a former mathematics teacher in the city to the legislature.

**Hon. Members:** Hear, hear!

**Ms. Lorje:** -- Thank you, Mr. Speaker. I note that the member did welcome Mayor Dayday on behalf of all Saskatoon MLAs (Member of the Legislative Assembly), but I would be remiss if I did not also personally welcome a former colleague of mine

Mayor Dayday and I served together on Saskatoon City Council for 12 long years, and I welcome you here today.

**Hon. Members:** Hear, hear!

**Mr. Neudorf:** -- Thank you very much Mr. Speaker. I would be remiss if I did not join my colleagues in the legislature this afternoon in also welcoming Mayor Dayday. Henry and I have had the pleasure of being at very many openings together in the past and I look forward to renewing that acquaintance in the short future.

With no disrespect to the hon. member opposite, but we want to, as the official opposition, welcome you here as well, Mayor Dayday.

**Hon. Members:** Hear, hear!

**Mr. Sonntag:** -- Thank you very much, Mr. Speaker. I would like to introduce to you and through you to the rest of the members of the Assembly, seated in your gallery, a group of 15 grade 7 and 8 students all the way down from Dorintosh Central School.

I'll be meeting with them later, but seated with them also is their teacher, Mr. Brent Zapshala, and their chaperons, Ron Bannister, April Schwartz, Willa Osborne. And I see also Don Pevach is with them also.

And I would also like to wish a special happy birthday to April today. So if everyone would join with me in welcoming them and wishing April a happy birthday, please join with me.

**Hon. Members:** Hear, hear!

**Mr. Toth:** -- Thank you, Mr. Speaker. To you and through you, I'd like to introduce to the members of this Assembly, a gentleman sitting in the west gallery, Mr. Tom Sokalski. He's from Wapella; he's the postmaster in Wapella there and he's got a number of concerns and he's taken the time to come and view the proceedings today. I'd like to ask the members to welcome him.

**Hon. Members:** Hear, hear!

**Hon. Mr. Anguish:** -- Thank you, Mr. Speaker. Through you to members of the Assembly, I'd like to introduce today Allan and Lorraine Voegeli sitting in the west gallery, along with Richard Gibbons, constituents of mine from the fine constituency of The Battlefords. And I'd like members to welcome them here today.

**Hon. Members:** Hear, hear!

**Mr. Sonntag:** -- Thank you again, Mr. Speaker. I would also like to introduce a number of my colleagues from the credit union who are down today during the credit union convention.

Seated on the far side, Mr. Speaker, in your gallery is Rudy and Ella Leiter from Goodsoil; Rudy is the

director in Goodsoil. Seated next to them is Gilles and Yvonne Colbert from Unity. Gilles is an old friend of mine; he's the manager of Unity. And also seated next to him is Dan Palsich who is the president of the Lloydminster Credit Union.

Now I'm not sure of the next two, but I've got the names -- is Chris Scouler and Gerald Rewerts, who I believe are directors with the Cut Knife Credit Union. Seated next to them as well is a colleague of mine, Mitch Rokochy, the manager of Cut Knife. And seated next to him is Gary Perry, the current manager of Turtleford Credit Union.

We worked together for many years in the Credit Union Managers' Association and they scrutinized me there, and here they are to scrutinize me here today. So I welcome you and I hope I shape up and do okay for you.

So if everyone would join with me in welcoming them.

**Hon. Members:** Hear, hear!

**Mr. Britton:** -- Thank you, Mr. Speaker. Mr. Speaker, I too would like to acknowledge the two people from Unity. Unity is a long way from Regina and we don't get the opportunity to introduce guests too often. And the Colberts from Unity, I have to be good to them. As you know, he's the credit union manager and many times we need some help now and again. So help me give him a good welcome.

**Hon. Members:** Hear, hear!

## STATEMENTS BY MEMBERS

### Wildlife Habitat Project in Assiniboia

**Mr. Draper:** -- Thank you, Mr. Speaker, sir. On Monday, the member from Indian Head-Wolseley announced National Wildlife Week. He said that the theme for this year is, biodiversity works for wildlife; you can too. We can all do something for wildlife.

One basic thing we can do is to increase and enhance wildlife habitat. The Scouts and Guides of Assiniboia are working with the Saskatchewan Wildlife Federation to do just that. The project is beginning this spring in the area of the old Willows reservoir near Assiniboia.

The project involves tree and shrub planting to enhance the habitat already there, and the groups involved hope to attract as many wildlife species as possible by establishing a completely natural site which will include nesting sites for bluebirds, purple martins, burrowing owls, and other species. After this first phase, future plans involve pheasant release, winter feeding, fish release, bat house installation, and bird banding.

I congratulate these young people, their leaders, and the Saskatchewan Wildlife Federation for working together to create this project. These Scouts and

Guides will learn responsibility, cooperation, and respect for the environment. They will, we hope, learn that we are all creatures of the world and that a world that cannot support its wildlife cannot support itself. Thank you, sir.

**Some Hon. Members:** Hear, hear!

### Update on Rafferty-Alameda Dams

**Mr. Devine:** -- Thank you, Mr. Speaker. As the member for the Estevan constituency, I'm happy to rise today to update the Assembly on Rafferty-Alameda dams.

Mr. Speaker, Alameda is full and Rafferty is filling up, and the representative from Sask Water, quoted in today's **Leader-Post**, says it will continue to fill from now on. We're very proud of the projects, Mr. Speaker. They save water, they protect people from floods, they cool power plants, and they facilitate recreation, wildlife and agricultural resources.

John Bachorcik, a rural councillor, states, and I quote:

I'd like to rent a tour bus to show those skeptics that Mother Nature has proven them wrong.

Similarly, the chairman of the Dr. Mainprize Regional Park says, and I quote:

It's the water that's drawing everyone's attention. They're just looking at the water and (they're very happy with it).

And we're about to open Dr. Mainprize Park, Mr. Speaker. Finally I'd like to remind the Assembly of the words spoken by the member from Regina Elphinstone on the Rafferty-Alameda project just last June. And he said, I quote:

You could have walked across Rafferty dam probably without even standing on your tiptoes, and not got your chin wet. There's no water there, there hasn't been any water there, and there's no water within miles of the boat launch, and there never will be.

That's **Hansard**, June, 1993.

Well, Mr. Speaker, I suggest that if the member from Elphinstone still wants to walk across Rafferty, he might want to take these with him.

**The Speaker:** -- Order, order. Order, order. The member for Estevan is out of order, and if the member from Regina Elphinstone is going to use those as exhibits, he's also out of order.

**Hon. Mr. Lingenfelter:** -- Mr. Speaker, I just want to comment on the water in the Rafferty dam. I want to say that I and . . .

**The Speaker:** -- Order, order. It is very clear in the rules that we have adopted, the member cannot comment on another member's statement in

statements by members. We have accepted that. Order. I will recognize another member for members' statements.

### Saskatchewan Writers

**Mr. Hagel:** -- Thank you very much, Mr. Speaker. Mr. Speaker, in this Assembly we're often reminded that we have 4 per cent of Saskatchewan's population and over 40 per cent of its agricultural land. We're not so familiar with another fact -- that 4 per cent of the population has, over the years, produced a greatly disproportionate number of Canada's major writers.

Mr. Speaker, if you could get the members of the opposition to come to order, I would like to continue.

Mr. Speaker, W.O. Mitchell, Sinclair Ross, John Newlove, Lorna Crozier and Eli Mandel for instance, are all from Saskatchewan and all have written eloquently out of their Saskatchewan experience. To celebrate our literary heritage, and more importantly, to encourage its continuity, the Saskatchewan Writer's Guild is holding its 25th annual conference this weekend in Moose Jaw, in conjunction with the Saskatchewan School Library Association. Under the theme, WRITE (Write, Read, Imagine, Teach, Explore) Saskatchewan, the three-day conference will feature a number of seminars on new writing in Saskatchewan, as well as readings by several of those new writers.

The Writer's Guild is a unique organization in Canada, Mr. Speaker, one that serves the needs of its 700 members, who include beginning and novice writers, as well as established authors. Mr. Speaker, facing the blank page alone, as the writer does, is a courageous and necessary act, and I congratulate the Saskatchewan Writer's Guild for bringing together and promoting these artistic individuals who give so much to Saskatchewan's cultural presence.

Thank you very much, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

### Commercial Production of Gold at Contact Lake

**Ms. Lorje:** -- Thank you, Mr. Speaker. There's gold in the lakes and forests of northern Saskatchewan, so I'm happy to note the Cameco Corporation in Saskatoon will proceed with the commercial production of gold at its Contact Lake project. Cameco is the operator and two-thirds owner. Uranerz Exploration holds the other third.

The gold deposit at Contact Lake, 63 kilometres north-east of La Ronge, will become the largest gold mine in Saskatchewan history so far. The deposit will produce 338,000 ounces of gold in six years, with double the geological reserves still in the surrounding area. That's a lot of gold nuggets.

What this means, Mr. Speaker, is jobs -- jobs for Northerners and jobs for Saskatoon. Over 100 people will be employed on site; at least half will be Northerners. It's good to see a major corporation like

Cameco honour this government's long-standing commitment to put northern people into northern jobs.

As well, Kilborn engineering of Saskatoon will provide 10,000 person-hours of engineering services. This means jobs and economic development for Saskatoon. It also means valuable and valued engineering expertise will stay in the province.

Cameco's \$39 million project means shared benefits, Mr. Speaker. These benefits will help the entire province. It means golden value for everyone.

**Some Hon. Members:** Hear, hear!

### Law Day in Saskatchewan

**Mr. Cline:** -- Thank you, Mr. Speaker. I'd like to inform the Assembly that today is recognized as Law Day in Saskatchewan. This day was initiated by the Canadian Bar Association and developed in a hope to promote public awareness of the legal system.

It is a time when the public can interact with the legal profession on a casual basis, or I might say an unpaid basis, Mr. Speaker. And this type of contact in the provision of information by the legal profession helps the public to become more aware of the processes involved in the system.

The theme for the day this year is, access to justice. And as we all know, Mr. Speaker, many people are disillusioned with the idea that the legal system can help them, because they often see that you have to be wealthy or maybe qualify for legal aid to have access to the legal system. And the activities of Law Day will help promote a better understanding of the legal system and what access people actually have.

Activities will include mock trials, high school lectures, seniors' lectures, free legal consultations on areas like criminal law, family law, wills and estates, and personal injury law.

And I'd like the members to join with me in congratulating the Canadian Bar Association and the legal profession for taking the time out to keep the public informed.

**Some Hon. Members:** Hear, hear!

### Regina General Hospital Palliative Care Unit

**Ms. Crofford:** -- Thank you, Mr. Speaker. I rise today to congratulate the Regina District Health Board on the steps it's taking in the area of palliative care. The board yesterday officially opened a 10-bed palliative care unit at the Regina General Hospital to complement its community-based palliative care programs.

The new unit was made possible through a consolidation of existing services, and with the added assistance of community donations. Palliative care, which is very important to all of us at some time in our

lives, is the care provided to the terminally ill. It's a vital component of health care and it's very important that people receive the kind of warm and supportive care that they need at that stage. I'm pleased the Regina Health District recognizes this need and that health districts across the province are placing increased emphasis on palliative care.

Palliative care, particularly when it's provided in the comfort and familiar surroundings of a person's home, can make all the difference. And anyone who's ever had a relative or a friend spend their last days alone in an institution, would understand just how important it is.

So once again, Mr. Speaker, I'd like to ask the members of the Assembly to join me in congratulating the Regina District Health Board for its efforts in this area. Thank you.

**Some Hon. Members:** Hear, hear!

### ORAL QUESTIONS

#### Canadian Grain Exports to United States

**Mr. Neudorf:** -- Thank you very much, Mr. Speaker. This afternoon I want to direct a few questions to the Minister of Agriculture. And, Mr. Minister, today we see how well you and the federal Liberal Agriculture minister are sticking up for the Saskatchewan farmer.

After all their tough rhetoric, the federal Liberals are about to cut Canadian grain exports to the U.S. (United States) by 1.7 million tonnes, which will have a tremendous negative impact upon the Saskatchewan farming community.

And it's interesting to note, Mr. Speaker, that just a short two months ago, Canada was on the verge of getting 2.5 million tonnes export limit, but Mr. Goodale's superior negotiating skills appears to have reduced that by a third, down to 1.7 million tonnes.

Mr. Minister, what are you doing to ensure that Saskatchewan farmers are not the victims of unfair U.S. trade practices? What are you doing to stand up for the Saskatchewan farmers in the face of this massive and potentially disastrous sell-out by the federal Liberals?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** -- Mr. Speaker, in light of the debate yesterday, I think I clearly outlined the concerns that we have. I think the member opposite is absolutely right; a cap of 1.7 million tonnes on wheat from Canada is not acceptable. We've made that very clear to the federal minister, as did all the provincial ministers at various . . . as recently as about two weeks ago when we had a federal-provincial ministers' meeting. There was a unanimous decision there to support and encourage the federal minister to take a very tough stand and not to accept caps.

And when he left that meeting, he made a very strong

statement about retaliations and standing up for Canadians' rights. I don't know what the state of the negotiations is in Marrakech, but we certainly have encouraged the federal minister not to make any concessions.

**Some Hon. Members:** Hear, hear!

**Mr. Neudorf:** -- Thank you, Mr. Speaker. Mr. Minister, to you again, Liberal government officials say that Canada's exports to the U.S. must be lowered because we have benefited over the last two years because of flooding -- flooding, Mr. Minister.

Now I don't know, perhaps the Minister of Economic Development might be able to loan out his newly acquired aqualung and snorkel to the federal minister, who may have been under water for a little bit too long. Because I suggest to you, Mr. Minister, that that is a bogus argument, this idea of flooding. And it's just going to sell Saskatchewan wheat producers short.

Mr. Minister, there is, as you probably know as well, there is virtually no wheat being grown in the flood plains of the United States. Yet the Liberal government is allowing U.S. trade negotiators to use this as an excuse to limit our wheat exports.

Mr. Minister, what are you doing to ensure that the interests of Saskatchewan farmers are not going to be negotiated away by what is appearing to be an incompetent federal government?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** -- Mr. Speaker, I thank the member for that question. He is absolutely correct. The large sales of wheat into the United States are almost exclusively the result of the Americans exporting their own wheat into world markets at hugely subsidized prices -- into our particular markets, into Mexico, which has been our traditional market, using EEP (export enhancement program) as up to \$60 a ton, to take away our markets and to lower the world prices. And that's created the shortage of wheat in the United States and increased the price, of which we have been able to take some advantage of.

We've done all we can to make that point with the federal government. I suggest that maybe you talk to the Leader of the Third Party and see if they can have some influence on their federal colleagues.

**Some Hon. Members:** Hear, hear!

**Mr. Neudorf:** -- Thank you, Mr. Speaker. I was hoping, Mr. Minister, that you, as the Saskatchewan Agriculture minister, would take it upon yourself to do exactly that. And I would encourage you to do that, Mr. Minister.

But I might add, Mr. Minister, that not only is Canada getting the short end of the stick in this matter but Saskatchewan is getting the shaft. Let's bring it closer to home. Because that new quota of 1.7 million tonnes, do you know that 200,000 tonnes of that

figure is going to be from Ontario? Now, Mr. Minister, the appalling aspect of it is, that that is, 200,000 is about 15 per cent of that total. And yet Ontario only produces 5 per cent of the Canadian wheat. So there is an impropriety there. It's something that's out of sync.

So, Mr. Minister, while Mr. Goodale is protecting the interests of Ontario farmers and producers, that is at the direct expense of Saskatchewan farmers. And what are you going to do about that to stop him? Mr. Minister, what are you going to do to ensure that Canadian grain exports are allocated fairly to all provinces based on the provinces' production?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Cunningham:** -- Mr. Speaker, the member is correct, that any limits on wheat is obviously going to affect Saskatchewan more than any other province. And one of the agreements . . . in fact, all the other Ag ministers in the country, provincial Ag ministers as well, supported the concept that we should not be trading off farmers in one part of this country for farmers in another part of this country and that the wheat dispute should be settled on its own and not traded off with other areas.

And certainly Mr. Goodale left the ministers' meeting with the strong conviction that he was going to stand up for our farmers. If he's not doing that over there, and I don't know the details and I haven't seen any agreement that is being signed, but certainly he left here with the commitment to look after Saskatchewan farmers, and if he's not doing so, we will certainly be raising that issue with him very, very strongly.

And I would urge members of your party as well as members of the third party, who should have some influence, to raise those same issues.

**Some Hon. Members:** Hear, hear!

#### **Labour Standards Amendments**

**Mr. Goohsen:** -- Thank you, Mr. Speaker. My question today is to the Minister of Labour. Mr. Minister, your Labour Standards Act contains some sections which are not only detrimental to business investment and job creation, but can only be described as irresponsible.

Some of the sections in your Bill contain hidden surprises; surprises which only come to surface after extensive review and investigation. Mr. Minister, your labour legislation contains a new definition of the word spouse. We have been informed that your new definition means that the same-sex partners would have the right to bereavement leave as well as injury and illness leave.

Now can you confirm this, Mr. Minister, and can you inform the Assembly how much this will cost small business in the province of Saskatchewan?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Shillington:** -- My response to the member from Maple Creek is that these are very detailed questions. If the afternoon goes as one might expect it to, we'll perhaps be into Committee of the Whole later on in the afternoon. I'll be glad to provide you with the response when I have the officials here to assist us.

**Mr. Goohsen:** -- Thank you, Mr. Speaker. I'll be happy to repeat myself later this day. But, Minister, your department has offered a definition opinion. And their definitive opinion on this issue is this: that they say that the . . . that's exactly what your new definition of spouse accomplishes -- same-sex couples cohabiting for two years or more would be eligible to receive bereavement leave as well as injury and illness leave. This represents an additional cost for business who must foot the bills, quite frankly, for this and other parts of your Bill.

Now it has also . . . has opened the door for other benefits, such as tax breaks to be extended to same-sex couples. Mr. Minister, even the federal government does not allow this definition. In the federal tax guide the term spouse is specifically defined as a person of the opposite sex. Your legislation contains no such phrase.

Mr. Minister, very simply, why are you extending expensive labour benefits to same-sex couples at the expense of Saskatchewan business?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Shillington:** -- If the member is referring to the section that I think he is, there is a section in the . . .

**An Hon. Member:** -- It's hard to know.

**Hon. Mr. Shillington:** -- It's not easy to know on the basis of that question. If you're referring to the section I think you are, that simply incorporates into The Labour Standards Act the relevant sections of The Human Rights Act. And The Human Rights Act takes precedence over all else.

So if you're referring to the section that I think you are, it's simply a reminder that The Human Rights Act is an Act which takes precedence over others. That's all that section is.

**Some Hon. Members:** Hear, hear!

#### **Changes to the Human Rights Code**

**Mr. Toth:** -- Mr. Speaker, my question is to the Minister of Justice. Mr. Minister, during our debate over your changes to the Human Rights Code you were consistent in only one thing, and that was your solemn assurance to me and my colleagues that same-sex couples would not receive spousal benefits as a result of your amendments.

On June 22, 1993 you said, and I quote:

The plain fact is that the amendment that is before the House does not speak to the

entitlement to spousal benefits for same-sex partners and the question just simply doesn't arise.

Mr. Minister, again and again you said that there would be no implications for same-sex spousal benefits, and that's where you drew the line. Well it appears, Mr. Minister, that your word on this issue is the same as it has been with the provincial judges.

Mr. Minister, would you not agree that you have again reneged on your commitments?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Mitchell:** -- I'm offended by the question put in those terms. Of course my interpretation of what we're doing continues till today. The Human Rights Code speaks for itself. Those matters were extensively debated in this House. We all had access to legal opinions on them. We dealt with them at great length. The statute speaks for itself.

We all know that the Human Rights Code applies to all legislation passed in this House unless we specifically exempt particular legislation from the operation of the code. That's the way it works.

**Mr. Toth:** -- Thank you, Mr. Speaker. Mr. Minister, the House amendments that the Minister of Labour intends to introduce to The Labour Standards Act indicates that the new Human Rights Code is precisely why spousal benefits are being extended to same-sex couples.

That minister intends to introduce a subsection that says, and I quote:

Add reference to the Saskatchewan Human Rights Act which serves to alert employers to the fact that more stringent requirements may exist under The Saskatchewan Human Rights Act.

I think it can't be any more plain, and I believe, Mr. Minister, you have an opportunity to really explain that.

Will you advise the Minister of Labour to copy the same definition of spouse used by the federal government. Will you recommend that common-law spouses must be of the opposite sex?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Mitchell:** -- Well I think we'll get into some of the technicalities of that during committee. I mean those are obviously very detailed questions and would require a further explanation on your part as to just what question it is that you're asking.

The member knows that the Human Rights Code takes precedence over all other legislation passed by this House. That's the situation. We all know what it means. We passed it here. It speaks for itself. I mean I'm not standing here in question period to explain in

detail interpretations of the Human Rights Code. We know what the general situation is. If the member has legitimate concerns about the interplay between the code and The Labour Standards Act, we'll have all kinds of opportunities to discuss that during committee.

**Some Hon. Members:** Hear, hear!

### Employment for Graduates

**Ms. Haverstock:** -- Thank you, Mr. Speaker. My question is for the Minister of Economic Development today. Very shortly, 7,500 young men and women will be leaving Saskatchewan universities, our colleges and technical schools, and that's not to mention the 12,000-or-so young people who are completing high school. And they're looking to your government to create the kind of atmosphere that is going to result in jobs for them -- jobs that will enable them to become productive citizens of our province.

Mr. Minister, what are you doing to ensure that the young people of Saskatchewan have jobs in our province this spring so that they don't have to leave Saskatchewan?

**Hon. Ms. Atkinson:** -- Thank you very much, Mr. Speaker. I want to thank the member for the question. As the member will know, the Government of Saskatchewan has issued a **Partnership for Renewal** document that talks about the six niches in our province where we have great potential for creating jobs.

I happened to be at a book launch this morning with the Prairie Implement Manufacturers Association, or PIMA, and there are wonderful things happening in this province in the Humboldt and St. Gregor area when it comes to the opportunities for young people in our province who have been educated in our technical schools and our universities.

At present, Mr. Speaker, the Government of Saskatchewan is in discussions with the federal government because we believe that we can jointly, by getting rid of duplication and waste at both the provincial and federal level when it comes to overlap and duplication of education and training programs, deliver through a single-window kind of career centre the kinds of opportunities that she's talking about. It calls for some flexibility on the part of the federal Liberal government.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** -- Thank you, Mr. Speaker. Madam Minister -- and I again direct my question to the Minister of Economic Development -- there has been a considerable amount of bragging in this House about the fact that the unemployment rate really means nothing as far as what you've been raising here because there are 12,000 people working than when you became government in the province of Saskatchewan.

**An Hon. Member:** -- Twelve thousand less.

**Ms. Haverstock:** -- Twelve thousand fewer, is what I meant. In the past month alone, 2,000 jobs -- 2,000 jobs -- have been lost in Saskatchewan. What happens to the 7,500 people who leave our post-secondary education facilities this spring?

I mean you're talking, Madam Minister, about Humboldt and St. Gregor and I'm talking about a total of 19,500 people who make up more than the entire town of Humboldt and St. Gregor put together. Will they have to be, in fact, added to the unemployment rolls in Saskatchewan? Please tell us today what the specific plans are of your government to give them some hope in finding employment this summer -- not the things you're discussing now, but what plans you have in place to take care of them.

**Hon. Mr. Lingenfelter:** -- Mr. Speaker, I take pleasure in answering the question to the member opposite. Obviously the federal government and provincial government through the infrastructure program are working on a number of projects in the province. That member opposite, being the Leader of the Liberal Party, could obviously speed up that process by talking to the relative ministers in Ottawa and help free up the money quicker so that those projects could get going at a faster pace.

I want to say as well, Mr. Speaker, that the member opposite knows full well that Prime Minister Chrétien made job creation the highest priority during the last federal campaign, and we still await very carefully and cautiously for some of the programs that would help provinces, not only here but even more importantly the Liberal provinces in the Maritimes that have unemployment rates that would be two or three times higher than the Saskatchewan rate, to help create employment right across Canada.

But I want to say to the member opposite, she is the person who promised a project a week about two years ago, or 18 months ago, and I have yet to have one project that she would bring forward to this Assembly that would help keep jobs and create jobs in this province.

So rather than play politics, I want to say to the member opposite, we are available at any time to meet with you to deal with all of those projects that you're keeping on file in your office.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** -- Thank you. It's interesting, Mr. Minister, that your government has been in power for a thousand days and the federal government has been in power for a hundred days, and you haven't done one tenth of what they've been doing. And tomorrow they're announcing things for the youth of this country.

The question is: what initiatives do you have -- specific initiatives -- do you have within the infrastructure program or any other initiatives that are

going to stimulate the economy of this province and provide some hope for the young people here?

This is about your job; your responsibility for creating a good economic climate in Saskatchewan. And I have checked about the infrastructure program and there's only one government that is creating problems for things not moving forward. Absolutely no reason whatsoever that more initiatives could not be undertaken in the province of Saskatchewan except for the incompetence of your government. So what are you going to be doing for the 19,500 young adults in this province who need help this week? What are you doing for them?

**Hon. Mr. Lingenfelter:** -- Mr. Speaker, clearly the member opposite continues to play politics with a very important issue, that being jobs.

**An Hon. Member:** -- Well she's doing her job.

**Hon. Mr. Lingenfelter:** -- It's true that . . . well the member from Shaunavon says that's her job. But I want to say to you clearly that the job of being Leader of the Liberal Party should be more than playing politics. I want to make that clear. Because what you are talking about is an important issue, that being the creation of jobs in this province.

But when I look at what the federal Liberal government is doing, whether it's on the negotiations on grain moving into U.S. markets and the lack of active work being done in that area, this leads very directly to jobs for students on the farm. Not a few jobs but hundreds of jobs for students which are in jeopardy because of the lack of action by the federal Minister of Agriculture when it comes to grain moving into the United States. And I have not heard one word from the Leader of the Liberal Party on that issue that means many, many jobs for university students in this province.

Instead of playing politics, I say to you, come to us with those many projects you have. You made a guarantee you would have one a week in this Assembly. I say to you, bring even five during the balance of this session and then maybe we could say you are actually serious about your words as opposed to just playing politics.

**Some Hon. Members:** Hear, hear!

**Ms. Haverstock:** -- Thank you, Mr. Speaker. Mr. Minister, there's only one person who plays politics in this House on an endless, endless basis, and it's you. You have blamed, you've blamed your failure to creating economic growth on everything from the debt to the former government to the federal government and even on the third party. Your government has reduced the budget on the New Careers Corporation. You cancelled the youth entrepreneur program in your very own department.

Now one out of every five young people in this province today, that is leaving the province, is between the ages of 20 to 24 years of age. What is your

plan for stopping this horrendous outflow of talent? What's your plan? Not what's everybody else's plan; what is your plan as the Minister of Economic Development?

**Hon. Mr. Lingenfelter:** -- Mr. Speaker, I want to say clearly to the member opposite, and it's possible that she is one of the few people in this province or in fact one of the few leaders in the country who have not read the **Partnership for Renewal** plan which is getting accolades, not because of our department, but because of the involvement of the business community in that plan.

Mel Watson, the president of the chamber, calls it the Bible for economic development in this province. Now you may say that he is not accurate in his comments when he talks about the economic development plan that business, government, and working people developed for this province.

Is it working fast enough? Obviously we need more jobs. But when we compare it to the plan of the Chrétien government for creating jobs, or even your good friend Frank McKenna whose unemployment rate is not 7 or 8 per cent but 13 per cent -- come clean with the people of the province. The Liberal governments across Canada are having very, very serious problems with unemployment. And you, my friend, are no better. It's politics. What we need are solid commitments to job creation.

**Some Hon. Members:** Hear, hear!

#### Provincial Health Council Meetings

**Mr. Boyd:** -- Thank you, Mr. Speaker. My question is for the Minister of Health. Madam Minister, one of your two costly health care committees is currently touring the province in Saskatchewan right now in an attempt to put a better face on your government's botched health care reforms. A couple of the committee meetings have already been held, even before the announcement that they were going to take place, did take place.

Madam Minister, what's the point of holding consultation meetings when no one knows about them? You announced this process on Monday. That evening your high-priced committee held a meeting in Arcola. The reeve of the RM (rural municipality) of Brock has informed us that he wasn't even notified of the meeting. The Moose Mountain Health District was not notified of the meeting until the very day of the meeting, and virtually no one in the town knew about it. As a result, Madam Minister, it was attended by a grand total of eight local residents, exactly half the number of the 16 committee people who were there.

Madam Minister, why don't you just call off this high-priced public relations exercise and give the residents of Saskatchewan a real opportunity for input in the process by holding health board elections this fall, as you promised?

**Some Hon. Members:** Hear, hear!

**Hon. Ms. Simard:** -- I'd like to thank the member for the question, opposite, Mr. Speaker. And I want to point out to the members of the Legislative Assembly on the opposite side, because they're clearly don't understand what's taking place, the meetings are not being held by the government nor the Department of Health. The meetings are being held by the Provincial Health Council, which is a body separate from government, and which is a body that has been . . .

**The Speaker:** -- Madam Minister is doing fine but I don't think she can be heard either by her colleagues who are carrying on a conversation across the Chamber or by the members opposite. We have about three or four conversations going at the same time, and I wish people would give the minister a chance to answer the question.

**Hon. Ms. Simard:** -- Thank you very much, Mr. Speaker. In health reform the Government of Saskatchewan has defined health as going far beyond hospitals, institutions, and doctors, but going into areas such as environment, housing, water, and sewer. And we want to look at the impact of other influences on our health beyond the traditional health care system. That is what wellness is all about, Mr. Speaker.

The Provincial Health Council has been given the mandate to talk with people throughout the province on what they feel is in their community that impacts health, that goes beyond the traditional health care system. And, Mr. Speaker, that's what the Provincial Health Council is doing.

**Some Hon. Members:** Hear, hear!

#### ORDERS OF THE DAY

#### GOVERNMENT ORDERS

#### SECOND READINGS

#### Bill No. 54 -- An Act to amend The Trade Union Act

**Hon. Mr. Shillington:** -- Mr. Speaker, I am pleased to rise today to move second reading of the amendments to The Trade Union Act.

Thirty-two per cent of the paid non-agricultural Saskatchewan workforce is unionized. Ninety-one thousand of those workers are protected by the Saskatchewan Trade Union Act; the remainder are covered by federal legislation. The Trade Union Act covers 1,025 employers which represents 3.5 per cent of employers in the non-agricultural sector in Saskatchewan.

The current Trade Union Act, Mr. Speaker, was passed in 1972 and amended in 1983. Much has changed in the workplace and in the world economy. Our Trade Union Act needs to reflect those changes. The proposed amendments to The Trade Union Act will complete the government's plan to reform our province's labour legislation. We will once again be

in a position where our labour legislation is fair, balanced, and up to date.

As I said in my remarks about The Labour Standards Act, there has been a tug of war between business and labour over labour legislation in which governments have been unfortunate participants. Another analogy is the pendulum. Under various governments the pendulum has swung back and forth; the aim of this government is to stop the pendulum in the middle. What we want is to provide a framework in which labour and business can resolve their problems.

To accomplish this, we want to remove points of conflict in the current legislation wherever it's possible to do so. To review The Trade Union Act, this government established The Trade Union Act Review Committee in March of 1992. It was to review the collective bargaining legislation and the state of labour relations in this province.

The committee, chaired by Professor Dan Ish, a respected academic from the College of Law in Saskatoon, had equal representation from organized labour and employer organizations. The committee solicited written briefs from interested groups and individuals and held public hearings in June 1992. The committee continued to meet through the fall and winter of 1992 and submitted recommendations to the minister in the summer of 1993.

Ultimately the chair and labour and management subcommittees each submitted separate reports. Their attempt to reach a consensus on even a limited number of issues was not successful despite the best efforts of both the committee and Professor Dan Ish.

In a further attempt to seek consensus, a joint committee was struck, composed of a mediator, Ted Priel; a representative of business, Mike Carr, of Intercon; and a representative of labour, Hugh Wagner, of the Grain Services Union. The committee was asked to give advice on specific issues related to amendments to The Trade Union Act.

Again the aim of this committee was to seek consensus. We are pleased with the degree of success that was achieved. The various positions were recorded by the government and we intend to follow these recommendations where there is agreement. Where no agreement is reached, the government is left to decide the issues, based on the needs of the province as a whole and on our view of what is fair to both sides.

The committee was able to reach agreement on approximately 60 per cent of the issues. I regard this as an indication that we've made some real progress in showing that cooperation can replace conflict.

Mr. Speaker, since then we have been able to add to the success of the Priel committee in other signs of a more cooperative atmosphere in labour relations in this province. I'm pleased to be able to say that there is currently only one strike under way in Saskatchewan at the present time and you have to go back a fair time

in Saskatchewan's history to find another period when we only had one strike in progress.

I'm also pleased at the cooperative development of regulations between business and labour for the new Occupational Health and Safety Act, a process which we hope to repeat in The Labour Standards Act.

In a number of ways, Mr. Speaker, we have begun the process of developing a more cooperative relationship between business and labour. I think moderate people from both business and labour appreciate that.

There are, however, political lobbyists whose interest it is to ensure that no improvement in labour law or in the relations between business and labour takes place. It serves the interests of these people and, I may add, of the opposition, both while in government and in opposition, to try to continue to divide people, to continue with tactics that the previous government used with such disastrous consequences for the province over the last decade.

Mr. Speaker, most people in this province recognize that we must work together. That is why we as a government engaged in the most extensive consultation process in history over this province's legislation. One of the issues where no agreement was reached was replacement workers.

Mr. Speaker, I want to say a word about this because replacement workers has been a key, and I think perhaps the most emotional issue, in this legislation. The use of replacement workers is a principal cause of violence during labour disputes. It creates lasting bitterness in the communities. I wish time permitted me to relate some of the incidents which I had during the very extensive labour tours we had around the province. I wish time would permit to recount for you some of the comments which I'd heard about strikes which took place in their community.

Replacement worker legislation has been effective in Quebec and in B.C. (British Columbia) in preventing such violence. Fortunately, the use of replacement workers is relatively rare in Saskatchewan. However, as we saw in B.C. and Quebec, you can't regulate replacement workers without bringing in some form of essential services legislation. That is a very complicated business and fortunately for us, it isn't a road we feel we have to travel at this moment, because replacement workers are relatively rare.

I want to add as well, the U.S. House of Representatives has passed a Bill which would ban replacement workers, the U.S. Senate has passed the Bill which would ban replacement workers; and those two Bills have gone to the joint House-Senate committee to fashion a single Bill. A telephone call which a member of my staff placed to the Speaker's office suggests that work is actively ongoing in finalizing that piece of legislation.

But we felt it was not right for Saskatchewan at this time. We're going to continue to monitor the issue,

and if the problem develops and flares up in a major way, we may have to revisit the issue.

Mr. Speaker, after considering everything we'd heard throughout the province, we've attempted to put together a Bill which balanced the interest of all concerned. The Bill addresses four major areas of concern: one, the need to promote collective, productive bargaining and the cooperative resolution of disputes; the need to update the rules governing strikes and lockouts; the need to provide a framework in which to address workplace change resulting from the restructuring of the workplace and the economy; and the need to improve the efficiency and effectiveness of labour relations regulatory agencies.

(1430)

I want to spend a moment elaborating on each of these points. First and foremost, Mr. Speaker, we propose to create an environment where collective bargaining is productive and where disputes are settled in a spirit of cooperation. To accomplish this, we will clarify and strengthen provisions that require all parties engaged in collective bargaining at all times to bargain in good faith.

Secondly, we will introduce important new provisions which facilitate the settlement of first contracts. Presently there are outstanding problems with agreements in this province; 83 of 727, or 12 per cent of all bargaining units, are without a first agreement in Saskatchewan. Successful collective bargaining of a first agreement between a new union and an employer is crucial since it establishes the playing-field for future relations.

However it can also be the most troubled time. Neither side has experience in collective bargaining. Often feelings run high during a collective . . . during a certification drive. In the past decade, 21,968 person-days were lost in first-contract disputes and that made up an incredible 15 per cent of all strikes and lockouts.

Under our proposal, despite the absence of an existing collective agreement, either party will be able to request the assistance of the Labour Relations Board if negotiations break down. The board will make sure that conciliation is attempted; if, however, conciliation is unsuccessful, the board will refer the issues on the dispute to binding arbitration.

Third, we propose to enhance labour relations services and to encourage alternative dispute resolution. We will start by reforming the arbitration process. Subject to particular collective agreements, arbitration is always an option available for the resolution of disputes, although the costs are shouldered by the parties involved. We will provide two new options to speed up the process and to greatly reduce costs.

We will allow arbitration boards to be replaced by a single, mutually agreeable arbitrator and we will introduce a voluntary expedited arbitration process in

which limited time frames are laid out for each stage of the process.

At the same time, we will empower arbitrators to also act as mediators to obtain negotiated settlements rather than an imposed arbitration. We will also clarify the application of arbitration. It will be confirmed that disputes during the term of the agreement must be settled by arbitration rather than strikes or lockouts.

Furthermore, arbitration will be made available before a first collective agreement to deal with claims that newly unionized employees have been terminated without just cause.

As an alternative to arbitration, we will introduce two new options for dispute resolution. Disputing parties will be able to jointly request that the Minister of Labour provide a grievance mediator to help them find the solution to a particular grievance. In addition, the minister may, at any time, appoint a special mediator to investigate a dispute and to assist in its resolution. I will shortly return to the subject of special mediators and the role they can play during strikes.

As our fourth measure to promote productive and cooperative collective bargaining, we propose to prohibit the unilateral termination of expired collective agreements. In this way, Mr. Speaker, we'll ensure that when a contract expires, the employers and unions will sit down together to collectively bargain the renewal of this contract.

Saskatchewan has seen how devastating to labour relations it can be when one party decides on its own to impose new terms and conditions of work without bargaining those changes with the other party.

The second issue which we must address to help unions and employers better reach agreements is the creation of an improved framework for the regulation of strikes and lockouts, which is both clear and fair. The right to strike and lockout are rights held by employers and employees all across Canada. They are important rights since frequently they represent the only means available during a contract renewal process to put significant pressure on an uncooperative party.

We must recognize however that both employers and the employees suffer when work stops. Our aim must be therefore to seek ways in which to resolve work stoppages while offering some protection to those who are most vulnerable. It is, for example, much easier to settle a strike if the worker is able to go back to work.

Our government therefore seeks to reduce or remove the points of conflict over strikes and lockouts in the following ways: first, striking or locked-out employees will have the right to return to work after a settlement. We will provide a clear process for reinstating employees in the same positions that they held before the strike to the extent possible, given available work. Any employees laid off due to

work will be entitled to the same notice or pay in lieu of notice as would have been required under other circumstances.

Secondly, we propose to allow unions to keep up employee contributions to benefit plans throughout strikes or lockouts. If these payments are made, employees will be entitled to the benefits to which they would have been entitled before the strike.

Our third proposal is to provide the means to help settle strikes quickly. Once a strike has continued to 30 days, we will allow the employer, the union, or perhaps a group of employees, to request the Minister of Labour to appoint a special mediator to assist in the resolution of a dispute. The special mediator may, at his or her discretion, call an employee vote on the acceptance of an employer's final offer and may also request that the vote be conducted by the Labour Relations Board.

Mr. Speaker, the third area of concern which the government will address with this Bill is the need to provide a framework for workplace adjustment resulting from the restructuring of the workplace and the economy. More and more businesses are introducing new technologies in order to remain efficient and competitive. The government can only applaud and encourage these initiatives since such measures are essential to our economic activity.

However we must not forget that such measures often have significant impacts on existing workforces. We propose to make important amendments to the Act which will provide a flexible means of encouraging workers and employers to work together, to cope with the effects of technological change, and to ensure that affected workers are treated fairly.

Since 1972 the Act has contained provisions which address the effects of the new workplace technologies on workers and job security. These provisions are being updated to encourage employers and unions to continue to work together to address technological change.

Unless delays will result in permanent damage to the operation, an employer won't be required to give prior notice before introducing technological change and before removing or relocating work outside the bargaining unit. The union will then have the opportunity to negotiate an adjustment plan which could cover issues such as the consideration of alternatives, retraining, severance pay, pensions, and notice. Bargaining impasses will not have the effect of preventing employers from implementing technological changes.

There are other types of adjustments that can have significant impacts on employees. In particular, changes of ownership or management can put collective agreements in question. We propose to clarify and strengthen successorship obligations. When businesses change hands, contracted services are retendered, or businesses enter into Saskatchewan jurisdiction, the employer will have to respect existing

collective agreements. Employees will have the democratic right to join a union and employers should not be able to thwart that right by the artificial creation of companies. If there is any doubt as to obligations, we will employ the Labour Relations Board to decide any questions concerning the application of these provisions.

Furthermore, we propose to discourage employers from operating through related companies to avoid agreement obligations. The board will have the power to deem related businesses to be one employer and be bound by the same collective agreements.

Finally, Mr. Speaker, under the title of improving administration of the Act, comes the fourth and the final major concern which government wishes to address in amending The Trade Union Act. It is the need to improve the efficiency and effectiveness of their labour relations regulatory agencies. To do that, we will broaden the board's powers to ensure the promotion of a cooperative atmosphere in labour relations.

First of all, we propose to ensure that the Labour Relations Board and the services provided under the Act will reflect a balanced perspective which favours neither labour nor employer interests. Handling trade union issues through the Labour Relations Board depoliticizes them, gets them out of cabinet, out of the legislature, and into a quasi-judicial process, where everyone can have a fair hearing.

Unlike the previous administration, we will work with business and labour to ensure that the labour regulations board appointees -- that should have read the Labour Relations Board appointees -- are fair-minded, with fixed terms, and represent business and labour equally.

Contrary to all the ballyhoo which one hears from the lobbyists which roam the halls of this building, we're not politicizing the Labour Relations Board, Mr. Speaker, we're taking the politics out of it. We're doing that by making the members permanent members and by giving them fixed terms so they won't be subject to the pressure of the moment of the day.

We're considering improving the Labour Relations Board by implementing a rotation system on the same model as is used in courts. And I may add, the model is also used in some collective agreements, whereby arbitrators are named and thereafter used on a rotational basis. What we intend to end up with is a balanced and fair framework that builds labour peace in this province.

Second, we propose to increase the ability of the board to discourage unfair labour practices and other violations of the Act. Recently several court decisions have created uncertainty regarding the board's powers to enforce the Act. Attempts by the board to more broadly interpret its general remedial powers have been struck down by the courts.

It is the government's view that the board was always

intended to have sufficient powers to enforce the Act. The changes to the Act in section 5 clarify that view. The Labour Relations Board will now be able to order compensation for monetary loss that results from a violation of the Act and order that violations be rectified.

However, in order to prevent undue influence in the operations of a workplace on the part of the board, the offending party will under most circumstances be given an opportunity to submit a rectification plan for the board's consideration. Other jurisdictions, Mr. Speaker, which have utilized that latter method of encouraging the offending party to come forth with a plan have found it to be an excellent instrument for enforcing the legislation.

Preventing unfair labour practices is particularly important when these practices interfere with the opportunity of workers to freely choose to unionize and to exercise the rights conferred upon them by this Act. In order to discourage this practice, the board will be given limited powers to order certification or decertification if any party has been found to have significantly interfered with the free, democratic right of employees to join a trade union.

Furthermore, Mr. Speaker, we will clarify that it is an unfair labour practice to interfere with, restrain, intimidate, threaten, or coerce an employee in the exercise of his or her rights conferred by this Act by any means, including communication. At the same time, we'll ensure that employees have access to impartial information by empowering the Department of Labour and the labour relations officers employed therein to provide any requested information to employers or employees respecting their rights under this legislation.

These changes, Mr. Speaker, in some way these changes to The Trade Union Act are consistent with our overall plan of labour legislation reform and with our overall economic development strategy. The Trade Union Act, along with The Labour Standards Act and labour Bills which were passed earlier in this government's term of office, are all based on the assumption that there is a need for a better relationship between business and labour if we are to adapt to a rapidly changing world, and if fairness and equity is to result when we do make that application and that change.

(1445)

To compete in the global market-place, to build a more prosperous and better society, changes must be made in the workforce. It is essential that we develop a mutually beneficial approach between labour, government and business to benefit all concerned.

Mr. Speaker, The Trade Union Amendment Act before you today will provide benefits to employers, to unions, and most of all, to the public. The Bill will provide a framework with which employees, employers and unions can reach agreements and begin to work in a more cooperative way. It will

improve the efficiency and effectiveness of the Labour Relations Board.

Finally, the Bill will encourage employees and employers to work together to cope with the changing workplaces.

Mr. Speaker, these amendments will create the productive and cooperative climate for labour relations in Saskatchewan in which the winners will be employers, employees, and most of all, the public. It'll make this province more attractive to workers, to their families, and to business.

Mr. Speaker, I therefore move second reading of The Trade Union Amendment Act.

**Some Hon. Members:** Hear, hear!

**Mr. Toth:** -- Thank you, Mr. Speaker. Mr. Speaker, from the clapping that was given by the members on the government side of the House, it would appear that at least the choir agrees with the minister and his new Labour Standards Act.

However, Mr. Speaker, I think it's appropriate that we raise a few concerns and bring to the attention of people across this province that The Trade Union Act does more to The Trade Union Act than what the minister has indicated.

The minister talked about consultation. And, Mr. Speaker, the other day I was at a five-year anniversary ceremony at Printco Graphics and I happened to be talking to a number of business people. And one businessman said that the only consultation he knew of that took place, took place basically behind closed doors with a few selected people in small numbers. It wasn't really the wide-open consultation that the Minister of Labour would try to lead us to believe or even would indicate to the public and ask them to believe, that we've been out there consulting with large bodies of people.

And I think, Mr. Speaker, the questions raised by my colleague, the member from Kindersley, regarding the special health commission that is going around the province . . . and the fact that even down in the community of Carlyle they were supposed to have this open, public meeting and they ended up with eight people other than the few individuals that had gone down to meet with the groups to seek their input regarding health boards and health districts.

And that would appear to me what's basically taken place, and it just confirms what the business community has been telling us time and time again, that few if any really had . . . or had a real opportunity to meet with the minister or with any of his colleagues to address the implications of The Trade Union Act as we see it laid before us today.

Mr. Speaker, I guess one of the major concerns we have and business people have and I think we have to all ask ourselves is, when we look at the Bill and we start discussing the pros and cons of the rights of

individual employees, what rights do employers have? What is their responsibility? And I think most business men and women across this province feel they have a responsibility to treat their employees with respect and to show them respect and to treat them fairly. In fact I don't know of any employers in my area where the employees would even suggest that they form a union, because they feel they have a solid working agreement with their employer.

And one of the concerns we have is the fact that an employer takes the time, takes the effort, puts the money out of their pocket, develops a business to create job opportunities in this province for people to find employment. And yet what does this Bill do? This Bill basically limits and ties the hands of an employer who would endeavour to create those job opportunities.

I think what we have seen in the past, Mr. Speaker, there are indications and there certainly are instances where people have stood up and employees have taken some ownership in their business, in their workplace. Printco Graphics is a solid example of what employees can do for themselves if given the opportunity.

And I want to commend that group of employees in the Printco Graphic business for the work they have done in working together, pooling their resources. Not only are they employees, Mr. Speaker, but they're also employers; they're part owners of their business. And they're doing a solid business in the city of Regina and certainly in the province of Saskatchewan.

Another concern we have, Mr. Speaker, is about employees who really do not want to unionize. There are a number of indications in this Bill that the Labour Relations Board will have the ability, if an employee raises a concern and would suggest that his or her employer has . . . would file a grievance against his or her employer, that would suggest that that employer has been unfair in their labour practice. And the Labour Relations Board in its power, the power given to it by Executive Council . . . and I must point out, Mr. Speaker, that this Labour Relations Board will be none other than another political committee set up by the members of Executive Council. In fact it would just be another committee where the members could appoint people like the Jack Messer's of this world, to make decisions and to have rule and authority over people right across this province.

And what if an employee decides they do not want to unionize? Let's take a look at the Woolco example in Moose Jaw, Mr. Speaker. Those employees came to us, asked for a decertification; they asked the Labour Relations Board for a decertification. It would appear that the majority of the employees wanted that decertification. And yet what happened, Mr. Speaker? The Labour Relations Board voted against it.

In fact they stood up for the few people that were manipulating the individuals and wanted to form the union, with the result that the employees of Woolco in Moose Jaw are now on the outside looking in. In fact

I'm not exactly sure if that business continues to exist, but the last time I talked to some of the employees, they indicated that they're working on a daily basis. They don't know exactly when the store will close.

I think, Mr. Speaker, if we're talking about democracy, if we're talking about fairness, if we're talking about the rights of individuals -- and we had a bit of that brought up in the debate this afternoon regarding the human rights Act -- if we're talking about democracy, then the same principles should apply if employees want to decertify or do not want to have a union as they do to unionize.

And I don't see anything in the Act that would allow that. It seems to me, Mr. Speaker, that this whole Bill just reaches out and just tries to draw in the unions or the unionized employees across the province of Saskatchewan. And I think I should remind people in this Assembly that the majority of working people are not in unions, and many of those people -- the majority -- want to remain in that position. They want the ability to act on their own behalf and to deal with their employers that they are working for.

It seems to me, Mr. Speaker, as we look at the complexities of this Bill, that it would require that we take more time to review the Bill. And that we, as we've already begun in discussing the implications of The Trade Union Act, we need more time to do that as well. And I think it's appropriate at this time, Mr. Speaker, that we adjourn debate on Bill No. 54.

Debate adjourned.

## COMMITTEE OF THE WHOLE

### Bill No. 32 -- An Act to amend The Labour Standards Act

**The Chair:** -- Before we deal with clause 1, I might ask the minister to introduce the officials who have joined us here today.

**Hon. Mr. Shillington:** -- Thank you very much, Mr. Chairman. Seated to my left is the deputy minister of Labour, Merran Proctor; behind Ms. Proctor is Jeff Parr, an official with the department and in charge of labour standards.

#### Clause 1

**Mr. Neudorf:** -- Thank you very much, Mr. Chairman, and Mr. Minister. I have before me a list of amendments which are called proposed House amendments to amend The Labour Standards Act. And I assume, Mr. Minister, that this is the submission that you have made to the legislature this afternoon and that these are the amendments that you are contemplating making to your proposed Act. Would you verify that, Mr. Minister.

**Hon. Mr. Shillington:** -- That's affirmed.

**Mr. Neudorf:** -- Further to that, Mr. Chairman, Mr. Minister, can you also confirm that this is the extent to

which you are going to be proposing House amendments?

**Hon. Mr. Shillington:** -- That's also affirmed.

**Mr. Neudorf:** -- Could you then further affirm that, also this afternoon, that you will be also tabling the regulations pursuant to this Act and in conjunction with this Act?

**Hon. Mr. Shillington:** -- No, we're not going to be doing that. I had earlier spoken to the member from Maple Creek. This subject has a kind of a tortured history, a tortured history. I had indicated to the member from Maple Creek some time ago and it had been my intention to table regulations which would not prejudice the work of our committees, but would sort of be something in the public domain which would indicate what we were thinking.

As the discussions progressed with both business and labour over this Act, both sides indicated that they were uncomfortable with us tabling regulations. Both sides understood our position and I will discuss with you the general framework. I'll discuss with you how we generally see those regulations affecting, but neither side wanted to be saddled with regulations which prejudged the matter. And both sides asked that we not table regulations but we leave it to the commission and the committees to do that on their own without their work being prejudged.

(1500)

I later explained to the member from Maple Creek that I had a change in mind, and I say that now. I offer any apologies the change may have caused, any difficulties the change may have caused. But I simply say to members opposite, the parties I think are increasingly comfortable with the process by which much of the detail is in regulations which they participate in. They didn't want their hands tied by us tabling, prematurely, regulations, so I will not be tabling regulations to the extent that I think we know what we want. I will tell you what I foresee the . . . any individual section, if you want to point to it, I'll tell you what I foresee the regulations being so far as our thinking has matured on that.

**Mr. Neudorf:** -- Well, Mr. Minister, I don't think that's going to be quite good enough just for you to give us your impression of what you think and what you foresee. We want to see those regulations; you have said that you will indicate and bring them forward to us.

I refer you to April 5 in debate with the Labour critic from this side, where you made the very same salient points that you have just made. And by your claim, both sides did not want to have these restrictive measures brought about them by putting the regulations in ahead of the Act itself and being presumptuous. But, Mr. Minister, those are your words.

That comfort level that both sides have on this issue

has not filtered down to us. But you, having made that very same statement as you just did now back on April 5, I would assume then that you would have stuck to your word, what you're saying now and that is no, you're not going to get those regulations. But just pursuant to your comment that we don't want to fetter these sides in any way, you made this comment when . . .

I quote from **Hansard** of April 5. Mr. Goohsen says:

Mr. Minister, I'll arrange to give you leave this afternoon (that is to go to Committee of the Whole, what we are doing right now) if you will table those regulations. Will you do that today?

You, sir, got up and said:

Yes, I think I can authoritatively say, if you'll give us leave to go to Committee of the Whole today on labour standards, we'll do that.

I'm quoting you. I'm quoting you. The member from this side of the House asked, if we give you leave to go to committee, you will give us the regulations? And you said, yes, sir, I'll do that.

We sat down, we let it go to committee, on the assumption -- not as your assistant there, the member from Rosemont, is trying to tell you, that you said amendments, this was . . . (inaudible interjection) . . . assistant, I would call him.

Mr. Minister, I'll arrange to give you leave this afternoon if you will table those regulations.

You said, yes, sir, it's a deal. And so we quit asking and speaking on second reading and adjourned . . . on that issue, and it went to Committee of the Whole.

It is now in the Committee of the Whole. You have given us some of the amendments. I have just seen them now. I have just seen them now, for the first time. So that will entail some detailed study. Obviously, Mr. Minister, you are not going to keep your word in that, that you will be providing for us the regulations as you promised -- as you promised -- so that we can indeed have a meaningful discussion.

So where are we at if you, as the Minister of Labour of the province of Saskatchewan, tell us, let it go to the committee and we'll give you those regulations? And here we are again, Mr. Chairman, supposed to talk in detail about this Labour Standards Act. We're supposed to be talking about the House amendments. We have them; we haven't had time to study them. And we will also be having a copy of the regulations, as you have promised, sir. So what we as an opposition are going to be doing now is holding you to your word. And you obviously don't have your regulations with you.

We're going to give you time, Mr. Chairman, because pursuant to rule 55.1 I hereby request the proceedings on Bill 32, An Act to amend The Labour Standards Act, be suspended for three sitting days.

**The Chair:** -- Order, order. At the request of the official opposition, under rule 55.1, proceedings on Bill No. 32, An Act to amend The Labour Standards Act, are hereby suspended for three sitting days.

**Hon. Mr. Shillington:** -- It's with certain tongue-in-cheek that I say I move the committee rise and report progress and ask for leave to sit again.

**The Chair:** -- The minister has moved the committee rise, report progress and ask for leave to sit again. Is that agreed? Carried.

**The Speaker:** -- Order, order. I recognize the Deputy Speaker.

**Mr. Van Mulligen:** -- Thank you, Mr. Speaker. Mr. Speaker, I am instructed by the committee to report progress on item no. 9, Bill No. 32, and to ask for leave to sit again. And I would advise, Mr. Speaker, that at the request of the official opposition under rule 55.1, proceedings on Bill No. 32, An Act to amend The Labour Standards Act, were suspended for three sitting days.

**The Speaker:** -- When shall the committee sit again?

**Hon. Mr. Shillington:** -- Wednesday next, Mr. Speaker.

**The Speaker:** -- Wednesday next?

**Hon. Mr. Shillington:** -- It's my understanding it would be inappropriate to say next sitting because they've moved the three-day hoist. I think therefore it's Wednesday next is the first date upon which this could be considered.

**The Speaker:** -- Order. The interpretation is that on that particular Bill it will be next Wednesday. But if the member says, when shall the committee sit again, then the committee can't sit until next Wednesday.

**Hon. Mr. Shillington:** -- I think you're correct. Next sitting, Mr. Speaker.

## COMMITTEE OF FINANCE

### General Revenue Fund

#### Justice

#### Vote 3

**The Chair:** -- At this time I would ask the Minister of Justice to please introduce the officials who have joined us here today.

**Hon. Mr. Mitchell:** -- Thank you, Mr. Chair. I have seated beside me Brent Cotter, who is the deputy minister; and behind me, Twyla Meredith, who is the director of administrative services. Ron Hewitt is seated beside Mr. Cotter; he is the assistant deputy minister in the registry services division. Doug Moen, to my right, who is the executive director of public law and policy; and Kathy Hillman-Weir, who is the executive assistant to Mr. Cotter.

## Item 1

**Mr. Toth:** -- Thank you, Mr. Chairman. Mr. Minister, and to your officials, we welcome you and look forward to a fair discourse this afternoon as we enter into the debate on Justice and Justice estimates.

Mr. Minister, I'd like to start with a few questions that have come to us via viewer mail. I think some of these questions may have been . . . in fact I know were forwarded to your office. And it's unfortunate that Mr. Sokalski wasn't able to remain; he had indicated that he was interested in getting a response to his questions.

(1515)

Now what I'd like to start with, you may or may not be aware, Mr. Minister, of a problem that the community of Wapella has run into in the fact that they let a tender for construction of a water project and upgrading their facility. And in the process of that tender, the community and the council decided to accept a tender which wasn't necessarily the lowest tender -- it certainly wasn't the highest tender -- but they accepted the tender based on their understanding of tender policy. And they accepted the tender from an individual who was closer because they felt that if something happened to their project, if they needed to call back the contractor at any time, it probably would be less costly to have someone a little more local, a little closer to the community, rather than a contractor further afield.

Well as a result of the tender and as a result of the contract being let, the tender, the corporation from Moose Jaw sued the community of Wapella and went to court regarding the tender. Because he had argued that his was the lowest tender; therefore he should have received the contract. And he went back to I believe it was a case back in the early 1980s where a judge had ruled that just because you had on your tender, the lowest or any tender not necessarily be accepted, doesn't really apply.

What it has done, Mr. Speaker, is put the community of Wapella in a financial situation, a bind, where they were forced to, through a pretrial, and I believe . . . I have talked to some of the lawyers who felt they just . . . it really wasn't in the interest of the community to proceed any further. But they were left with the situation where they had something like \$30,000 all of a sudden out of their pocket, which they didn't have any knowledge of or were wondering exactly why should they have to put up this funding.

I would like to first of all read the question from Mr. Sokalski and allow you to respond, Mr. Minister. And then we'll get into some other questions regarding this process and what other communities may have faced on the same principles.

And this question, it reads:

I would like to ask the hon. minister responsible: does he feel at this time, in all

honesty and fairness to the people of Wapella, that justice was served at the pretrial held recently at Moosomin where Judge Armstrong handled the case of Mike Robinson, owner of Service Plumbing and Heating, Moose Jaw, v. town of Wapella.

A yes or a no, please.

**Hon. Mr. Mitchell:** -- I thank the member for the question. And I have the question in my hand because the gentleman, Mr. Sokalski, circulated copies of the material that you have, and I received it during question period today.

I don't know how to answer Mr. Sokalski. The dispute is a civil dispute and it's not one in which the Department of Justice has any interest or role. It is an action, I presume, for breach of contract and it went to a pretrial procedure which is a pretrial hearing, which is a hearing established by the Court of Queen's Bench pursuant to their rules and presided over by a Queen's Bench judge who meets with the parties and tries to sort out the issues in the action for trial. While the judge is doing that, the judge will normally make an attempt to explore the possibilities of settlement, which is no doubt what Mr. Justice Armstrong did in this case, and in the result settled it.

All this takes place without any involvement of the Department of Justice or of course the government. And nobody can force people to settle. They make those decisions on their own. If they don't want to settle, then they don't and they then go to trial and take their chances before a trial judge. Obviously in this case, lawyers and officials for the plaintiff, Service Plumbing and Heating, and the defendant, the town of Wapella, must have decided that they should settle. And whether that is a just result or not is not something on which I could properly comment at all. It's a decision that they've made and not one in which I play any role, nor does my department.

**Mr. Toth:** -- Well, Mr. Minister, the reason I'm raising the question is because there are a number of concerned taxpayers who felt, even through a public meeting where they had voiced the same opinions that Mr. Sokalski . . . and the same questions, they felt their community certainly hadn't given them any answers. And that's why it's been brought up with me today. In fact it's been something that we've been waiting for an opportunity to question and raise in the House because of the questions that are involved.

Just a couple more questions I'd like to read into the record: do you feel that in all fairness the taxpayers of Wapella, who are struggling to survive in today's hard economic times, should be slapped with a \$30,000 liable lawsuit based on a no-fault situation? Yes or no, please.

And the third question, do you feel that at this time and in the future that the freedom of choice by the buyer when in the process of handling tenders should be eliminated? Yes or no, please.

Now, Mr. Minister, what I'm referring to here -- and I've got a number of copies -- and I think this is a question that we'd like to raise with the department, is the process. Now it would seem to me that there must be some form of process or something where the Justice department has been called regarding tenders. And what I raise . . . I think the area that was raised by the judge at the time and by the Crown and by Mr. Robinson, that the wording or the insertion of the words: the lowest or any tender will not necessarily be accepted.

And I've got a number of tenders across the province. And I've also found that a number of communities have basically ended up in the same-case scenario where they have been taken to court simply because they didn't accept the lowest tender. And as they've been based on the fact that . . . And I'm not exactly sure why the lowest or any tender not necessarily accepted wouldn't be a legal and binding part of the tender process that says if a tender comes in and a community is looking at all the avenues with which they are trying to spend their dollars efficiently, they're going to measure and weigh, not only weigh the costs but weigh their options.

And as in the case of Wapella, they chose the contractor who was closest, even though his tender . . . and in this case, the interesting part in this case is that the tender wasn't that significantly higher. The one that was chosen was only about \$200 more than the lowest tender.

(1530)

And what I'm wondering, Mr. Speaker, is what recourse do communities have? You go before a judge and the judge simply rules, well this doesn't necessarily apply; this terminology doesn't necessarily apply. And if it doesn't apply and if it doesn't really mean anything, then I'm wondering why we have so many tenders that continue to be let based on the fact that the lowest or any tender will not necessarily be accepted, when communities at the end of the day could be taken to court if they don't accept the lowest tender. And they would go to court and they would say yes, but we informed you before when we asked for your tender, that we would not necessarily accept the lowest tender. We're going to look at the tenders in the context of the tender policy and the job we ask to have completed.

And what I'm wondering, Mr. Minister, what recourse do communities have in this matter?

**Hon. Mr. Mitchell:** -- Apparently during the pretrial hearing, Mr. Justice Armstrong made the comment that this disclaimer, if we can call it that, the lowest or any tender not necessarily accepted, is no longer effective as a result of another decision, another, earlier decision of the same court. And he made the observation that most of the lawyers in Saskatchewan aren't aware that that case was decided and that in effect that is the law now.

And we have been requested to take a look at that

decision. Not Mr. Justice Armstrong, because he was just a pretrial judge trying to work out a settlement if he could, but the earlier decision, the name of which I don't know. But we know about the case.

We take a look at that case and determine whether this legislature should take any action to remedy that situation. Certainly it has been the practice for many, many years in this province to put that disclaimer onto a tender form, and that protects the owner, in this case the town of Wapella. That would normally have protected it from this kind of an action.

But I think the member makes a useful suggestion, and that we will take a look at that and determine whether any legislative action is advisable.

**Mr. Toth:** -- Well I thank you, Mr. Minister. I think the point that has to be made though is the fact that . . . And yes, you're right, the judge did refer to an earlier case. However, I'm not sure how many communities . . . maybe you could indicate how many communities have fallen under the same provisions where they have ended up in court simply because they used this disclaimer.

**Hon. Mr. Mitchell:** -- We don't have any idea; none at all.

**Mr. Toth:** -- Mr. Minister, based on the arguments presented by the lawyers at the time and the judge in his ruling at the end of day where he ruled that the town really didn't have much to stand on because the disclaimer really wasn't legally binding, I'm wondering if it wouldn't be appropriate to inform organizations that they should quit using this disclaimer, that they should cease to use it because they may end up in a situation where they feel they're covered, and yet we have cases now where we find out that this disclaimer doesn't cover them, and that they could be taken to court if they do not in fact accept the lowest tender.

**Hon. Mr. Mitchell:** -- My department has alerted the Department of Municipal Government of this situation and informed them as to the effect of the decision. I'm not able to tell the member what action the Department of Municipal Government may have taken with respect to it. But certainly municipalities should be aware that the disclaimer, as we've been calling it, is not effective.

**Mr. Toth:** -- Well it would seem to me, Mr. Minister, that even the provincial government should be mindful of this disclaimer and the fact that it doesn't really hold a lot of water.

I have a tender here by SaskTel for a garage at Gravelbourg and they have the disclaimer right in their tender. Now if SaskTel doesn't happen to accept the lowest tender, and if any of the other contractors are aware of the fact that there is a case such as the Wapella scenario that's been already ruled upon, contractors could go . . . and SaskTel could find them in the same position that Wapella was in which then becomes a cost to SaskTel or SaskPower or any

government agency.

It would seem to me, Mr. Minister, as well, when we look at the debate that took place last spring regarding the spruce budworm and spraying of the spruce budworm in northern Saskatchewan, and the fact the Department of Natural Resources accepted a bid that was some \$150,000 higher than the lowest tender, that possibly the contractor who submitted the lowest tender should have been looking through the court documents and they could have taken the government to court at that time for not getting that tender. We might have been left with something like a \$100,000 fee for damages.

And I think it's imperative, Mr. Minister, that in the case that we're talking of here, we're talking about municipal government, and you've indicated that you've talked to municipal government regarding this, but I think it would be appropriate that your department would certainly make people aware, and even government agencies aware, of this fact so that government agencies, like Crown corporations like SaskTel or SaskPower, don't fall into the same-case scenario and you find out that these organizations find that at the end of the day it's actually costing them . . . costing more for the job that they've applied the tender to.

And I wonder if you could make a commitment that your department will do whatever it can to inform people or to . . . whether it takes . . . I'm not sure what it takes -- but I think it's the responsibility of the Department of Justice to inform people that this may happen if they continue this process of releasing tenders.

**Hon. Mr. Mitchell:** -- Mr. Chair, the member makes a good point. We think that all of the branches of government are aware of this decision because the legal advisers in the government are certainly aware of it. But I think that it's a useful suggestion that we ensure that this is brought to the attention of people. And we will follow up with Municipal Government to make certain that they understand the implications of this and the importance of it.

And at the same time, we will look at the problem to see whether law reform in this area would be a good idea. It strikes me as I stand here that it would be; but of course, as you know, you have to do a lot of analysis and consideration before you can actually produce a Bill on it.

**Mr. Toth:** -- Well thank you, Mr. Minister, and I certainly would give you support if . . . and to your department in looking into that case scenario. Some communities may not think \$30,000 is a lot of money, but for a community like Wapella, where they've been losing population, they've lost part of their school, they're struggling to maintain their community to the best of their ability, then to have an extra . . . be saddled with an extra expense certainly isn't easy. And I believe the government's aware of that as well. When all of a sudden you get an extra bill tagged or thrown against your budget, you know what

it can do to the deficit.

The other thing as well, Mr. Minister, is the fact that even private individuals could get caught up in this if you're really not aware of it. So I think it's something that we should take a look at and see if there are areas we can address it so that you're protecting . . . there is a law in place that protects people and gives them that ability . . . if the wording needs to be changed.

The other case scenario is okay, we just say delete the words "highest or lowest tender not necessarily accepted." Then what do you do? If you let a tender out and you get five or six companies apply for the job and you happen to choose the middle one, you didn't really state that the highest or lowest tender is not necessarily accepted simply because it's been ruled against. Every company, whether they're the highest bid or the lowest bid, may even be able to come against you. So I think it's something that we should take a look at and see how we can address it.

Another question, Mr. Minister, questions to the Premier, comes from Cicely Booth from Carnduff and she says, why are you so strict on rifles? Why not do something about knives?

**Hon. Mr. Mitchell:** -- That is a very good question. Of course we start with the observation that we don't do anything about rifles or knives because they're matters of the criminal law and that's a matter for the federal government.

They have certainly legislated often and recently in connection with the rifle question. And from recent newspaper reports, they are considering further legislation with respect to handguns. We have had a difficult time accommodating to the rifle legislation, as the member will know, and in Saskatchewan we have approached this question of rifle control as a measure not aimed at Saskatchewan. It's aimed at the big crime centres and trying to control firearms in the crime centres.

But we're left in Saskatchewan picking up the pieces or the consequences of that measure, and it has caused difficulty with our citizens and continues to do so. We've tried to make it as painless as possible, but at the end of the day the law is the law, and you still have to enforce it even though there is some discretion.

With respect to knives, a powerful argument can be made that something should be done, something further than the law now provides, which is a meagre sort of provision in the Criminal Code. I say that because the member knows that the incidence of knife-related violence in bars in Saskatchewan is pretty high, getting higher -- quite a concern. We can't legislate with respect to that. This legislature could not pass a law that dealt directly with that question because it would be struck down at the first review. It's a matter of criminal law.

The only way we could possibly get at it would be in a very indirect and relatively ineffectual way of trying to

do it through the liquor licensing provisions, and in effect delegate responsibility to the bar managers or owners to do something about the knife-toters, people that are carrying knives. Now that's not a very effective way to deal with the problem.

On the other hand -- and there always seems to be an on the other hand with these matters -- if the federal government were to legislate with respect to knives in a similar way to the way in which they legislate with respect to guns, then the member would know what kind of difficulties we would have with that, considering the number of hunters in this province, the number of game animals taken in each year, the large aboriginal population who do subsistence hunting. You get into fishing also. We would have all kinds of complications. Now that's no reason for not doing it, but it's not something we in this legislature can do very much about.

**Mr. Toth:** -- Thank you, Mr. Minister, and I appreciate the difficulty we're facing here regarding this whole question. There's no doubt when I attended the meeting at Preeceville regarding . . . where the gun collectors and gun owners held a rally, and I'm not sure, they may have even had another one recently. They were talking of having another one.

And you're absolutely correct. It seems that the lawmakers at the federal level . . . and I'm not sure if it's strictly even just the bureaucrats getting the pressure and facing the challenge -- but I think what we see facing us is the heavy populous areas, that we in Saskatchewan really are in a situation where we don't have a lot of voice and a lot of control over. And I just think of recent actions that took place in the city of Toronto, where a young lady was gunned down just for no reason at all. And I can . . . as soon as I saw that on the news, I could hear the people screaming for stricter legislation regarding handguns.

And I'm not exactly sure how we address it, Mr. Minister. I think what we need to do though is take the time to talk to your counterparts in Ottawa and relay to them that the types of legislation that have been brought forward, and certainly the type of legislation that was introduced and passed by the former government and by the former minister, Ms. Campbell, was legislation that I wasn't happy with. This type of legislation, whether it's with guns, Mr. Minister, or whether it's with knives, forgets about the law-abiding citizens that own handguns or own rifles.

And in some cases it's for sporting activity, and some cases, as you said, with the aboriginal community and a lot of people who like to hunt and the tourism aspect of our province. If we're going to allow for restrictive gun legislation, we're basically hurting ourselves as a province as well because of the tourism and the recreation that comes about with gun use.

(1545)

At the same time, while we restrict guns to individuals, Mr. Minister, it doesn't necessarily take a gun or a knife out of the hands of the person who may choose

to use that weapon in an aggressive manner. And I even think of knives. I believe it was in the city of Calgary where a young student, I think it was around the age of 14, died after a knife was pulled on him. You wouldn't think that . . . it's hard to believe that a young person would have a knife and decide to get aggressive with a knife. But there's lots of kids running around with knives and using them for whittling away and kind of playing with them.

I'm not exactly sure how we'd go about it, but I think, Mr. Minister, one thing we must continue to do is to inform the federal government, inform our other counterparts, that we shouldn't just jump on the bandwagon because there are citizen groups out there that are demanding we just take away all the guns and all the knives out of the possessions of people. If we do that, I'm not sure how we're going to cut our steak tonight because any knife could be picked up and used as an aggressive weapon. In fact maybe we'll go to plastic knives or whatever.

But I think, Mr. Speaker, we need to stand up and raise some of these concerns, raise some of these questions with the federal government and let them know that while they're thinking of the innocent bystander out there, they should also be mindful of the people who are legitimately treating rifles and guns and knives with respect. I would ask that your department take the time to reflect this, and I'm sure that in the near future that certainly there will probably be opportunities as Justice minister, as you sit down with your counterparts across this land, that you have that ability to raise the concern.

Because I'm afraid what's going to happen in western Canada, we're going to be just rolled over by the big debate that is heating up in southern Ontario and certainly Ottawa and the Montreal area, and I wonder if you could respond, Mr. Minister.

**Hon. Mr. Mitchell:** -- Well, Mr. Chair, the member is right on, and I agree with his suggestions. The idea of a steak-knife acquisition certificate boggles the mind.

We have found in this province that our training course with respect to firearms has been an enormously effective approach. I was saying our training program is an effective approach because the numbers of firearm accidents have reduced dramatically over the years. We have long-term statistics on this. And in 1960 the number of firearm accidents were a hundred; whereas last year they were 13 -- 13 in Saskatchewan, as compared to a hundred 30 years ago.

And the reason, in our view, is the very effective training program that we've had in effect in this province. It is an amazing statistic that we have trained 135,000 people in this province in the safe use of firearms. That's an amazing number in a population of a million people.

We have no fewer than a thousand people who have given voluntarily of their time to act as trainers in firearm safety. So there's a whole network of people

out there who think this is important enough to volunteer their time to train other people in the safe use of firearms.

Now I don't know what lessons there are in that for the federal government. But certainly from a provincial level we think there are valuable lessons to be learned from the facts that I've just outlined.

This whole thing -- the member's quite right -- takes a balanced approach and a sensible, practical approach.

When I have looked at the Canadian initiatives for gun control, I have often asked myself, whose guns are we trying to control? We make it very, very difficult for the ordinary citizen to pursue a hunting hobby or to pursue a gun-collecting hobby, while at the same time you have to know that the hard-nosed, that the hard-core criminals in this country would have little or no problem obtaining illicit guns.

So who are we controlling with this legislation? And yet the public demand for this kind of legislation is quite high, and I quite understand the federal governments of all political stripes moving on this from time to time over the years, but they must be practical about it and must consider the effect that that has on the ordinary, innocent, non-criminal Canadian citizen, Saskatchewan citizen, who has a hobby that involves firearms or, in the member's example, knives. Now I quite agree with the member.

**Mr. Toth:** -- Thank you, Mr. Minister, and I wholeheartedly agree with you too because certainly I've had a number of people in my community have called, especially regarding the new legislation that was introduced and the requirements regarding even trying to handle gun safety courses. And a lot . . . the uncertainty that's in the province and I believe we have a reprieve until, I'm not sure if it's June 1, regarding the implementation of some of these laws. So I trust that in the meantime we're doing more consultation and trying to come to a consensus on suggestions that we can present to the minister regarding those concerns.

One more question, Mr. Minister, that I happen to have in front of me right now, from the questions to the Premier, comes from Zelma Deg from Gravelbourg, and I believe her intent is: why does the Justice minister not hire investigators to look into cases before taxpayers' -- and I believe she wants -- dollars are spent on court cases that are costly?

Maybe what I could add to that, and I'm just going to add a bit, but I don't like to usually add to a member's question, but it would seem to me from this that the individual is asking for the Justice department to make deeper inquiries into cases before we allow them to get to court and end up with a substantial court case before us.

And I'm not sure if the individual is thinking of say the Milgaard trial or the Carney Nerland trial, or cases like this. I'm not exactly sure but we do know that certainly

going to court and the process of time involved can be costly. And we do have a Bill before this Assembly that calls for mediation in the case of marital problems. I'm not exactly sure how to answer this one, but maybe you might have a comment on it, Mr. Minister.

**Hon. Mr. Mitchell:** -- It is difficult to know, as the member observed, what the questioner has in mind, but in large cases, in difficult cases, of which the Martensville charges would be an example, the department works closely with the police in preparing for the trial. In effect our investigative force is the police force, either the RCMP (Royal Canadian Mounted Police) or the municipal police forces, depending upon the circumstances.

The obligation of the Crown, as the member will know, is to gather and present evidence to a jury or to a judge if there is not a jury. And the obligation of the prosecutor is to put that evidence before the court in an objective manner, mindful of the fact that the accused is presumed innocent until a jury finds that person guilty beyond a reasonable doubt.

And it is not, so far as the state is concerned, a question of winning or losing, it is a question of presenting the material before a jury and having the jury rule upon it.

Now we have professional prosecutors on staff who have spent an entire career in this field and who are as expert as they can be on the various kinds of cases that they have to handle.

And we have of course, with the RCMP, one of the most highly trained investigative forces in the world. And we have competent, very competent police forces in our cities -- surprisingly so, considering the size of the city and the resources that are available to them.

So I think generally we do a good job on investigations. There are cases where that may not be immediately obvious or where skilled counsel are able to punch holes in it or for one reason or another cast doubt upon the evidence. But viewed from the Department of Justice perspective, the investigations are generally very well done, both by the RCMP and by the municipal police forces. And we feel no need at all for any kind of supplementary investigations to sort of check the police.

We do welcome the opportunity, and we work very vigorously on large cases or important cases where our advice is sought early on from police forces, to assist in the development of the evidence. And that happens frequently.

But at the end of the day all you can do as a state, as a Department of Justice, is to put your evidence before the jury and let the jury decide whether on that evidence, a person who is accused of a crime should be found guilty of that crime. And that's how the system works and that's how we're bound to work it. We have to proceed within those rules which are long established and well established and have served our society rather well over many centuries.

**Mr. Martens:** -- Thank you, Mr. Chairman. Mr. Minister, I have a matter that I want to raise that is an old matter, and it deals with a constituent of mine.

On Wednesday, March 9, an article appeared in the paper and it deals with a gentleman by the name of Mr. Howard Gowan. And I just want to point out some of the things that appeared in the article regarding his involvement with the RCMP and treatment in the Weyburn psychiatric service unit 27 years ago:

Twenty-seven years ago, farmer Howard Gowan was taken from his farm by the RCMP and interned in the Weyburn Psychiatric Centre, where he underwent a month of electro-shock and drug therapy.

Twenty-seven years ago, his wife Madeleine was left by herself, without any warning, to care for five young children and a farm.

Twenty-seven years ago, an RCMP commissioner admitted the force acted outside its authority and apologized in a letter for any "inconvenience."

Today, the Gowan family still suffers from the experience -- Madeleine can hardly speak of it without tears. Though often they would just like to forget, they continue to fight for compensation.

Most of all, they want a police force that answers for its actions.

Mr. Minister, as I've looked through the information that Mr. Gowan has provided for me, there are a number of things that appear very clear to me. One is that the individuals who did the investigation, both as individuals who were psychiatrists within the framework of the Department of Health at that time in Swift Current . . . did not investigate any of the observations that Mr. Gowan made.

He made observations as it related to his sister being involved as a world-class professional trick roper. They thought that he was just speaking out of the top of his head, when in fact his statements were accurate. He indicated at one point in time that he had worn Commander Middleton's uniform in a parade in Swift Current and they didn't take the time to investigate that, which was also true.

They concluded from all of those observations that he was not able to handle his affairs and so they indicated . . . without any warrant for his arrest, without a warrant for his arrest, they took him to the psychiatric ward in Swift Current to be assessed. They then proceeded to take him -- again without a warrant -- to Weyburn and subsequently he was released about a month later. And all of those things have been a part of what his family has had to go through. And I know Mr. Gowan personally and I've known him for a long time.

(1600)

There is other history that I want to bring to the attention, and this . . . I'm bringing this to your attention, Mr. Minister, because I believe that there are certain things that society has to deal with and has to respond to, to that area of society that someone either abuses a privilege or abuses some control or force that he has in his hands. And that's why we have warrants. That's why we have certain containment legislation within the framework of law.

And the information is fairly detailed. Mr. Gowan was only allowed access to that information a short time ago, that indicated that even at that time the individuals who were involved in the arrest had done it knowingly without a warrant, in fact wrote about it in their reports that they had arrested him without a warrant, and that they had taken him to Weyburn to be treated there without a warrant. And the individuals involved are also mentioned in that. And it has taken Mr. Gowan almost 25 years to have that information made available to him.

Now one of the other things that he has also got on file at his home is a letter that the Premier, then the attorney general in 1976 -- this occurred in 1967; 10 years later the present Premier was the attorney general -- and he wrote a letter regarding this information to a gentleman in Swift Current and said:

Officials have examined the files of my department relating to the incident involving the RCMP and Mr. Gowan. The files are very complete, and on the basis of the detailed information contained therein the Government of Saskatchewan at the time of the incident did not see fit to lay criminal charges against the officers involved.

As no additional information has come to light to change that view of the facts, I'm satisfied that although the affair was a regrettable one there is no basis for criminal charges.

Should you wish information on the RCMP officers involved, I suggest you write directly to the force.

Well, Mr. Minister, I believe he received that answer in 1993. And I also want to say that I raised that question -- I raised it . . . (inaudible interjection) . . . 1993. And I also want to say that I raised that same matter with the Department of Justice when our party was in government. And the answer that I got from the Justice minister's office was that . . . and this is a letter written by the member for Estevan, who was the premier, under information received from the attorney general's office.

I understand that matters you have raised involve the RCMP in the '60s and those concerns were dealt with at that time. The RCMP files relating to incidents during that period of time have long been destroyed.

And, Mr. Minister, what I believe is important in this discussion, that we need to have are some other factors that occur in the history of not only this case, but there was a case in Montreal where individuals through the armed services were given compensation for some of the experimental drugs that were used in their cases. And they were each given \$100,000 in compensation for those kinds of things that happened at that time.

Now I personally believe that our society owes Mr. Gowan compensation for these kinds of things. And I'm not going to ask you here today to spell out if that compensation could be or could not be given. But I want to raise it with you, Mr. Minister, because I'm going to continue to raise it as he has raised it for the last 27 years, that it is an important part of what I believe we should be thinking about in how to compensate these kinds of individuals for the misuse that there was of authority, and a clear acknowledgement on the part of the RCMP that there was a negligence on their part in dealing with it and that they apologized for -- and the word that they use in their documents, that they apologized for the word "inconvenience" it may have caused them.

I just think it's important for us to understand that some of this inconvenience was related to by Madeleine, which is Howard's wife. She said that . . . she recalls the day of her husband's release:

He was like a walking skeleton.

Many of his past memories, everything from his family to his work to his hobbies, had been erased from his mind and he had to be taught over, Madeleine says.

The RCMP sent the family an apology three months after Gowan's release. In a letter addressed to Madeleine, then-RCMP commissioner E.L. Martin expressed his "sincere regrets . . . trusting that you have not been inconvenienced."

Now that is a very, very serious error on the part of society. Now this was not . . . this didn't have anything to do with your party being in power at the time in 1967, nor mine. So I think in order to have some view of this established, I want to ask the minister if he would take it upon himself to review this case with the view of in some way compensating for this individual's problems that he has had in relation to the society not being fair with him and not treating him in a way that would initiate some positive responses on his behalf.

And I raise this because he has raised it with me on any number of occasions. And also I asked him whether I should raise it here and he asked me to do that. So I am raising it here on his behalf, and I will continue to raise it, Mr. Minister, as we go through the next year or two for that same consideration.

And again I point out, if I would have had an opportunity to have the information available to me

when I was on that side of the House, I would not be asking you to do it today because I would have asked at that time. But it was only given, as I understand it, in November of '93, and that information we always thought was gone, and it had not been there.

So I'd like to have some observations from you on his matter.

**Hon. Mr. Mitchell:** -- I am familiar with this case because I believe that I wrote to Mr. Gowan and I think when the member refers to a letter received in 1993, it must be my letter.

The Premier wrote in 1975 when he was attorney general and obviously that letter wasn't delivered in 1993. I mean we've got slow mail service in this country, but not that slow.

So I think it must be my letter. And I've sent upstairs for a copy of it and I'll be able to discuss that, the letter that I wrote to him, when the copy comes down. But in the meantime, let me embark on some kind of answer for the member.

These old cases are -- by old cases I mean they've been around for so many years -- are difficult to, for people like you and I, to deal with here in our time, dealing with the actions of others long since gone or long since retired from their careers; it's so difficult to reconstruct events, and it is awfully difficult to bring these cases to a close because they've been raised over and over again over the years through any number of routes and agencies. And that's certainly been the case with Mr. Gowan, as it has been with any number of other people who have visited the member and visited me and visited other members over long, outstanding grievances which have not been settled by the system.

One of the problems that the province has always had with this complaint of Mr. Gowan is that he is complaining about the actions of the RCMP. And that's, of course, a federal police force and we are simply not responsible for any of their actions or, if I may use the term, alleged misdeeds. We're simply not legally responsible. And you can say to Mr. Gowan that his complaints ought to be taken up with the RCMP and with the federal government.

Now I don't offer that as a solution to the situation because I'm certain that that advice has been given to him any number of times over the years. Indeed I think that the now Premier so suggested in 1975, and I think that I so suggested in my correspondence with him. But certainly if there is any resolution possible it must involve the RCMP. And so it is into that channel that I think this complaint should be moved.

I said to the member that I have a lot of sympathy with these cases because there is a psychology that surrounds them that doesn't enable people like Mr. Gowan to let it go. I mean it is so important to him that it must be dealt with and he will know no peace until it has been dealt with. So I have a good deal of sympathy.

And I'd say this to the member. I'm prepared to work with you to try and see what channel is the most productive. And in that respect I think, for example, I could be certain that the federal Minister of Justice is aware of this, that the Solicitor General is aware of this, because he's responsible for the police. Indeed he himself will be in town this weekend and early next week, and I could arrange to have a note put in his hands about this case.

I'm certainly prepared to work with you to try and do what we can for this gentleman, to see if there is a productive channel that could be followed which could lead to a resolution of his long-standing problem.

I have the file on this matter. I've written to him twice. I wrote to him in 1992 and a copy of that letter was sent to you, to the member, and I held out no particular hope for him. I drew to his attention that the matter has been reviewed by the Ombudsman and several times by the Department of Justice, and considering that 25 years have elapsed, there appears to be little that can now be accomplished by further discussion or another review.

That was on July 17, 1992. Again I wrote to him almost a year later on June 24, 1993, and again I sent the copy to the member in which I also didn't hold out very much hope. I said: little can be done at this late date as files no longer exist and we are unable to locate many persons who were involved in your case. I wrote again on July 17, 1992 and . . . oh, I'm sorry, I referred to that letter earlier, July 17, 1992. Those are the two pieces of correspondence that I've had.

Oh yes, Mr. Moen refers me to an earlier letter to you on February 14, 1992, and you will have that letter before you. There's no profit in discussing the contents of that letter before the House.

But I'd be glad to meet with the member and sincerely try and figure out what channels we can direct Mr. Gowan to follow. And if we can find a channel that might produce some measure of satisfaction for him, then I'd be prepared to cooperate with that.

(1615)

**Mr. Martens:** -- You mentioned a number of things, Mr. Minister, that I want to add to. And Mr. Gowan has written hundreds of letters, made just as many phone calls to all levels of government, police, and any independent agency he can think of. Human Rights Commission. Former provincial Ombudsman, Ernie Boychuck, not only supported his claim, but they have both recommended compensation for the actions taken against him.

Mr. Gowan has tried courts. He's failed. He made four presentations to the Macdonald Commission on RCMP wrongdoing. He, as I indicated earlier, and you mentioned too that he had been in contact with the attorney general in the mid-'70s and when he was provincial attorney general; Kim Campbell when she

was Justice minister, and others. But nothing seems to have been done to eliminate or solve the problem.

And I think that it's time to identify some of the concerns that I think we should be identifying.

One is, is the RCMP, when it is acting on behalf of a Saskatchewan Mental Health Act complaint, is that under the jurisdiction of the Canadian government, or is that under the jurisdiction of the provincial government?

And when RCMP act on the basis of a complaint laid by the . . . that fall under the provincial Acts and don't comply with those Acts, are they then acting on behalf of the federal government or a federal police force? And if so, then I would consider that to be . . . well I don't think that that's necessarily fair that we would lay that responsibility on them. And I think that that's an important thing that we need to consider.

And that's why the issue has moved from the federal government to the provincial government, to the federal government, to federal agencies of the federal government, and then to provincial agencies of the provincial government.

And I think that we need to take a serious look at solving this problem. We can pass the buck here for a long time, and Mr. Gowan is 67 years old, and it will soon be of no effect for compensation to him personally if we delay and defer and delay and defer to any length of time.

I just want to add one other thing that I think is important to consider. I know that there was a person from Yorkton who had a problem with a highway contract in Saskatchewan under your administration, and nothing was done about it even though we had legal people saying that the individual, under law, was not required to be compensated. Yet you, under your administration, in the last few years have decided to compensate that individual for those losses that he received.

And I think that because this is a part of a compliance under the Saskatchewan Mental Health Act, that individuals acting on behalf of that Act then have the responsibility to comply with that Act, and therefore are within the framework of provincial jurisdiction. And I would say that that has to be considered as a part of it. And I would hope that you would have some observations about that.

**Hon. Mr. Mitchell:** -- Well even acting under The Mental Health Act, it's my understanding that the RCMP are responsible for their own actions. And I won't add to that; I just simply say that.

But I want to restate my offer which I think the member is glad to accept, that we would get together perhaps after this session is over and see if we can work out some method of resolving this long-standing problem, particularly, as the member has mentioned, considering the fact that Mr. Gowan is 67 years old and the time available for resolving it is obviously

short. And I'd be prepared to meet with the member and see if we can't figure out a way to get him onto a productive track and relieve him of the frustration that he obviously feels with respect to this long-standing grievance that he has.

**Mr. Martens:** -- I'm going to, just for the record, read into the record the response that Mrs. Gowan received from the RCMP so that the public know too that they knew that they erred. This is written by E.L. Martin, commanding officer, F Division of the RCMP. And this was written from Regina, November 7, 1967. It says:

Mrs. Howard Gowan: We have conducted a thorough investigation into Mr. Gowan's . . .

Some of this is very blurred. If you excuse me I will interject those words that I think are there.

We have conducted a thorough investigation into Mr. Gowan's problem. We would like to extend our sincere regrets to you in the circumstances surrounding it, trusting that you have not been inconvenienced in the interim.

We acknowledge that our member, strictly speaking, acted outside the authority in The Saskatchewan Mental Health Act. Although examination of the circumstances at this time would probably not adequately compensate your concern, we hope you will accept our explanation in the same spirit in which we offer it.

And he's not being light, but it leans that way, Mr. Minister.

Our member had, on the day previous to conveying Mr. Gowan to the mental health clinic, contacted you by telephone requesting that Mr. Gowan call at the detachment office the next morning. Mr. Gowan was good enough to come in later the same day. Unfortunately however, our member was absent and an explanation could not be offered him.

The following day it was learned that Mr. Gowan had not come to town, so having received professional advice, our member travelled to your farm and asked Mr. Gowan to accompany him to town. Your husband accepted, whereupon he was examined at the clinic.

It was the intention of our member to contact you as soon as possible after the examination. You were informed two hours later by personnel from the clinic and shortly thereafter by a sergeant at the Swift Current detachment. The member who attended your husband was unable to see you that day but travelled to your home the following day offering an explanation to your husband's brother in your absence.

In spite of failing to comply strictly with the

provisions of The Mental Health Act, we trust you will agree Mr. Gowan required medical attention.

It's again an assumption, Mr. Minister, that he wasn't saying things that were relevant. They didn't take the time to go look. And I have documents that show that the police didn't take the time to do that. And I think it's shoddy investigation at the best. And even to not to try and understand the individual . . . He wasn't a person that was outside of the community that just walked in; he was well known in the community and had grown up there. His parents had lived there.

And so in spite of failing to comply strictly with the provisions of The Mental Health Act, we trust you will agree Mr. Gowan required medical attention. Our member, acting on professional advice, had in mind only the welfare of your husband, yourself, and family, and the general public.

We do offer you most sincerely our regrets at your not being informed immediately and as well for the failure of our member to comply strictly with the statutory procedure.

And that, Mr. Minister, is why I think it's time, as I said earlier, that we address this issue as sincerely. And I will take you up on your offer to talk about this. And if there is anybody that I need to speak with, I will take that as advice that I want to have you provide to me and some help that we can have for this individual as he tries to solve what society did to him 27 years ago.

**Hon. Mr. Mitchell:** -- Well I will certainly contact the member, I suggest when the session is over, and we'll get together and see what we can do about this.

**Mr. Boyd:** -- Thank you, Mr. Chair. Mr. Minister, I just have a few questions with respect to this Saskatoon Community Mediation Services. It's come to my attention that they feel that they are being underfunded by your department. I think they've been repeatedly asking for \$5,300 to fund the operations of that mediation service. At least that's the information I've been given. And they've been told no at every opportunity and every request. In their view, and I think the view of a lot of people in Saskatoon, they provide a very valuable service. And I wonder if you could shed a little light on that for us please.

**Hon. Mr. Mitchell:** -- The officials met with the people from the Saskatoon Community Mediation Services last Friday and discussed this matter. The \$5,300 that the member has mentioned has been approved, and a cheque has either gone or is about to go. So that will look after their funding in the short term. We are waiting for material from them, a proposal and a budget, with respect to further funding. I think the situation is in hand. Maybe the member has more recent information than I have, but at the moment that's the information I have.

**Mr. Boyd:** -- Thank you, Mr. Chair. Mr. Minister, no I don't have anything further to that. This letter came to

me a couple of weeks ago, I guess, and at that time they had been requesting and hadn't seen any funding up to that point. And I guess I just want to get it on the record that I think they are doing valuable work, intervention type work, primarily with first offence type of individuals, Mr. Minister. I think it's valuable work, and it's also the work that's being accomplished on a very, very small budget.

It's my belief that the work they're doing is valuable and further funding should be given to them to carry on with that work. And I appreciate the fact that you have decided, your department has decided to fund that group, and I would be hopeful that you would continue funding them in the future.

**Hon. Mr. Mitchell:** -- Mr. Chair, the work that the mediation service does is very valuable work and we are very respectful of them. We are considering a number of projects that would involve them with funding from the victims fund and we are considering the way in which diversion projects will operate and how that may involve the service. So we're actively engaged with them in a whole variety of things for the future. They do a good job and we have no reason to expect that things won't work just fine as far as the service is concerned.

**Mr. Toth:** -- Thank you, Mr. Deputy Chairman. Mr. Minister, my colleague, the member from Morse, raised a concern and it just jogged my memory over it, a call that I just received the other day. And this relates to RCMP service across the province. And I don't think it's strictly RCMP service, it can be any police service for that matter. And it's the approach taken by men and women in their line of duty with how they deal with the public.

And what I've found, Mr. Minister, that certainly in our area the police we have and the people that I've talked to and the members of the different detachments have taken a very proactive form of dealing with the public, of getting out and mixing with the public and letting them know that they're not only there to uphold the law, but they're there to be their friend and to be part of the community and to work with them.

(1630)

Now the call that was raised was a concern raised by a gentleman who happened to be travelling home from an appointment in Regina. It was around 11 in the evening, and just outside of Montmartre in the process of travelling home, he started losing his lights. And he was hoping he could get home because he didn't know exactly what the problem was; he had his young son with him.

And just outside of Montmartre he noticed a police car with another vehicle pulled over and thought, well I'm probably going to get pulled over too, and sure enough as he got to the community, he was. Which was fine, because he expected that would happen because of driving without lights. And when he was pulled over he got out of the vehicle and he thought,

well this officer is coming; he's got a flashlight. I don't have a flashlight and I'll flip open the hood and see what's wrong with my lights. And what he found when the officer got there was that the fan belt was gone and that's why he was losing the lights.

And I think that would have been fine and the gentleman would have accepted it, except the officer became somewhat abusive because he had stepped out of his vehicle. And this is not the first time I've had complaints regarding the detachment there in the way they speak to people. And I'm not exactly sure whether we have ways of communicating. I think it would be appropriate . . . and certainly the Saskatchewan government puts a fair bit of money into policing in the province; the federal government puts the larger portion. But I think it's appropriate that when men and women are in positions of authority . . . and even you and I as members, if we were abusive with the public in our position even if the public, say, became very abusive with us, it's not appropriate for us to return the favour. But I guess in one form, we turn the other cheek and take it again because we're public figures.

And it would seem to me that . . . And also what happened in this case, there's another area that took place as well. In the process of this officer becoming somewhat abusive and angry that he had even stepped out of the vehicle and not waited for him, and asked for his licence and got his licence and went back to the car. And the next thing he knows he's being dragged out of the truck. And he asked, well what are you doing this for? And he says, well you're coming back to the car with me.

And what he found out when he got back to the vehicle, that all of a sudden the officer says there's an outstanding . . .

**The Chair:** -- Order. Order. Why is the member on his feet?

**Mr. Keeping:** -- Mr. Chairman, by leave, to introduce guests in the gallery.

Leave granted.

#### INTRODUCTION OF GUESTS

**Mr. Keeping:** -- Mr. Chairman, to you and through you to the rest of the Assembly, I would like to introduce 14 students from Arborfield School that have just come in. And with them are their teachers, Mr. Mamer and Mr. Thesen; their chaperons, Beth Gray, Mary Hudon; and bus driver, Diane Ralph.

I would like you to join me and welcome them here warmly all the way from Arborfield. It's hours drive. I came down earlier today myself and I wouldn't want to be travelling all the way down on a bus, on a school bus. So let's welcome them here today.

Thank you.

**Hon. Members:** Hear, hear!

#### COMMITTEE OF FINANCE

##### General Revenue Fund Justice Vote 3

#### Item 1

**Mr. Toth:** -- Thank you, Deputy Chairman, and I too would welcome the folks from Arborfield and trust that they gain some knowledge of how our Assembly operates.

As I was saying, Mr. Minister, the gentleman was then informed he had an outstanding warrant for his arrest, and he was trying to think where in the world would this have come from. And then the officer indicated that it was back in 1985, and all of a sudden things started to click. He had at that time been in a battle with his former wife, and they had parted ways. And unfortunately his wife had laid a charge and a warrant had been issued, but the charge had never been followed through.

And so in the process, what happened, this gentleman is getting home, he's a farmer, he's got calves, he's got a 7-year-old son with him, he's dragged into the police station. They told . . . they're going to lock him up for the night. And he said, well I've got to get home; I've got to look after my cattle. They finally called the justice of the peace and I guess they went through the process of agreeing that he wouldn't run away and they'd check further into the claim.

And so the next morning he called city police here in the city; he called the Crown prosecutor. And what they found out was it was a charge that should actually have been stricken from the books; it should never have been there. So he's dragged through this process. And in the meantime, an RCMP officer isn't very -- well I can understand where the RCMP officer came from too, and he indicated that.

And I'm wondering, a couple of questions here. Is there any way of portraying to our police officers that they should be setting an example? And I know they face difficult situations, but there are a lot of people across this province who may get pulled over every once in a while. It's not a reason for an individual, be they male or female, to become abusive.

And secondly, the Crown prosecutor called up and said, well he's sorry for what happened, but it was no big deal. Well to this gentleman it was a big deal. He was hauled through . . . basically put through the wringer. And I'm wondering if there's any format of dealing with cases like this.

If a charge has never been laid, it must drop at some time, and obviously it should be stricken from the record. Why would something like that have continued to be on the books when the charge was never laid and it seems to be outstanding. I don't . . . exactly what happened, but there must be some process that addresses these types of cases.

**Hon. Mr. Mitchell:** -- This is a disturbing story from a number of points of view. I will say to the member, Mr. Chair, that we will convey his remarks to the commanding officer of F division. And I know assistant commissioner Proke very well, and I know that he will want to investigate the matter that the member mentions. Perhaps the member can privately give me the name of the individual involved to assist in dealing with the matter.

For the information of the House, there is a process for complaining about RCMP actions, a formal process, and that remains as an option for the person that the member is referring to. So the department will refer the matter to F division, and if the citizen wishes, a complaint could be made through the RCMP complaints process, which is quite an effective process involving a person operating at real arm's length from the RCMP.

There is also supposed to be a policy where these old warrants aren't acted on automatically if the citizen objects or offers any resistance to it, you know. It's not supposed to work in the way that the member has outlined to us. So we will mull that over too, and see in what way we can remind everyone concerned that these old warrants have to be treated with some care.

But we'll act, as I indicated, tomorrow morning.

**Mr. Toth:** -- Well I thank you, Mr. Minister, because as I had indicated, the gentleman in question -- I'd be pleased to give you his name -- certainly had some sympathy for the officer when he had called in and found this complaint. And of course this gentleman wasn't even aware of it.

And in fact he wasn't even aware that it was a complaint at the time because it never was laid against him. They had parted ways and they had settled, and everything, he thought, was over and settled with.

One other complaint that is raised, and I'm not exactly sure if you can give me an answer on this, but another young couple, and I'm not sure if it was the same officer but it was the same detachment, happened to be pulled over on a traffic violation, and they were quite convinced that the officer was laying a charge far exceeding what they felt they were going, and they had asked the officer if they could see what his read-out indicator was indicating. And the officer said . . . just flatly refused them that option. Is that option available to citizens? Can they ask to go back to the car? It seems to me you see most of the time most officers call a person back to their own vehicle and generally will show them what the radar detector is showing as far as a read-out.

**Hon. Mr. Mitchell:** -- I just don't know, Mr. Chair, what the answer to that question is. Probably it's left to the individual officers to deal with it. I do know that the police officers greatly prefer that the individual don't get out of the car because there have been incidents where other cars have struck them. You park on the shoulder of the road and get out right into the traffic lane and it's dangerous, so I know the RCMP

prefer that the person stay in the car. But the rest is . . . we're not aware of any policy that the RCMP have with respect to examining the radar equipment and determining what the read is.

**Mr. Toth:** -- Well like you say, Mr. Minister, I'm not exactly sure what the policy is too, but it would seem to me that if . . . whether it's the RCMP or whether it's the city police or whomever it may be or whoever would . . . if a person would question whether or not they've ticketed them with the right offence that no officer would be opposed to allowing a driver to observe what basically they clocked him. Because they basically keep it on there until they finish writing out the ticket, so it almost seems that there's a refusal and you begin to wonder. And I think that's where the other question that's raised is . . . I don't think you've got anything to hide. You're going to refuse a person whether it's an individual trying to hide it from the police or vice versa. So that was the reason I raise it.

And maybe there's another case where if citizens feel they've been unduly treated -- I think you've indicated there is a forum and I'd appreciate the contact or whether it's an appeal process and then we can pass it on -- if the citizens wanted to follow up, they know who they could contact, and I'd appreciate that.

Mr. Minister, I'm just going to turn my attention for a few minutes to the Carney Nerland inquiry. We're all aware of the situation. We're all aware of the circumstances, the fact that an Indian trapper, Leo LaChance, was shot at Mr. Nerland's Prince Albert gun shop. And we all know the circumstances, too, and that Mr. Nerland was well-known for his supremacist leanings. There seemed to be no regret on the part of Mr. Nerland regarding his actions. He continually argued that it was something that just happened; it was an accident.

And of course as the courts at the end of day dealt with it . . . We're also aware of the fact that there was three-person public inquiry that was instituted and found that the police and prosecutors didn't search long or hard enough for possible racist motives in the shooting, which was an unfortunate and serious shortcoming, I believe, as the inquiry indicated.

We also are aware of the fact that during the inquiry it was revealed that Mr. Nerland was an informant for the RCMP which leads and has led a lot of people, not only in the Prince Alberta area but certainly across the province and I think amongst our aboriginal community, to suggest that Mr. Nerland may have received special treatment as a result of this.

Now I know I've raised a number of concerns and a number of questions that have come up regarding the Carney Nerland inquiry and a number of the questions that probably continue to exist out there.

What I'm wondering, Mr. Minister, I'm asking, is what did the commission's final report consist of? I would be pleased if you would provide some details to the Assembly. How much did the commission cost?

Would you provide details on that. And who were the members of the commission and how were they chosen?

**Hon. Mr. Mitchell:** -- I'll deal with the three questions the member asked in that order. The commission found no fault with the way in which the police and prosecutors handled the case and no fault with the charge of manslaughter which was brought against Nerland. It voiced some doubt about the prosecutors accepting too readily the conclusion that LaChance was outside the gun shop when Nerland's gun discharged. There was conflicting expert evidence presented to the inquiry about that situation and the condition of the bullet.

The commission was of the opinion that there could have been a further investigation into this aspect of the case, although it appeared to recognize that the Crown acted properly on the evidence that it had at the time.

The commission found that racism played a role in Nerland's actions, and in that respect the Crown could have been more sensitive, the prosecutors could have been more sensitive, to the issues of racism and ensured that that fact, that evidence, was clearly before the judge at the time that the judge was assessing the sentence. And the result might have been that Nerland would have received a more severe sentence, although the commission found that the sentence that was given was well within the range of sentences for that type of offence.

(1645)

The commission recommended training for prosecutors to ensure that they're more sensitive to the issue of racism and race relations. And in fact the first of such training sessions is scheduled for this spring.

As to the cost, it is, as we calculate now, just under \$430,000. Those expenses were made over two fiscal years and they total that amount.

The make-up of the commission and the way in which they were appointed -- let me just pause at this point to say that the whole structure of the commission, including the mandate and the make-up of the commission, was worked out in consultation with the Prince Albert Tribal Council and the city of Prince Albert. And the terms of reference were shared with them before they were incorporated into the document, into the order in council that set up the inquiry.

The make-up of the commission was also done in participation with those two groups. And in effect here's what we did. We asked the city of Prince Albert to name a representative on that commission, and they nominated Dean Peter MacKinnon. We asked the Prince Albert Tribal Council similarly to suggest a name, and they suggested the name of Delia Opekokew, who is originally from Saskatchewan, from the Canoe Lake First Nation, and is a practising lawyer in Toronto.

And the government named the chair, who was Ted Hughes, a former judge of the Court of Queen's Bench in this province and a former deputy minister in British Columbia and a well-known commissioner in a number of very difficult high-profile cases around western Canada.

And that name was also checked out with the city of Prince Albert, with the Prince Albert Tribal Council, and everybody was quite satisfied with it. So we set up the commission with those commissioners and they went to work.

**Mr. Toth:** -- Thank you, Mr. Minister. I take it then that this 430,000 would be remuneration to the officials that were involved on the commission for their work.

What would some of the other costs have been that would have been . . . that's a fair, a substantial sum of money, and that may be part of what was reflected a little earlier in that question that we received from the lady -- I believe it was down at Gravelbourg -- regarding costs. And yet if you do an investigation or an inquiry, it doesn't matter how you try to determine costs or how you look at the process of justice, it's going to cost some money.

I'm wondering, Mr. Minister, if you could break it down a little bit? What constituted all the costs?

**Hon. Mr. Mitchell:** -- The bulk of the costs were the fees paid to the counsel for various persons who had standing before the commission. That is the general practice in this province and elsewhere with respect to public inquiries, is that the government picks up the costs for the people who want to be represented.

And if the member will remember, there were tables full of lawyers representing various parties to the inquiry. For example, the Queen's Bench judge, Judge Gerein, had standing before the commission because it was his conduct which was also being examined, and he had to be represented by counsel. It's not fair at all that he would be expected to finance that out of his own pocket.

Similarly, our prosecutors were the subject of inquiry, and we paid for the counsel that they indicated they wanted to represent them. And so it was with other parties that were interested. So the bulk of these costs are lawyers' fees as well as the per diems and expenses of the members of the commission.

In addition to that, we had the facilities that were necessary in order for the inquiry to be conducted.

**Mr. Toth:** -- Thank you, Mr. Minister. It's obvious that when you start getting into inquiries and you involve lawyers, you're going to run up a pretty good tab.

Dean Peter MacKinnon, is this gentleman . . . is he a dean at the university at Saskatoon, the husband of the present Minister of Finance?

**Hon. Mr. Mitchell:** -- Yes, he was. He's been the dean for some five or six years now. And he was, I emphasize, nominated by the city of Prince Albert, and we accepted their nomination.

**Mr. Toth:** -- I was going to say, Mr. Minister, you're off the hook; the city of Prince Albert appointed him.

Mr. Minister, when we talk about inquiries and of course we're quite well aware of the fact that across the province there are a number of other individuals who have been calling for inquiries. And as I stand here and suggest that maybe there are other areas where we should have had some inquiries into the actions of officials, I do so realizing that inquiries cost some money. But at the same time, I believe it's very important that the Department of Justice and in your position as minister, that people see at the end of the day that justice served them as well as it's physically possible to do.

And a couple of people I just want to bring to your attention, one I don't think we're going to get fully into. But the first one I'd just like to ask is when we look at the fact that we had a commission regarding the Leo LaChance situation, I'm wondering . . . we're well aware of the fact that David Milgaard has been constantly lobbying for the government to look into his situation and has asked for a commission to review the Milgaard situation.

I can't help but feel, Mr. Minister, if I ended up in a situation where . . . and I don't know whether Mr. Milgaard is totally innocent or what; I don't know. But we've seen in the past where innocent people have ended up being dragged into courts because they happened to be in the wrong place at the wrong time.

And at the end of the day, even in this case with Mr. Milgaard, one would wonder if Mr. Milgaard has been treated fairly, considering the number of years that he spent in prison for a crime which, at the end of the day, the justice system has basically determined that maybe they didn't have enough evidence, maybe he was . . . whether or not he may or may not have been guilty or involved.

But it would seem to me, Mr. Minister, it's the type of thing where you should almost at least have some kind of a review process to follow up on. Because these types of circumstances will continue to raise questions, especially when individuals like Mr. Milgaard continue to lobby for a process such as this. And I'm wondering if you could give reasons why you decided at the end of the day that we didn't really need an inquiry into this circumstance.

**Hon. Mr. Mitchell:** -- The reason why we decided that we would not order an inquiry in the David Milgaard situation is that in our view we had just had a most remarkable inquiry into the facts surrounding his situation, and that was conducted by the judges of the Supreme Court of Canada. And they conducted that inquiry pursuant to an order of the then Justice Minister, Kim Campbell, under section 690 of the Criminal Code.

And it was, as I said, a most remarkable inquiry. We ourselves in the department forwarded 14 boxes of material, if you can imagine -- 14 boxes of material to the Supreme Court. In effect, every scrap of paper that we had on the case dating back for the whole 22, 25 years, whatever it was -- 24 years.

In addition, the Supreme Court sat for 14 days on that review and allowed the parties, the various people interested, including David Milgaard, to bring before the court any evidence they wanted to. All of the evidence that was around was inquired into or the opportunity was there to inquire into it.

There literally was nothing left to ask about or inquire into at the end of the day. If anything was overlooked, it was deliberately overlooked by counsel for David Milgaard. If there were avenues that should have been explored, the Supreme Court was prepared to allow them to be explored and to have the evidence brought before the court. The court didn't drive the inquiry so much as the various counsel decided what evidence should be placed before the Supreme Court.

At the end of the day the Supreme Court said this about the guilt or innocence of David Milgaard. They said, applying a criminal law standard, which means proof beyond a reasonable doubt, they were unable to say whether or not he was guilty or innocent. Even applying the civil standard, which is a much lower standard of proof -- on a balance of probabilities, was he probably guilty or probably innocent? -- even on that test the Supreme Court was not prepared to find him innocent.

Now he now comes to me and says, I was wrongly convicted; I want to be found innocent. The only way I can be found innocent is to structure a public inquiry for that purpose to find me innocent. And to him I replied, the Supreme Court, after an exhaustive inquiry covering 14 days and all sorts of material, were not able to answer the question, are you innocent, on either of the tests that I've just described -- proof beyond a reasonable doubt or proof on a balance of probabilities. And if the experienced judges of the Supreme Court are not able to answer that question after all that effort, how is a public inquiry, structured in Saskatchewan to cover exactly the same ground as the Supreme Court, expected to deal with the question of the innocence or guilt of David Milgaard.

So I concluded that there was no basis for an inquiry, that there was nothing left to inquire into considering that the Supreme Court had just done what it did; and that we in no way could justify loading that kind of an expense onto the taxpayers of Saskatchewan to answer the question of Milgaard's innocence or guilt.

We simply . . . I suggested that he just try and get on with his life, get this behind him; and we stayed the charges against him. More than a year has passed, so it's a dead letter now, we couldn't resume the prosecution no matter what kind of evidence we came across now -- assuming you could come across any

evidence in a case that is 24 or 25 years old. We just regard it as a closed book.

But that was the reason for not having an inquiry and I think it was the proper decision.

The committee reported progress.

The Assembly adjourned at 5 p.m.