

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
April 3, 1995

EVENING SITTING

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 27

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Carson that **Bill No. 27 — An Act to amend The Urban Municipality Act, 1984, and to make a Consequential Amendment to The Municipal Board Act** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Speaker. This evening, Mr. Speaker, it is my pleasure and privilege to have an opportunity to discuss for a few minutes Bill No. 27, An Act to amend The Urban Municipality Act, 1984, and to make a Consequential Amendment to The Municipal Board Act.

Now let me start by saying, Mr. Speaker, that we have a few objections to this Bill, but not to panic because they are few. Nevertheless, they are important. So while we don't have a whole lot of objections here, there are a few things that we will want to be discussing with the minister.

We need to, I guess in the circle of municipal affairs, be very much aware of the need to get input from the people out in the community, especially those things that concern our municipalities — urban and rural.

The fact of the matter is that these groups all are very well represented by very significant organizations that take a great deal of interest in what we do in this Assembly, and we're very fortunate that that is a fact. It is therefore incumbent upon us that we take just a little time to let them have an opportunity to study these things to make sure that their interests are properly covered in these matters.

Now many of the amendments are quite technical or administrative in nature as we have studied through this particular Bill and I will not dwell on these other than to say that they appear to streamline significantly the process of local government. And that, of course, is something that we are anxious to have as much as anyone else and maybe more than most. We believe in less government and more streamlining and the ability for people to handle their own affairs basically, and fundamentally, in terms of how a government direction should go. It does surprise me that this government is attempting to go that direction in any part of its administration, but if it is, so be it, and we're glad of that.

There are some particular aspects of this Bill that our caucus would like to comment on. In general, we agree with the government that municipal government should have more flexibility and responsibility for setting their own revenues. In other words, although we don't encourage any level of

government to look at more ways to tax us as a people, we do agree that in many cases a user-pay system may well be more appropriate and may even lessen the tax load to the average taxpayer in the long run. And I will just go into that just with a little more detail in order to make sure that our position is quite clear and not ambiguous or misunderstood.

Now the reality is that if what we are trying to do in this Bill . . . We are, I hope, trying to have local people raise their own taxes to supply their own goods and services. In other words, the people at the local level are going to pay for what they want to have done. They're going to be electing the people locally to administrate this and to make those decisions.

Now obviously, in the democratic process, if those decisions aren't proper then those elected people will soon not be elected any more. And that's a good, answerable and accountable way to have things done. And what it means then is that if you do tax at the local level, you have a closer ability for people to monitor the process and to keep an eye on the process, to monitor how much their taxes are going to be and exactly what that money's going to be used for.

They don't have to come to Regina and argue with somebody that they've never seen before, maybe never even heard of before, and argue their point that taxes are too high or that the monies are being spent on the wrong things and then get some song and dance about how, oh well, it all went into general revenue and we don't know for sure which part of your taxes went into the pot or which part's coming out and who's doing what or who's spending it where.

And you get all these run-arounds and confusions that are built into the system at this upper level. So at the local level you have more accountability and you have more ability for people to decide whether or not the monies are being properly spent.

So we like that concept and we do believe that it is, in the long run, more accountable to the extent that people will say no to frivolous things on their own and you will actually see a reduction in the tax load in the long run.

We also recommend the government keep on working in this direction of streamlining, because we do believe that less interference from the top levels of government will provide a happier population as a result of being able to handle things themselves.

We also commend the government for providing protection for liability for fire-fighters, particularly local volunteer fire-fighters. And apparently that is built into this Bill and we're looking forward to studying that just a little bit further. Because quite frankly, Mr. Speaker, while this appears to be a good idea in principle, we did have a lot of complaints from fire-fighters throughout the province over the past, oh about three to four months now, where the folks were saying that the way things were being set up for them with all of the new regulations and all the rules and everything, that they were going to have some significant problems in being able to keep fire-fighters working

at the volunteer level in our society in rural Saskatchewan.

So we are, we're taking a real hard look at that. Fire fighting is an important and often dangerous line of work, as you well know, and I think we all too often take these outstanding individuals for granted. And, Mr. Speaker, we don't definitely want to have that happen and we do definitely want to keep them around, and in our society, and able to function.

So the part where we are going to relieve some of the liability from the fire-fighters themselves is probably overdue and we likely should be doing something along that line. But we will be consulting with some of the mayors and councillors in the towns, and we'll be consulting with some of the fire-fighters themselves, some of the fire chiefs in our larger communities as well as smaller towns to make sure that we are on the right track in this area.

Now in smaller towns in particular these services are often performed by local volunteers whose only reward is to serve their community, and oftentimes a thank you and a pat on the back is all they'll ever get. And very often they do save buildings, save lives, and contribute tremendously to the peace of mind of folks as they sleep in their beds at night, knowing that there is somebody that's willing to get up and come and help them if they get into a problem with a fire or something like that.

Now obviously the threat of legal action against fire-fighters would tend to dissuade anyone from going into this line of work, either on a volunteer or a professional basis, and so it's quite clear to us that if you're going to be facing the possibility of being sued when you go out to try and help your neighbours, you're obviously going to be a little reluctant to go. And we definitely don't think that people should be discouraged from helping out their neighbours and their friends because they might accidentally fall into some kind of a legal trap.

So we're quite willing to take a long, hard look at this and see to it that things get changed in the right direction. The idea of suing fire-fighters, as I've mentioned, Mr. Speaker, is particularly disturbing when you think about the local volunteers. Now here you have someone who puts himself in danger, and he's doing that simply to help out his community, and then of course his thanks might be that he or she would be sued for their efforts, and we really don't think that that's a good idea.

Now with this kind of threat hanging over the heads of fire-fighters, it would be easy to see a day when many communities wouldn't be able to have any kind of fire prevention services at all. Quite simply, either you'd have to hire people and have them adequately insured, or else you would end up with nobody there.

So we think that's kind of a motherhood kind of an approach and we're going to look into that. So again, we do support the measures that both acknowledge and protect the fire-fighters.

There are, however, some elements of this Bill which I must say disturb us as we looked at it. For starters, I was astonished to

hear the minister, in her second reading speech, pat herself on the back for all that her government has done for municipalities when in fact, Mr. Speaker, I think it is fair to say that through many years of offloading there has never been a government that has done more harm to municipalities in this province than what this administration has done.

And I can particularly go into details of the fact that we no longer even have a Department of Rural Development. We now just have one great big conglomeration of municipalities which, thanks to the hard work of the individuals out in rural Saskatchewan and in small town Saskatchewan, has continued to work to some extent to help people to get things done. But the reality is that we don't have very much done for municipalities.

We even have cases in the last few days where people have been asking for emergency help to get their roads opened up and to get gravel into them because we've had a rather difficult spring out in some rural areas. And of course that all goes back to the fact that local governments have not had the ability to get the job done over the past couple of summers, when this kind of work needs to be done in order to be prepared for a bad spring.

I was particularly amazed to hear the minister refer to her government's so-called accomplishments with SAMA (Saskatchewan Assessment Management Agency). Now I won't go into the entire debate from last year over the government's very destructive measures in this area, but I certainly would not call that something to be proud of.

And certainly we're going to be hearing more about SAMA this week, as I understand there are some SAMA meetings scheduled in the city in the next few days. So we will be definitely listening to those folks who are coming into the city to discuss these matters.

But the reality is that we've had some near fiascos in the area of assessment. And of course SAMA is the assessment authority, and we've had a collapse of the system in the cities, and we've had almost a revolt of the system in rural areas, and I'm surprised that the process managed to even survive at all.

Now these years of abuse and neglect that our municipalities have been suffering are reflected somewhat in this Bill. And we think that we need to take a look at possibly introducing some amendments to the Bill and to get things back to some sane order before we go on with passing it.

Now thanks to this government's offloading, our major urban centres are in a position where they need to borrow more money, more often, and more quickly. This Bill does allow for that and we're wondering if we don't have to put a little more safeguards into the potential to have the provincial debt increased overall by downloading that debt onto municipalities, and especially into our big cities where we are seeing more and more temptation to run deficits in order to continue to give people the services that everybody seems to think they have to have, and we definitely think that we have to have some safeguards there.

It would be easy enough for us to fall into a situation like New York city, where as a city it ran such a tremendous debt by itself, without even being a part or answerable to the state apparently, that they were significantly threatening the economy of the entire country. And that can happen in big cities, but it certainly can happen in Saskatchewan if you have a lot of small towns and communities that end up in that same situation. So there are good and there are bad points in this Bill that need to be considered.

Now similarly, the changes allowing user-pay services are clearly also caused by the desperate straits in which this government has put the municipalities, Mr. Speaker. The desperate straits of course are easy to understand when you know that funding has been cut every year up until this budget. And even this year, without the budget cutting the monies going to the municipalities, they were cut anyway as a result of a built-in feature of last year's budget where it was triggered this year from last year's budget. So you built in two years of downloading into one budget so that you could have the budget this year looking nice with nothing mentioned about it.

And the hope of course was that everybody'd forget about it and not notice it. But I can assure this government that the people in rural Saskatchewan and in small town Saskatchewan have seen it very clearly. And by the look of the major newspapers, I think that the two big cities in this province have noticed it pretty significantly in the last little while as well because they are now seeing that their headlines are reading: deficits for 1996 almost guaranteed; or something along that line. And I read a few of those just of late.

So here we have some serious problems in this downloading for municipalities, much like what is happening to our health care and to our education systems. Now we've got health care boards in this province that are all looking as though they're going to be running deficits. So what's the difference if you pass the deficit down to a health board or to a municipal board or to a school board and they have to borrow money and have a debt? What's the difference if that debt is in the hands of those people now instead of in the provincial government's hands? I mean it's just an offloading of the problem, and that's exactly what we've done.

(1915)

So on paper, anybody can balance the books if you've got room to manipulate and move around. In Newfoundland they don't have fish and all they do is farm on a rock, and they've managed to balance their books. I won't tell you how; I don't have to go into that.

In British Columbia they do the same thing. They've all of a sudden got a balanced budget. And of course we all know how they did it. They formed some Crown corporations and went out and borrowed hundreds of millions of dollars in order to finance their debt load, and of course they've got a balanced budget on the books. But it definitely is not a balance in the eyes of the people that know very well they'll still end up paying for it through their taxes, because there is only one taxpayer in the end.

Now in the same vein, we are somewhat concerned about the clause regarding the new assessment notice. At a cursory glance, this measure simply makes it easier for the municipalities to raise taxes whenever they please. And our caucus does not encourage making it easier for governments at any level to raise taxes unless there is complete and total input from the taxpayers and the people who elect those officials into their positions.

Now because of these objections, I would appreciate it if the critic for this Bill would have an opportunity to have a further look at it before we put it into committee work. Our critic I think, needs to have time to call on some of the mayors and reeves in our province, and to discuss with them what the potential outcome of this Bill can possibly be to them and to the taxpayers of our province. And I would therefore move that we adjourn this debate for now. Thank you, Mr. Speaker.

Debate adjourned.

Bill No. 28

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Carson that **Bill No. 28 — An Act to amend The Northern Municipalities Act** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Speaker. It is nice to have an opportunity to take a look at Bill No. 28 for this year in the legislature. Bill No. 28 will be An Act to amend The Northern Municipalities Act.

And once again, I guess I have to wonder why we keep on bringing back the same Acts and the same Bills every year to be amended. It almost looks like we can't seem to get it right the first time, so we have to keep doing it over and over. Because I remember seeing this one a couple of times already in the past years, since my short stay in this Assembly. So anyway, I guess we haven't got it right yet, so we're going to try again, is kind of the way we're looking at things here.

We basically support this Bill though, Mr. Speaker, because having gone through it, we don't see a whole terrible lot of things wrong with it. But our party allows us time to take a look at this, or has asked us to, I guess, as third parties, I guess. I'm reading that wrong — third parties have asked us for a time to be allowed for us to take a look at the interests of the northern communities.

It seems like when you get a little further away from Regina than a hand's throw, a lot of folks aren't really aware of the fact we're here, much less changing the laws that are going to rule and regulate their lives. And we have some serious concerns as to whether or not the people up North have in fact had a chance to understand what's going on in this Bill and with their lives.

Now the minister herself acknowledged that The Northern Municipalities Act, which brought municipal government to the North for the first time, was introduced by our government, I guess, in 1983. And I guess maybe the people up there must

like it because we seem to still have it, but we haven't had the chance lately to consult with them to see if they're still pleased or not, so we're suggesting we might want to do that.

As a government we were also proud, I guess, of the part we played in the treaty entitlement process that has made necessary some of the changes we see before us today. And we agree with the government that it is high time that the northern municipalities were recognized for their responsibility and mature institutions that they are.

It is a testament to the character of the people of the North that they were able to master these responsibilities in such a short period of time, given that the municipal government was largely unfamiliar to that area before 1983. So I guess there is an evolution in that process in the North according to the work that we've done in the preliminary stages of this Bill.

Similarly we agree that the government should have long ago allowed the municipalities of the North to participate in the Saskatchewan municipalities board rather than dealing with the minister's office on the related fiscal matters.

Now likewise we would like to give our acknowledgement to the provincial government and the treaty land entitlement bands for continuing to work cooperatively to establish quickly the foundations for this new era in the history of the native bands involved.

I guess we're going to probably have to qualify some of those statements by saying that we definitely know that we will be getting some other input from some of the folks up in the North who may agree or disagree with those opinions. As the minister pointed out in her speech, many of the provisions of this Act simply bring the northern municipalities into line with The Urban Municipality Act, including many of the most recent changes. And of course, if you're amalgamating the rural and urban municipal bodies, as we have done, then obviously there is some sense to having these folks brought into the process and up to date in their Act.

I notice that the government has allowed the communities an appropriate leeway on issues like ownership of business interests to accommodate the special circumstances of the North. And we have several other constructive comments that we'd like to make on this Bill at a later time, Mr. Speaker, and as I've said we need probably to take a little time to let the folks in the North know that in fact this Bill is being done; that what is done in this Bill will affect their lives; that they will have a transitional period to get used to doing something different.

We think that it's important that people have a chance in our democracy to have input into the laws that we make before we make them and sign, seal, and deliver them. We have far too many people in our province that are unaware of many of the rules and regulations that we have already in existence, and I think it's time that we take a minute to have a little cooling-off period and listen to the people. And with that point having been made, Mr. Speaker, I would therefore like to move that we adjourn this debate for the time being.

Debate adjourned.

Bill No. 29

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Carson that **Bill No. 29 — An Act to amend The Rural Municipality Act, 1989** be now read a second time.

Mr. Goohsen: — Thank you, Mr. Speaker. I want to say just a few words about Bill 29, An Act to amend The Rural Municipality Act of 1984. Although this Bill in many ways resembles the other Bills before us tonight, I am not sure that we can be quite so supportive of this Bill as we were with the other ones. I will grant the government that many of the provisions are inoffensive and technical in nature. Now many of the clauses changing the ways RMs (rural municipalities) can organize are commendable in that they improve the ways RMs can deliver services such as emergency responses. And that, of course, is a good idea, Mr. Speaker. Likewise, there are many provisions which have praised earlier . . . which we have praised earlier and which we continue to concur with here, such as the clauses here that provide for the protection from liability for fire-fighters.

Now there are, however, a number of areas that raise some red flags for us and which we would therefore like to examine more closely. One of these is the change to extend assessment power of the municipality, particularly in regards to improvements to property. This would seem to be a blank cheque for the municipalities to squeeze further tax dollars out of rural Saskatchewan. And that alludes to some of the things that I was saying earlier about the other Bills, Mr. Speaker, and certainly those same arguments still apply. We believe that this would have a chilling effect on building and improvement in rural Saskatchewan which would only further slow down the recover of the rural economy.

Similarly, we feel that the new provisions for the RMs to license homes, businesses, are exactly the kind of example of government red tape and taxation that is killing small business and entrepreneurship in this province.

So, Mr. Speaker, anything that is going to cause those kinds of harmful effects in rural Saskatchewan, obviously we as an opposition would have to be opposed to. And of course we are here to discuss these matters with the government in the hopes that we can bring them to their senses and perhaps we can discuss some way that we can correct these problems. We can look at amendments perhaps, or whatever else it takes to straighten out these provisions in the Bill in order to make it a good law that people will want to have and will want to live with and will want to enforce themselves without having something that's just going to be a nightmare out in the rest of the province.

It is perhaps too much to expect of this socialist government, but all levels of government in this province must learn to just get out of the way of business. And we've seen far too much interference in business in the last three years, but more especially in the last six months.

And coming into the spring of this year we see even more regulations being discussed in a lot of the Bills that we passed earlier on in other sessions. And the reality, Mr. Speaker, is that we've just got such a maze of regulations, rules, and high costs built into Saskatchewan now, that the business community is feeling that there is no longer a level playing-field. In fact the playing-field doesn't even exist any more in Saskatchewan. They don't even bother landing here; they just fly right straight over and go to Alberta. They don't even stop to consider Saskatchewan any more in a lot of cases.

So, Mr. Speaker, there are some serious, serious problems with the way we've treated business, the backbone of creation of jobs in our province. And we need to take a hard, long look at what these kind of Bills are going to do to the people in Saskatchewan that could best improve our tax base and could best improve the conditions within our province that would help us to eliminate not only unemployment, but the long lines of welfare people that we seem to have building up daily in the city of Regina especially.

Now these provisions in this Bill do exactly the opposite to what we think they should. They get in the way of business development in order to promote the interests of government and bureaucracy. And obviously that is something that we cannot go along with. We can't support that kind of an approach because not only we don't believe in it, but we also have come to understand by studying other jurisdictions that this approach doesn't work; and a more open and businesslike approach does work.

And we've got some pretty clear, good, and honest examples of those to give to the government. And in the days that are ahead of us, we will take some time to show the minister and her government how things can work in a province like Alberta, right next door to us, where business is more than anxious to locate, in fact are scrambling over top of one another trying to get into the province to establish. There isn't hardly even room for them any more in Alberta, they're all so anxious to get there.

And we're going to show this government and the minister why that is happening and why Saskatchewan has such a dismal record in terms of trying to get any job creation or anything meaningful going.

The reality is that we hear some announcements of things being developed in our province. A business here or there will expand a little bit and they'll bring in 10 or 50 jobs. But at the same time you will find another business moving out of the province and going to Alberta, taking along 10 or 20 or 150 jobs, and you've got a net loss in the long run.

And that's what's going on in our province right now. For every job we bring into the province through these restrictive government give-away programs, we end up losing two or three as a result of our burdensome tax in this province and our anti-business approach to everything that we do in Saskatchewan.

Now because of these objections and others, our critic in this area, Mr. Speaker, definitely has assured me that he wants to

take some further time to examine the Bill. He wants definitely to have an opportunity to discuss this Bill with the people from SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities) and from the rural areas of Saskatchewan particularly.

Also he wants to talk to the business community about what effects this Bill will have on their ability to continue to live and survive in Saskatchewan, or if in fact as one businessman put it to me last week, they will all perhaps end up having to get post office boxes in Medicine Hat or Calgary and operate their head offices out of Alberta just in order to escape the tyranny of Saskatchewan taxation, and to a large extent that can be done by where your head office is located.

That kind of exodus is scary, Mr. Speaker, because while you can have business as usual appear to be here, as far as individuals who are buying goods and services, the reality is that the province suffers tremendously because those head offices are what generate those extra few dollars. And that's the margin off the top that we always lose in Saskatchewan, and we're going to lose it big time in the near future to Alberta even more than we have in the past.

Unless we change our ways very quickly, we can only find ourselves stagnating and stay stagnated while other people go ahead. Now we already have people talking about another recession setting in. They're predicting that that could happen as quickly as next fall already. And you all know very well that if there is a recession in North America, Saskatchewan will start into it first and we'll get out of it last. That's been the history of our province.

I can tell you why, but I'm not going to take the time to do that, Mr. Speaker. But I'm going to say to the minister that things that are included in this Bill are greatly contributing to that reason for why we always go into a recession first and get out last, and why our people always end up suffering the longest and the hardest in all of Canada and certainly in terms of North America.

So while the rest of the country has enjoyed a relatively boom-like rebound from the last recession, we're just hardly struggling out of it, and here we are facing perhaps the next one according to some predictions.

So having said that, and noted that there are some opportunities in this Bill to make some significant changes, some significant changes that could help this province to develop in terms of business and in terms of building a tax base, we are saying that we have to study this Bill further. And for that reason, Mr. Speaker, I'm going to move that debate on this Bill do now adjourn.

Debate adjourned.

(1930)

COMMITTEE OF THE WHOLE

Bill No. 19 — An Act to amend The Business Corporations Act

The Chair: — Before we proceed to item 1 and to having the minister introduce the officials, I see that the member for Regina Albert North is on his feet.

Mr. Trew: — Thank you, Mr. Chairman. I ask leave to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Trew: — Thank you, Mr. Chairman, and my colleagues on both sides of the House. It's my pleasure this evening to introduce a group of Cubs, the 64th Cub Pack, on behalf of the member for Regina Rosemont. The 64th Cub Pack consists of Marilyn Pollock, who is the Akelay, and James Holt, the Baloo — Akelay being the wolf and Baloo being the bear.

These 23 Cubs have had a tour of the legislature, are going to sit in on the proceedings for awhile this evening, and then I look forward to meeting and sharing a drink of Beep with this group a little bit later on.

I ask all members to join me in welcoming the 64th Cub Pack.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 19 (continued)

The Chair: — At this point I would ask the Minister of Justice to introduce the officials who have joined us here for the proceedings on the Bill.

Hon. Mr. Shillington: — Thank you very much, Mr. Chairperson. I'm honoured to be able to introduce the officials from the Department of Justice. Seated beside me is Brent Prenevost, the Crown counsel, legislative services. Behind me is Monte Curle, deputy director of corporations branch. And sitting beside him is Philip Flory, director of corporations branch.

Clause 1

Mr. Toth: — Mr. Chairman, just a few questions. In reality, we've done some research and we've talked to some of the interested groups that might be involved and would have any comments. The understanding I have, not only from the minister's comments when he introduced the legislation, and from the Saskatchewan . . . specifically I believe it was the chamber of commerce that did respond to one of our questions. They don't have a lot of . . . or any real difficulty with this.

I understand this is a housekeeping Bill and I'm wondering first of all, Mr. Minister, was this something that the department picked up, or did the industry come to you, asking you to bring these changes and bring them into effect? Is this . . .

Hon. Mr. Shillington: — I'm informed by the officials that the answer to the member's question is it was a mixture. Some came from industry, some were done so that this legislation would be consistent with federal legislation and changes made there, and some were generated internally by the department. So I guess the answer is it is a mixture of three sources — an attempt to be consistent with the federal Act, internally generated amendments, and some suggested by the industry.

I can assure the member from Moosomin, however, that all of these changes have been discussed extensively by the industry, but basically it is really the professions, certainly the chamber of commerce, but also the Bar and the chartered accountants. They're really the professions whom we deal with in the most direct way.

Mr. Toth: — Basically what you're saying in the present Bill before us, in general, brings us up to date with other jurisdictions as well as federal legislation, if I understand you correctly?

Hon. Mr. Shillington: — Yes, that's correct.

Mr. Toth: — Minister, there is one part that I just am a little bit inquisitive of. And I understand the Bill allows two or more wholly owned subsidiaries of a company to amalgamate without the shareholders of the parent company having to approve it.

Now I'm wondering how that falls into line. If you're a subsidiary, I would imagine you're a smaller company, or a smaller portion of a large company, and if you want to . . . By having two subsidiaries amalgamate it almost would . . . you would think that they would then, by amalgamating, would become larger, would put themselves in a position of basically maybe being able to control the parent company.

And I'm wondering why would that be allowed? Why would they require that? Why would the company allow that without having at least some say? At least that's the understanding I have from the Bill. So maybe you could explain that for us, please.

Hon. Mr. Shillington: — I am told that the provision to which the member refers permits a name change to occur without those formalities. It does not however do anything else — no other changes.

Mr. Toth: — Okay. Thank you, Mr. Minister, I think that kind of clarifies that section. With that I really don't have any further questions.

Mrs. Bergman: — Thank you, Mr. Chairman. Mr. Minister, welcome to your officials. When the government departments began the process of budget preparation last fall, you must have had some direction from the Department of Finance on how to go about planning your budget for the year. Could you tell me, please, what those directions from Finance were, including what the spending areas were that you were instructed to look for — spending cuts or efficiencies.

Hon. Mr. Shillington: — I say to the member from Regina

North West, following these two Bills we will be in Committee of Finance on estimates and that might be as appropriate a place to ask these questions. I can respond to the question now — it is really however not germane to The Business Corporations Act.

If the member wants to keep note of her question, I'll be more than happy to answer that in the Committee of Finance, where it maybe belongs.

Clause 1 agreed to.

Clauses 2 to 10 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 20 - An Act to amend The Co-operatives Act, 1989

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, I do have a few questions here regarding the purposes for this piece of legislation.

And as the minister outlined in a second reading speech, there are basically six basic things that the legislation does. I noticed, one, it removes the requirement for co-ops to register a particular municipality of operation and thereby allows co-ops to move their business offices elsewhere in the province or wherever they wish.

And I guess the question I would wonder is: under this change what is the need to allow co-ops to locate their business offices outside of their areas of operation and what do you mean specifically by that? I think a lot of small communities, in looking at it, may feel that if you allow offices to move out; the offices may then look to larger centres, leaving small communities, which means a loss in jobs and certainly the prestige of having offices in a smaller community. So I wonder if you can explain that for us, Mr. Minister.

Hon. Mr. Shillington: — We are here referring to just the registered office; it may not be the business office. Many co-ops prefer to have their registered office in the office of a law firm. One of the main functions of a registered office is it's a place where you're served with official documents. In some smaller businesses, in some smaller co-ops, they are not necessarily geared up to deal with these. It doesn't always mean very much to them, and some of them prefer to have the registered office right in a law office. It's a common enough practice. And many of the co-ops, for the best of reasons, use the same law firms, often located in one of the cities. Actually it's often one in Saskatoon, and thus the registered office may be in that law firm, whereas it may carry on business anywhere in the province, including Moosomin. And that's the reason why, because they may well for the best of reasons, want the registered office to be in a law office; and it's often a firm that serves a great number of co-ops.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I also understand what the Bill does, is it registers the term co-op as equivalent to cooperative as a business description limited to

cooperatives that . . . if I gather correctly from your earlier comments, and I guess basically you're just tying the two words if you will together, so they basically mean the same thing.

The third point you brought out are firms . . . that directors can only be selected or fired by the membership and not by other directors. And I guess I'm wondering regarding this portion, Mr. Minister, why you have that in there. I guess I basically understood directors were all appointed or elected by the membership and not really by the directors at large.

And I'm wondering if you could explain the reasoning and the rationale for that and the fact . . . I can appreciate the fact that possibly what it is doing is indicating that the membership indeed do have the control and do have the ability and that it is left solely with them. So can you explain the reasons for that, Mr. Minister?

(1945)

Hon. Mr. Shillington: — Yes, it's just a basic tenet of corporate and cooperative democracy. Directors represent the members who own the business; only the members should be able to remove the directors who represent them.

I suppose it's somewhat the same as sitting in this Assembly. You're elected by your constituents; only your constituents should be able to remove you. Directors enter it the same way. Directors represent the members and the view is that only members should be able to remove them.

Mr. Toth: — Another point that you raised was that this piece of legislation clarifies that only members may pass by-laws and may not delegate these powers to directors. But the question I would have is, at times I'm sure the membership in general would feel that they wouldn't have enough information on a by-law, may choose . . . members may choose if you will, to have the directors of their corporation make by-laws and bring . . .

I guess in most cases though, when by-laws are made and changes are made to a corporative constitution or any group that would have a constitution, directors would bring those by-laws forward. They would review them; they would look at the by-laws; they would then determine whether or not it's necessary and they generally would bring it forward to the membership for final approval. And here again I guess one would wonder, one would ask, is there a specific reason for this portion in the legislation, or is it, as you're saying, clarifying that fact that indeed the membership does have that ability, that the directors cannot unilaterally impose or change the by-laws?

Hon. Mr. Shillington: — It's very much the latter. This was simply brought to our attention during the discussion of this Bill with the stakeholders and the industry. And it was argued that it should be clarified to ensure that only members can enact by-laws, and we agreed. There is, however, I'm told by the officials, there's no widespread practice of doing otherwise. In fact I think no practice at all of doing otherwise. Members always pass the by-laws.

Mr. Toth: — Mr. Chairman, one of the fifth points the minister brought out, that the legislation allows speedier processes for dissolving inactive co-ops, particularly those where the remaining members, if any, cannot be located.

And what I'm wondering, Mr. Minister, what constitutes an inactive co-op? Who decides whether a cooperative is inactive? And who gets . . . if there's any money that's been accumulated or any money that's left at the end of the day, who gets the money and why?

And I guess, are there any specific co-ops or former co-ops at present that you're aware of or that the department is aware of are in this position where they basically would be determined as being inactive and whether or not . . . Do you have requests already for processing of these claims?

Hon. Mr. Shillington: — The member I think will be aware that if a co-op fails to file its return for three years, they're struck off the list. That is not however what you're referring to, I don't think. You're referring to the section which . . . the amendment to section 162, I believe.

Let me say that the practice is and has always been that only members can decide to wind up a co-op. So it is the members who must decide that it's inactive. Before winding it up they must make provision for disposal of all funds and all assets.

The amendment simply provides a situation where you can't find members and you can't find anyone to do it. This allows you to deal with those exceptional circumstances.

I asked the officials if there's any cases awaiting disposition. They tell me they're not aware of any, but there'll probably be some come up during the oncoming year.

This is just an attempt to deal with some very exceptional cases where you can't find any members, or the members cannot be located. And you can't follow the normal method of winding up a co-op by having the members so direct.

Mr. Toth: — So then in that case, Mr. Minister, who then determines the process of winding up that cooperative? Does the Act define out specifically who would do it? Is it a local jurisdiction or a judicial office? Or who makes that decision and how is it carried out?

Hon. Mr. Shillington: — What happens under these circumstances is that one of the members, often someone who's been laboriously filing the returns and so on, comes forward. He indicates they can't find the members to get the matter wrapped up, and asks for the assistance of the department in wrapping up the co-op. And that has been the process.

There is no hard and fast guidelines as to when they will act on such a request. Each case is determined on its own merits. And that's the process. One of the members will come forward, be unable to locate the other members, and will ask for assistance in getting the co-op wound up.

Clause 1 agreed to.

Clauses 2 to 16 inclusive agreed to.

Mr. Toth: — Before we report progress, I'd like to say thank you to the minister and to the officials for having taken the time to come tonight. I realize this wasn't a real tedious affair as they're fairly straightforward pieces of legislation, but appreciate your taking the time to come with us and just answer the few questions we had. Thank you.

Hon. Mr. Shillington: — Yes, and I'd like to associate myself with the remarks of the member from Moosomin. I'd like to thank the officials for waiting and for assisting us in this Bill.

The committee agreed to report the Bill.

THIRD READINGS

Bill No. 19 — An Act to amend The Business Corporations Act

Hon. Mr. Shillington: — I move this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 20 — An Act to amend The Co-operatives Act, 1989

Hon. Mr. Shillington: — I move this Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

COMMITTEE OF FINANCE

General Revenue Fund Justice Vote 3

Item 1

The Chair: — I would ask the minister to introduce the officials who have joined us here this evening.

Hon. Mr. Shillington: — Thank you very much, Mr. Chairperson. I'm delighted to be able to introduce the officials from the department. Seated to my left is Brent Cotter, deputy minister of the department. To his left is Kathy Hillman-Weir, who is executive assistant to the deputy minister. On my right is Twyla Meredith. Seated behind me is Doug Moen, who is executive director of public law and policy; and to his left is Ron Hewitt, who is associate deputy minister, registry services division.

Mr. Toth: — Thank you, Mr. Chair. Unfortunately, Mr. Minister, I think there's too many areas that we need to discuss in this department before we get into even considering letting it go.

But first of all, a couple of fairly straightforward questions.

Number one is the global questionnaire that we sent to your department. I realize that the end of the fiscal year just has passed by about three days, but I'm wondering if you could indicate to us as to when we could expect responses to these global questions, at what time. And we'd appreciate it, Mr. Minister, if we could have response as quickly as possible to allow us to review the responses to the global questions before we really dispose of the estimates of Justice. And maybe you could give us an indication of how quickly the department feels they may be able to respond to the global set of questions that have been passed over.

(2000)

Hon. Mr. Shillington: — It's a little difficult to be terribly definite, but perhaps a couple of weeks might sound reasonable. That's sort of the time we're aiming at — that's not a commitment, but that's our best guess as to what might be reasonable.

Mr. Toth: — I thank you, Mr. Minister. I think you can appreciate the fact that it speeds up the process in here by taking the time to list those questions out, rather than me standing up here and going through them tediously one by one and trying to pull information; so as quickly as you can do it, we certainly would appreciate that.

Mr. Minister, I realize that you're fairly young in your new portfolio and responsibilities as Minister of Justice. However, Mr. Minister, a few quick questions regarding your office and the staffing component that you have in the office.

And I'm wondering, have there been any major changes? Were you specifically bringing new staff into the office of Justice after you took over, or do we have the basic number of staff members, basically what it was, the same staff members. I wonder if you could just bring us up to date on it and who is working in the office at this present time.

Hon. Mr. Shillington: — When I took over as Minister of Justice, I assumed the staff which was there, which was in place and served the former minister of Justice, and there were no changes at the time. I just assumed all of his . . . I moved into his office and assumed all of his staff.

There was one vacant position, which was the junior ministerial assistant. And some steps had been taken to find a position. I think the matter had been advertised in some fashion; there had been interviews held. And after some delay, in fact we agreed to appoint the person which had been chosen under that system; in a way really under the former minister. So that person is in addition to what was there prior to my taking it over on February 20. And that person is Dale Emery, who is the junior ministerial assistant. Otherwise, the staff is exactly what served the former minister.

Mr. Toth: — Thank you, Mr. Minister. The fact that the staff has remained the same, they must be a pretty good group of people to have had to make that major change from the former minister to the present minister and be able to, could I say, put up with the present minister. But actually I think the present

minister is doing a pretty good job, but we'll find out as we get into further debate in estimates here.

Mr. Minister, could you give us an update on . . . a list of the staff members, positions, salaries, and whether or not there have been increases in the past year, since we last discussed this matter. And I think you can appreciate the fact that prior to, or last year when we were discussing it, we noticed . . . through your questioning, that there were increases. The former minister had argued no, the increases weren't there; staff members were given new positions and new responsibilities.

I think in view of that fact, since it's the same person and just to change the position and responsibility, it might be more appropriate and more orderly to indicate, well an increase came into place versus the fact that we're changing responsibilities, thereby bumping a staff member into a higher-paying position. So if you wouldn't mind, we'd appreciate that, Mr. Minister.

Hon. Mr. Shillington: — Okay, I can read that into the record for the hon. member.

The senior secretary is Diane Tremblay. The title of her position is senior secretary. There was a 4 per cent increase on July 1, '94, I'm informed, and the current salary is thirty-four seventy-eight.

The senior ministerial assistant is Bettyann Cox. There's been no salary change, and she just in fact started around the first of the year. Her current salary is forty-two twenty-one. Dale Emery is the person who I mentioned who has joined the staff very, very recently — the last couple of weeks — classified as a junior ministerial assistant, and her salary is 2,893.

Then I'm going to give you the staff which are also paid for by the Public Service Commission since there's no neat division of labour. In fact both . . . all staff work on both responsibilities, so I'll you give them both to you actually.

Tanya Byrnes is an intermediate secretary; received an increment on July 1, '95 of \$107 per month; salary 2,892. Carolyn Clark is classified as a junior — there is a situation here which is a little different than one often finds, there are two people who are job sharing — Carolyn Clark is one of those and Darlene Eckstein is another; both classified as junior secretaries; both received an increment on January 1 of '95 of \$40 per month; and both receive a salary of \$1,112.50. Finally there is Marian Morrison who is an intermediate ministerial assistant who received an increment on July 1, '94 of \$144 per month; her salary is \$3,598.

And I'll give you this as well, two people who have left actually but who did serve the former minister of Justice. I assume that's part of your question. Michaela Keet was a senior ministerial assistant who left around the first of the year when Ms. Cox came; received a 4 per cent increase on July 1, '94; salary was \$4,406. Joy Adams Bauer, who left just shortly after I had come, and who got a 4 per cent increase; her salary is \$2,018.

Mr. Toth: — Thank you, Mr. Minister. I would like to add that I certainly appreciated the way the staff have responded to any requests that have come out of our office; certainly myself in

raising questions that constituents brought to my attention. I've really appreciated the responses and the way they've responded and how expeditiously they have looked into the questions and got back to myself, and I'm sure my colleagues can voice the same opinions.

But I'm wondering, Mr. Minister, regarding Michaela Keet and Joy — I just didn't catch her last name — where they would have moved to. Are they now working in the department, or have they received other jobs, or are they, as the member from Rosetown has possibly suggested and that might be a possibility, that they moved to private life. Maybe you could just inform us as to where Michaela and Joy have moved to.

Hon. Mr. Shillington: — Michaela Keet has in fact gone back to private practice. Joy Adams Bauer had applied for a position I think in the Department of Social Services . . . Yes, the Department of Social Services. It was in-scope. She applied through the competition and was successful in the competition in the regular fashion, so that's where she is.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I understand that a number of ministers employ staff . . . Oh, by the way, I just want to come back to one thing. You made a comment about a position that was basically a job-sharing position and two individuals sharing that job, in listing the names of individuals working as staff in your office.

And if I could suggest one thing, Mr. Minister, I think that certainly is commendable. If people choose to — and I know that out in our area of the . . . if I can use the word, area of the woods — in different professions people have chosen to job share and what that has done is basically has given two individuals the opportunity to work, versus one.

It's created an environment where I know . . . and in most cases it's basically been housewives. Rather than a five-day or a six-day week . . . especially in the health and educational portion — more so in the health field — a number of women have felt it's freed up their time and has given them time to be at home, be the housekeeper and the mother as they've chosen to be, as well as maintain their skills and use their education.

So I think wherever possible . . . and if people are willing and more than willing to view and take part and participate in job sharing, I think that's commendable. And I would certainly encourage any department, any office, to take a look at that, as I think there are a lot of people who are more than willing to job share. And not that they're feeling that they're not receiving high enough pay; I think just the additional income is what they're looking for, as well as being able to use the education and possibly enhance their opportunities down the road just because of the job opportunities they've had.

As most people realize, without any education or the ability to work, when you go to apply for a job, they're looking for experience, and that also gives experience. So I think that's commendable and I want to commend the staff members who have chosen to do that. Basically what they're doing is helping each other out; possibly creating a better environment for . . . working environment.

I started out as well by indicating that I understand a number of ministers do employ staff from Saskatoon. I'm wondering if any staff work in your office at the present time that may commute from Saskatoon. And if they do, could you fill us in on the details of expenses that would be incurred by having staff members come and work out of Saskatoon? The travelling back and forth and the living and accommodations certainly would be an expense that we would be interested in.

And yet at the same time we don't want to hinder people from having that opportunity of working in a department or in your office.

Hon. Mr. Shillington: — No. There's no such arrangements. Ms. Cox and her husband lived in Saskatoon at one . . . when she was first hired. They now in fact have a residence here and I gather one in Saskatoon as well. But what I think is of importance to the member from Moosomin: there are no travel expenses paid and there are no time off given for travel or anything else. They are treated for all purposes as if they lived in Regina. If they care to commute from Saskatoon that's at their own expense and at their own time.

I think at the moment none of the staff are actually doing that. I think they all have residences in Regina.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, a question regarding travel — fairly basic, straightforward. One that I think we picked up when we went through the questions that used to be raised by the members of the opposition prior to 1991.

I wonder if you would take the time, and you would please provide us with full details on ministerial travel including destination, purpose of trip, staff accompanying minister, all costs and method of travel. In addition, which travel agency/agencies are utilized in booking flights. Please provide full information on all executive trips taken by minister, and details on who attended the minister on those flights, the destination, and the purpose of the flight. And this is both in and out of the province.

Now, Mr. Minister, there may be a fair bit of information. And if you'd like to send it to us in writing versus standing up in the Assembly and reading all that information off, it's your choice. We'll give you that opportunity if you'd like to do that but certainly we'd appreciate that information, please.

Hon. Mr. Shillington: — Yes. I think I can . . . I have the information in writing here for Mr. Mitchell, for the member from . . . for the former attorney general. I think I'll just have it sent across to you. It seems straightforward enough.

Mrs. Bergman: — Thank you, Mr. Chair, on that. Now, Mr. Minister, I'll welcome your staff, and I'll ask the question that I asked at the wrong place before.

When government departments began the process of budget preparations, did you have some direction from Department of Finance on how to go about planning your budget? And could

you tell me please what those directions from Finance were, including what the spending areas were that you were instructed to look for in spending cuts or efficiencies.

Hon. Mr. Shillington: — Yes, there were instructions. And they have basically been standard instructions since this government assumed office. I don't know what the practice was prior to that. But since this government has assumed office all departments are issued similar instructions. They're asked to bring in a budget which has zero increase, a budget which has a decrease, and thus the Treasury Board has asked departments to provide them with options. Options for a stand pat budget and options for decrease in expenditures.

Inevitably there will be areas where departments feel they must have an increase and of course they make those arguments as well. But the first call for estimates does go with a requirement that they provide a budget with cuts so that Treasury Board is left with the option of economizing where they think fit and appropriate.

Mrs. Bergman: — Thank you, Minister. Did you conduct any internal spending audits to determine where specific areas of savings might be achieved?

(2015)

Hon. Mr. Shillington: — Yes. That has to be . . . In order to respond to the first call and provide a 5 per cent decrease and I think it's a 2 per cent decrease, the department must go through that effort of reviewing all their expenditures, determining which ones would be least difficult to the public to reduce. And so the process that we've had, as I say, since this government took office — and I've been on Treasury Board since this government took office — the process we've had requires all departments to review each expenditure in order to find appropriate areas to reduce.

Mrs. Bergman: — Thank you. Mr. Minister, the *Estimates* document shows that 73.8 million will be spent for salaries in your department as opposed to 70.8 million last year. The total number of full-time equivalents for this year are 1,799.9 compared to 1,728.2 last year. Can you tell me what the reasons are for this change?

Hon. Mr. Shillington: — There were three or four, I guess, places where the increase took place. There were some additions at the Regina correction institute — 28.4 FTEs, full-time equivalents is what that stands for, and this was to correct a problem which has existed for some time at the correction institute. For some time there have been problems out there. This was intended to correct that.

In addition, last year we introduced mediation services. We expanded it considerably, expanded mediation services. There were 19 full-time equivalents there.

Land Titles Office automation. We have a Land Titles Office which is in need of automation and there were 6.5 FTEs there to assist with the Land Titles Office automation. Finally, there were just general workload increases across the piece that accounted for 9.7 full-time equivalents.

Mrs. Bergman: — Thank you. Can you explain the reasons for the 12.5 increase in salaries in the administration subvote?

Hon. Mr. Shillington: — Our math doesn't work out quite the same as yours. In fact we show in the administration subvote an overall decrease. Let me read out to you what we . . . and this is more detailed than what you will have in the *Estimates*.

There are additional staff which I just finished reading out to you which comes to the cost of some 473,000. There's ergonomics, which is to say an improvement in the physical space within which people work — that's 115,000. Systems, which is to say normally computers — an increase of 100,000. There is out-of-scope increases of 27,000. Now also with the administration subvote, there's personal property registry system — there's a decrease of 707,000.

There were vacancy savings of \$45,000. There were miscellaneous savings in freedom of information, directory strategic planning, of 36,000. The overall, therefore, came to a decrease of 73,000. So that's the increases and decreases in administration, but our math doesn't quite match yours.

Mrs. Bergman: — I believe you mentioned something else besides salaries. What I was asking about was salaries, and 1994-95 was 3.309 million and so forth?

Hon. Mr. Shillington: — Yes. Okay. We gave you all the changes in administration, not just all the salaries.

Well there was admittedly an increase in staffing levels; I've explained that earlier in answer to, I believe the question put to me by the member from Moosomin. But the increase in salaries is really I think accounted for by the increase in staff. There were only the normal increases in salary in the administrative area.

Mrs. Bergman: — So you're saying that there were increases in staff in administration? There were more people in administration?

Hon. Mr. Shillington: — Yes. There were 9.5 more people in administration during this year.

Mrs. Bergman: — Thank you, Minister. I would like to be provided with a breakdown of the number of positions within each subvote. Could you provide that tonight or in the very near future?

Hon. Mr. Shillington: — We can provide it; certainly we can't do it right now. That's not information we have with us nor is it often provided, but we can certainly provide it in a relatively short period of time.

Mrs. Bergman: — Thank you. Before we leave the matter of salaries, could you tell me if any of the persons on the list I will send over to you are employed by your department? And if yes, provide me with the complete details on their hiring, including salary, job description, etc. And whether each of these is a new position and was advertised for by open competition.

Hon. Mr. Shillington: — This is a rather cursory glance, but at a cursory glance, none of them appear to work in the Department of Attorney General. Michaela Keet, I think I mentioned her name earlier, she's come and gone, but none of the others appear to be here.

Mrs. Bergman: — Thank you, Minister. Could you tell me how many people are involved in the communications function in your department. What are their salaries, and position titles, and descriptions?

Hon. Mr. Shillington: — Just one, her name is Lisa Ann Wood, and the salary is . . . We customarily provide salaries of people who work in the ministers' offices and the deputy and so on, because those are order in council, and that's available in any case if someone wants to go to look it up. We don't always provide — certainly through the public air waves — we don't always provide salaries for people such as Lisa Ann Wood. I don't want to make a major issue out of this but we don't normally provide the salaries of these sort of in-scope people in this forum.

Mrs. Bergman: — There's a difficulty with providing the salary of this person?

Hon. Mr. Shillington: — I guess it's available through *Public Accounts*, I'm reminded by some of my colleagues, so I guess there's little point in not giving it. The annual salary: \$61,896.

Mrs. Bergman: — Thank you, Mr. Minister. Has your department done any work with Phoenix Advertising in the '94-95 fiscal year, say to the end of December?

Hon. Mr. Shillington: — Yes there was. All of the work done by Phoenix for Justice was for advertising positions which were filled through the PSC (Public Service Commission), the total of which was \$80,824.65. Again, all for positions, advertising of positions, which were filled through PSC.

Mrs. Bergman: — Thank you. What are all of the fees for licences, inspections, that form sources of revenue for your department, Mr. Minister?

Hon. Mr. Shillington: — I need to correct a comment I just made. The total of what we spent on advertising was \$80,824.65. I wouldn't want to mislead anyone, including I guess the people from Phoenix, about the size of their probable bill. The amount . . . Phoenix's share of that was just \$12,443.

Mrs. Bergman: — Thank you for correcting that, Minister. What are all of the fees for licences, inspections, etc., that form sources of revenue for your department?

Hon. Mr. Shillington: — As I think the member from Regina North West is probably well aware, this department collects quite a sum of fees and so on. The total is \$53,589,904.

Mrs. Bergman: — Could you tell me all of the changes, either increases or decreases, that have taken place in those fees over

the past year or are planned for this year?

Hon. Mr. Shillington: — All right, let me . . . I'll read it then for the member. There were some increases. Personal property fees were increased — revenue of \$1.5 million; effective date is April 1, 1995. Corporation export fees — additional revenue of \$7,050, and the effective date is April 1, '95. Certificate of status fee — additional revenue of \$10,000; effective date is April 1, '95. Telephone inquiry fee — the total amount is \$6,525; effective date here is July 1, '95.

There's also remote access fee — an increase of \$22,500, effective date July 1, '95. Corporation change fee — raising an additional 37,500; effective date is April 1, 1995.

Non-profit corporation fee — charging a fee for late filing of annual return under The Non-profit Corporations Act, expected to raise an additional \$10,000; effective date is April 1, '95. Fax surcharges — charging for faxing information to clients — its effective date is April 1, '95. There's a computer printout fee, expected to raise an additional \$2,000 — effective date April 1, '95.

Probate fee increases expected to raise an additional \$421,000. The effective date is January 1, '95, so it's, in effect, in effect.

Mediation services fee; expected to raise an additional 139,000. The effective date there is January 1, 1995.

Mrs. Bergman: — Thank you, Minister. Could you please tell me what has been the cumulative effect of changes in fees over the past four years? Could you provide me with a breakdown of each change in every one of these fees since 1992?

(2030)

Hon. Mr. Shillington: — Yes, I think the member asked for this last year, and you're keeping your file up to date, and we will do the same. We will bring the material up to date and send it to you.

Mrs. Bergman: — Thank you, Minister. I just have one more question to ask before I pass on the torch. As I understand it, the RCMP (Royal Canadian Mounted Police) would like to consolidate or amalgamate its Saskatchewan subdivisions, but as I understand it the department hasn't responded to their request. Could you review that for me?

Hon. Mr. Shillington: — I could make a brief comment on that subject. That proposal has been made. This is a cost-shared item with the federal government and this, as I understand this proposal, it actually came from federal government. I'm not sure whether it was Liberals or Conservatives in office when the proposal came.

It has, however, come to us. We are still in the process of reviewing it. We want to be very sure that the level of service which is provided remains as good as it is. The people of this province are very proud of the RCMP; proud of the service they get. We want to be sure that that level of service continues under any reorganization. And it is really that question: will the

service remain as it is and as good. That's really the question we're struggling with at the moment.

Mrs. Bergman: — I guess part of the question I'm asking is, are you in negotiations with the RCMP, and when might this decision be made?

Hon. Mr. Shillington: — No, we're not really negotiating with the RCMP. This in a way, is our decision to make. We are certainly considering the matter. I don't know when the decision is going to be made. We've had the proposal for some time, actually. I don't know when the decision is going to be made. I frankly don't anticipate it will be immediate.

Mr. Toth: — Thank you, Mr. Chairman. Mr. Minister, how much money does the department put up, or the province put up, for policing in the province of Saskatchewan? It seems to me that the province does cover some of the policing in the rural jurisdictions. I'm not sure if they do in the urban levels as far as the large urban centres, but maybe you could give us an idea of what type of costs are incurred by communities in policing and how much the province puts towards that policing.

Hon. Mr. Shillington: — The budget for RCMP policing only is \$60.836 million.

Mr. Toth: — 60.836 million. And that's just the provincial share? What about the federal share that offsets . . . or is it a matching share or the larger percentage of the policing costs?

Hon. Mr. Shillington: — This is not a . . . this may frustrate the member, but the answer to this is not very simple. We pay 70 per cent of the costs of what is called provincial policing, which is almost exclusively RCMP. The federal government pays 30 per cent. However there are additional federal costs which they pay.

I'm told by the officials, in all likelihood, the cost to the federal government would be in and around the same neighbourhood as what we pay.

Mr. Toth: — For that amount of money, how much has the policing been reduced in this province in the last year? I know a number of communities have . . . we've certainly seen reductions in staffing, and I'm wondering if you'd have an idea whether their communities are finding that the effectiveness of policing in this area has been hampered due to the reduction in manpower hours or even in staffing.

Hon. Mr. Shillington: — The budget last year was 61.959 million. So we've reduced it by that amount. In some cases the reduction in policing was a decision of the community. If they have over 500 people in it then they pay part of the cost of policing. And they may decide on their own to reduce staffing to reduce costs. That is not an infrequent occurrence.

But the provincial budget was reduced from 61.959 million to 60.836 million.

Mr. Toth: — Mr. Minister, does the province help fund policing in the large urban centres or is that strictly covered by the centres themselves? And how much if they do?

Hon. Mr. Shillington: — No, it's covered by the communities themselves.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I have to come back to a question or two regarding the travel of the former minister. And I noticed in your capacity as the new minister you really haven't had an opportunity yet or had any functions that would require you to leave the city at the present time and . . . but no doubt that'll probably change in the near future.

But I find it very interesting. There's a tour of Poundmaker Reserve — Regina, North Battleford, Saskatoon, April 29, '94, and the total cost is \$73. Was that a car trip or there's . . . I notice there are a number in here and it seems to me when the minister came out to Yorkton, that one of the reasons the gun rally was held up was because they were waiting for the minister to arrive, and yet the cost here was only \$74. Are all of these trips strictly travelling in vehicles or are there any air trips here? If there are, I'd like to know where you found the plane to fly for that kind of money.

Hon. Mr. Shillington: — You'll note that the Hon. Allan Rock was on that trip . . . (inaudible interjection) . . . Well the officials don't have the information with them. They're speculating that perhaps the federal government paid part of the cost and that's why it's so reasonable.

Mr. Toth: — Well that may explain that one, Mr. Minister, but I know there are a number of other trips here and . . . I note a cabinet meeting, outreach program, gun control meeting for Yorkton for seventy-four eighty. A number of the figures here would almost indicate that most of these trips must have been trips by vehicle versus air, and yet it seems to me the air travel has . . . There must be a number of trips that were out . . . like when you've gone to Saskatoon, Stony Rapids, Fond-du-Lac, and Saskatoon. That one there I believe was air fare because it's 629. That Saskatoon, Prince Albert, Regina, Saskatoon, that's a fair bit of travel in one day especially if you've got a meeting in the morning and trying to get to some of these meetings. So I'm wondering if you could just update us and indicate whether most of these trips were by car and if that's why the expenses are as low as they are, or how the means of travel, mode of travel . . .

Hon. Mr. Shillington: — I think we're going to have to get back to you in writing if you want a breakdown. We just don't have that information in a reliable . . . we're going from memory here and it's getting a little dangerous. Perhaps we should review the documents and get back to you in writing if you have questions about specific trips.

Mr. Toth: — I'd appreciate that, Mr. Minister. And if indeed there was air travel but it really doesn't show here, I wonder if you could indicate where the costs for that air travel would have been incurred? And I'm not sure . . . like I will allow you to go back and review the information, to get back to us and clarify the information.

Hon. Mr. Shillington: — I'm not entirely sure I understand the member's . . . If you want us to get back to you. I wasn't overtly

undertaking to get back to you on anything. If you have some specific question, I need to hear it again so that we can know what's being asked of us.

Mr. Toth: — Well basically, Mr. Minister, I'm asking for the means of travel on . . . for all the items as it breaks down here, and if it's specifically car then that may explain how the . . . the low dollars. But just for the areas that the minister had gone, when you're looking at three or four locations in the same day, that might be almost difficult by car, just to make all those trips by motor vehicle versus using air fare. And yet at the same time, the numbers wouldn't correspond to air fare unless you find a very reasonable charter courier that's willing to charter these different flights.

Hon. Mr. Shillington: — Okay. We'll have to get back to you and let you know by what means the minister travelled.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, last year we had asked for some information on any lawsuits that the government was currently engaged in, and at the time I believe the minister had indicated we should ask individual departments. I believe that the departments failed to provide any information, but we've also been informed that it basically would come through the Department of Justice.

So I'm wondering if the minister could bring us up to date on any lawsuits such as . . . I believe there's still an outstanding lawsuit on the GRIP (gross revenue insurance program) question. There's certainly . . . we understand there's one brought forward by the judges, and if that's ongoing, and if there are any other lawsuits in that manner against . . . whether it's just strictly the Department of Justice or the government in general and how many may be ongoing at the present time.

Hon. Mr. Shillington: — That's a . . . at any given time, that's a relatively long list of all the litigation the government is involved in. You can appreciate when you employ some 10,000-and-so people and spend \$4.5 billion, you're engaged in a lot of lawsuits and that's always been the case. I am told that this information is part of the standard questions, and so we'll be providing you with the information in the standard questions. But it's too long a list to . . . that would be too long a list to read out to you now.

Mr. Toth: — Okay. Thank you, Mr. Minister. So it's . . . Yes, I didn't really take the time to go through all the . . . like you say the extensive list, the standard questions, and I just wanted to make sure that there would be a commitment from your department to follow up and to pass that information along as you have time. And I thank you for that.

Mr. Minister, an area of major concern to people across this province is the Young Offenders Act, and a couple of recent incidents bring to my attention the fact that I believe it's time this Act was reviewed. There's no question in my mind that it should have been reviewed long ago.

And just recently, in fact the other day, I believe it was Friday morning, we heard on the news that an individual in the . . . I believe it's in the Weyburn area decided to protect his property

and basically took matters into his own hands because he was getting fed up with the fact that he was continually losing gas out of his storage tank.

And this isn't the first time that people have lost gas out of bulk storage tanks on the farm. In fact I can understand the frustration that the individual must have been facing, because a constituent of mine raised the same question with me last year.

And if the member from Rosetown would pay attention he might learn something.

But, Mr. Minister, in example, last year an individual resided in town but has a nice property outside of town and had fuelled up his . . . made sure his bulk tanks were filled up in the fall, number one, so that he wouldn't have condensation in the tanks; number two, just in case the price of fuels went up; and it was just the way he operated and purchased his fuel. And part way through the winter he . . . or I guess on a . . . basically on a weekly basis he'd slide out to the farm.

On one occasion he went out, there was a fresh snowfall; he noticed tire tracks into his yard. And in the process of investigation, following the tire tracks, he noticed they were right up to his fuel tanks and that the locks he had put on — gone deliberately and taken a lot of time to make sure his storage tanks were all locked up — were broken. And as he took the time to look in the tank he found a substantial reduction in the amount of fuel in that tank. And to just check and see what had disappeared out of that tank he had the bulk agent come out, fuel the tank . . . refuel the tank, and on that occasion there was roughly 100 gallons of fuel that had disappeared out of that tank.

He then called the RCMP who came; and in the meantime what he had done was laid a piece of plywood over the tracks so that they wouldn't be destroyed; called the RCMP out and they indeed saw that the tanks were . . . there was a reduction of fuel and they acknowledged the fact that as he had fuelled it up, the agent had indicated how much fuel had been missing from the tank, took pictures of the tire tracks, made a few inquiries.

Nothing happened for about a week. He called the RCMP and asked, well what are you doing in this situation. In the meantime he had another loss of about 75 gallons, a total of about 150 to 175 gallons of fuel taken from his tanks; so he called the RCMP. Basically the comment to him was, for the time and effort it's going to take and the reality is, if we do happen to find the culprits, the chances of getting a conviction are very slim and you're not going to get reimbursed for the fuel lost, and the individuals may end up with just a slap on the wrist.

Well this individual was not all that happy to hear that, and pleased to hear that. He had the pictures of the tire tracks and he methodically checked vehicles at the local bar when there was a fresh snowfall, plus the local rink. And eventually he determined who the individuals were and waited by the vehicles as he identified the tire tracks.

(2045)

And it was interesting to note, Mr. Minister, that when the people came out — it was young people — they eventually indicated, yes, I guess we did go onto your premises, and yes, we did take some gas. They didn't know exactly how much, because they had put so many litres or gallons of fuel into a slip tank and they were not sure if they had actually filled it up. And I guess that's neither here nor there.

But at the end of the story is this. These young offenders didn't receive anything. The RCMP didn't pursue it because they just . . . I gathered from their reasoning, they're just totally frustrated with the justice system that really doesn't give them any authority, doesn't hand out any authority, or doesn't place any responsibility upon young offenders.

So what we have is a man outside of Weyburn, he became frustrated, happened to have a gun in his hands — and it's unfortunate because of the gun debate right now — and took some pot-shots at the vehicle fleeing his premises. Now I understand he possibly faces a longer list of charges than the young offenders who have made a practice of looting his farm and taking fuel.

And I'm wondering, Mr. Minister, what the department is doing to address this problem specifically in rural Saskatchewan. I'm not sure, I think there's enough break-and-enters and we do have policing in our large urban centres, but the break-and-enters in rural Saskatchewan . . . and another case where a house was trashed. It had been used as a summer residence — totally demolished. And yet at the end of the day, nothing was done.

What is the department doing . . . and I understand that the Young Offenders Act is basically a federal matter. But I think it's very important that we finally address this concern with the federal government and take a serious look as to how we can make this Act more responsible, how we can make young people more responsible for their actions, and how people can be compensated for their loss rather than shrugging our shoulders and saying there really isn't much we can do.

And I guess at the end of the day you basically would have to ask why are we spending \$60 million as a province for policing if our police have no authority? And, number one, if at the end of the day they really have no responsibility, because when they do do an investigation, they go to court, it's just basically thrown out, something's wrong in our system and I'm wondering, Mr. Minister, what the Justice department is doing today to address a number of these concerns.

Hon. Mr. Shillington: — Let me just make a couple of comments in response to the member's comments. Let me say that I think many people in the province, including many police officers, would probably applaud the member's comments. This has been a source of a good deal of criticism.

It is not entirely clear that all of the criticism levied at the Young Offenders Act is deserved. I would point out, for instance, that the Young Offenders Act has a purpose that I think we'd all agree with in the abstract. I think the Act says that

young people should be treated not as hardened criminals but as people in need of rehabilitation. I think we'd all agree with that when we're dealing with the very young. We would like to salvage them.

I would point out that the Young Offenders Act has a conviction rate of over 70 per cent, so it's not that they're not getting convicted. The concern I think centres around the level of sentences and the level of punishment which is meted out.

I am told that the Young Offenders Act, the severity of the sentences increased after it was passed, so that the sentences under Young Offenders are more severe than under the old Juvenile Delinquents Act. To that extent it's probably something of an improvement.

Having said that, I began by admitting that most people in the province would applaud the member's comments. This Act has been the subject of a good deal of concern. It is currently under review. There is currently a task force which is doing a comprehensive review of the Act by the federal . . . and the province, and they all agree upon it.

And there's also a parliamentary review schedule and we are given to understand that the committees — the Justice committee — will be reviewing the matter this fall and perhaps into the spring of '96.

So that there is a comprehensive review of this under way, and in the normal fashion in which democracy works in this country at the federal level, the voice of the public is being brought to bear on these discussions.

And I would assume that we will see some changes. In the interim, in the interim, there is some changes currently being proposed to the House, the federal House, in Bill C-37. These are some specific promises which the Liberals made in their red book. And so that's ongoing. So that is what is being done in an overall, comprehensive way to review the Young Offenders Act.

You asked specifically what this province is doing. We're doing as best we can working under a federal statute. We are trying to respond to the public expectations of us, and I'm told that the level of sentences are relatively more severe in Saskatchewan than they are elsewhere in the country. So Saskatchewan can take some solace in the fact that we mete out a relatively more severe sentence here than we do elsewhere in the country.

However the overall response to this problem — and I admit it certainly is a political problem — the overall response to this problem is to await the completion of the comprehensive review by the task force and the introduction of legislation at the federal House of Commons.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, you indicate that this province tends to have a more stringent penalty applied regarding young offenders, and I guess as far as sentencing, it would depend on the type of crime.

On the other hand, Mr. Minister, in a situation where property

has been vandalized, and as I've indicated and as we saw from the media about this gentleman at Weyburn, police were investigating a vehicle theft and a shooting Tuesday at a farm about 30 kilometres south of Weyburn. A farmer fired several shots at a vehicle after a group of men tried to steal gas from him.

The frustration many people have is that you may end up, Mr. Minister, with a stricter sentence than another jurisdiction may have, but what about the innocent victim? What level of compensation is available or how do you achieve compensation? Would it be possible, Mr. Minister, in some cases to have — especially if it's young offenders and if it isn't young offenders, say someone who's a little older than the Young Offenders Act, but say is a young . . . can I say even in the 20's and 30's, a first-time offender — would it be possible through the Department of Justice in sentencing to make sure that part of the sentence is some kind of a compensation? Maybe it's work for compensation, some kind of a program that any proceeds or any funds that are accumulated through the individual, that they've got to work to help pay for the damages that they've incurred.

And even for young offenders — and it might be appropriate, Mr. Minister, when we're talking about young offenders and having them work — maybe I can suggest a boot camp in this province, something that basically helps and puts young people . . . first of all puts the responsibility on their shoulders for their actions. Plus I think parents also need to also have a level of responsibility handed to them, because when a 14- or 15-year-old is out damaging someone else's property, or stealing property as we've seen, or even 12 and 13 years old, I have to ask myself: where are the parents?

And I think maybe we all ask that at some times. Where at the parents? Aren't the parents responsible for their children and they're responsible for their children's actions?

And then I see another incident where there's a parent currently in Calgary, a triple amputee, is now facing a court action or a . . . or the Justice department levelled a charge against her and she's going to be going to court simply because she spanked her child.

And I guess one has to begin to wonder what kind of message are we sending out here. First of all, I believe parents have a responsibility to train their children and to give some direction. I don't think the Justice department helps by taking that responsibility away from parents. I'm also concerned that we've created laws that we're penalizing parents who use forms of punishment such as a spanking.

And I'm not sure, Mr. Minister, you might be old enough to have been in the same situation where I was, where my dad really kind of believed in that old philosophy where if you spare the rod, you spoil the child. I'm not exactly sure that you were that good when you were a kid, just having seen you in action over the last little while.

But I think, Mr. Minister, a number of years ago when parents really accepted their responsibility, I don't know if we saw as

many problems with young offenders as we do today. And the challenge is in the home, the challenge is in our school system, and certainly we see a challenge in our justice system.

Is the department looking at actions and making proposals to the federal government, especially with the young offenders, where we're starting to put some responsibility back where it belongs, number one, in the fact that teenagers or young people are held accountable? And maybe we need to lower the age where we protect young people from disclosure of their name if they're charged for an offence. Maybe we need to lower that age and treat some of these younger people, if you will, those individuals up in their later teen years, as responsible adults already.

I don't think we're helping ourselves by just, number one, punishing parents when they choose — I shouldn't say choose — when they basically are accepting their responsibility of discipline. And number two, we certainly aren't helping them, and I believe in this case in Weyburn, one of the parents even suggested that the RCMP shouldn't be laying charges.

Maybe it's time we started listening to the people on the street as well. And I'm wondering, Mr. Minister, if you would just . . . where your department is. Are you making submissions to this Commons committee as it reviews the Young Offenders Act, to address a number of the concerns that I've laid out before you just now?

Hon. Mr. Shillington: — The official, in fact, who's sitting right behind me at the moment is not only involved but chairs one of the subcommittees on this task force. We are involved in it extensively.

She tells me as well that one of the items which is under consideration is parental responsibility. It is a serious part of the discussions.

Mr. Toth: — I appreciate that. What is your view on this matter, Mr. Minister, regarding parental responsibility? Do you view this as something that it's time we moved back to and allowed parents that responsibility without . . . I think the problem we face in some cases, is trivial matters that I think can be brought up.

And I raise another one. In Saskatoon, back in February if I'm not mistaken, where a father happened to punish a child. That child went to school and suggested to her classmates that her father had spanked her — and I'm not exactly sure whether it was using a belt or a wooden spoon — because she had been disobedient.

And the classmates then reported to the RCMP that . . . or the police, city police — it must have been city police in this case — that an offence had been committed by this parent. And this father found himself in court. And I find that totally ludicrous, when a parent sets some guidelines, a child crosses and infringes on those guidelines, and the parent cannot punish that child without finding themselves in court.

And I'm wondering, Mr. Minister, what are your views on this?

Are we really going to place responsibility at the feet of parents without . . . and I can understand where the department is coming from, and people come from sometimes, where they suggest that we need to . . . we've got this word abuse, becomes a major problem. And maybe there are parents who abuse their position and their responsibility.

But I think a lot of parents are legitimately trying hard to raise their children. And to be punished themselves for having administered discipline when a child has not followed the guidelines or not listened to the rules, I think certainly doesn't bode well for society.

And I'm wondering, Mr. Minister, what are your viewpoints and what is your department doing? You mentioned that you have one of your officials behind you who are raising some of these questions. Where are we going on this matter and are we indeed going to put some of the responsibility back in the home, as well as responsibility upon the judicial system to indeed make sure that everyone is treated fairly?

Hon. Mr. Shillington: — This is going to frustrate the member from Moosomin. I don't have any fixed views on whether or not parents should be civilly liable for the acts of their children. It is an interesting question. I understand this is one of the matters that the federal task force is working on, is whether or not parents should in fact be responsible for the damage their children do.

My own experience as a lawyer was it was rarely worthwhile. There is now provision in the Criminal Code to make restitution orders. It was rare that it was worth the time it took to write them out.

The type of people who got into these problems are almost never worth pursuing for the money. They almost always had a pretty good defence to civil action and that defence being poverty. That's the best defence in the world to a civil action, is abject poverty. And I found in many of these cases it simply wasn't worth pursuing them.

(2100)

In the cases which I . . . I never acted as a prosecutor. It was never compatible with being an elected member, and I've been an elected member for most of the years I've practised law. I always acted as defence counsel. But it never struck me as making much sense, because it was rarely possible to enforce the order.

Now that doesn't exactly answer the broader question of whether or not it might make sense to have parents civilly liable. That's a good question. You know some American jurisdictions do that now.

I think what we would want to do is to visit . . . not visit the jurisdictions; there's no need to do that. But I think we would want to get the benefit of their experience. Has it helped to make parents more responsible? Has it helped to make parents accept the responsibility of raising children, and not simply wash their hands of a problem when it develops?

I think we would want to examine closely the experience of American jurisdictions which have tried this. As I think the member knows, in the U.S. (United States), criminal law is a matter for the states, and so it varies from one state to the other. And I think this is something . . . The task is reviewing this and I suspect the task force will want to avail itself of the experience elsewhere. I really don't have any fixed views on the matter, one way or the other.

The member also raised the question of parents spanking children. There's no specific section which deals with this. It just falls under the general heading of assault. Judges are required to make these difficult decisions as to what constitutes reasonable force and when does corporal punishment become unreasonable. Very difficult decisions.

It will vary from case to case, from community to community. And there's not . . . in my experience, there aren't many general guidelines you can lay down which is of much assistance to judges. They struggle with these same questions themselves, and I think if there were some guidelines which made these decisions easy, the first people to welcome such guidelines would be the judges.

But the judges — particularly provincial court judges usually — judges are fixed with these responsibilities of determining when corporal punishment is reasonable, when it becomes unreasonable, and they struggle through these decisions, as do all of us, and do the best they can. I'm not sure there is a better system than to simply leave it to the judiciary.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I'm not exactly sure being poor is a good enough excuse or good enough defence. It certainly may be lucrative for lawyers to have the types of laws and allow the process to work the way it is, but you did indicate that to pursue some of these matters, for most people, it certainly isn't worthwhile because at the end of the day — and that's what happened in a couple of the circumstances I just indicated earlier — by the time they pursued it, the cost became so astronomical it just wasn't worth it and yet the frustration of having to deal with these types of situations . . .

I think as well, Mr. Minister, just this past summer, we're quite well aware of the so-called Oldsmobile gang and whether . . . I'm not exactly sure those individuals were hard-up young people in a lot of cases. It seems to me some of the individuals that may have been picked up or looked at at the time . . . I think the suggestion came out they were coming from well-to-do homes. And that's not levelling names, but it was certainly not, say, from just the poor class of society. So I think it crosses all lines.

And I guess for that reason, Mr. Minister, what I'm suggesting, where a person really doesn't have the physical means, maybe the justice should be looking at a form of punishment that includes restitution of some kind, like maybe doing something in a community where you're basically paid and that money then goes to the individual who has had wilful damage done to property.

I think those are areas that we should look at and I'm wondering if the Justice department is indeed looking at similar circumstances because I personally don't believe we should be sending everyone to an institution.

I think there are some people, especially young people, who, if you will, may be first-time offenders, may have just got in with a group of individuals, may have gone, if you will, along for the ride and ended up in a circumstance that became where a criminal offence occurred and they end up before a judge.

And that individual, with possibly the proper sentencing and having to work to help repay or restore the loss that was incurred to an individual that may have been victimized, possibly would receive just as much as a corrective measure in that form versus being institutionalized for a period of time and then back on the street.

In some cases, being institutionalized just enables a young member to find out from individuals who've been around the crime scene a lot longer, how to go about in a more methodical way of committing even higher forms of crime.

So that's an area, Mr. Minister, that I think we should be looking at and I'm not sure if your department is looking at that, but maybe you could respond to that.

Hon. Mr. Shillington: — We are indeed struggling with this problem of a fair and better treatment of victims. And we have a program which has had some interesting innovations, called the victim services program. And we've put some sums of money into that to try to make this work.

Actually with respect to the Oldsmobile gang, particularly the Department of Social Services did work with the offenders and the victims, attempted to make arrangements whereby the offenders worked, and the money that they made and the services they performed, went to benefit the victims. And did, I think . . . actually you mention that case. I think in that case, as good a job as could be done under the circumstances was done in an attempt to ensure that the offenders did recognize the damage they'd done to the victims, and so far as possible, did attempt to compensate the victims by their earnings.

So I think the Department of Social Services did do a pretty reasonable job of trying to ensure that the victims of those car thefts were aided by the offenders in the work they did.

Mr. Toth: — Well thank you, Mr. Minister. Mr. Minister, you mention the fact that Social Services was involved. And if I'm not mistaken, Social Services basically administers young offenders . . . it administers the Young Offenders Act or it's responsible for the young offenders. And I guess the question I would have is, why would Social Services indeed have that responsibility? Why wouldn't that rest with the Department of Justice, and then the Department of Justice maybe working through Social Services to address some of the concerns that may be out there?

Hon. Mr. Shillington: — Young offender corrections and the

young offender penalties, I guess, is in the Department of Social Services. It is thought to be . . . again this is thought to be not primarily retributive in nature, and not primarily punitive in nature, but primarily rehabilitative in nature, and thus it is in the Department of Social Services. It's part of the philosophy of the existing young offenders program. A philosophy I think most of us would agree with in the abstract.

Where we have some serious problems is where members of the public appear to have had significant property damage, and there is no responsibility borne by the victims who seem to be treated as if they were somehow or other exempt from normal laws of human behaviour because they're young. That is being addressed in a different forum.

That perception is something that concerns all of us. I think all of us strongly believe that the justice system must be responsive to public opinion. It is not a system unto itself. It is paid for by the public and must be responsive to their views. And there has been some very real attempts to do that, including in the whole area of young offenders. And that work's ongoing with the task force.

Mr. Toth: — Mr. Minister, you made the comment that the young offenders — or the Justice department — should be cognizant of public opinion. I think if I could offer something, I'd be a little leery of always being just jumping at public opinion. I think the public have opinions on a lot of cases when it comes to correctional matters, when it comes to charges, when it comes to criminal activity.

And unfortunately in some cases I'm not exactly sure if the public are well enough informed to basically start making demands of politicians, or departments, or police forces, in investigative matters. And maybe I could just bring up this situation of the Martensville case. And I'm not going to get into that in detail at the present time. But I think what happens, Mr. Minister, on many occasions the justice or police forces react to public opinion.

And I think that sometimes public opinion can become very strong to the point that our justice system almost feels they have to find a guilty person, or at least show that they found a guilty person, even before they have done enough investigative work to arrive or to determine whether or not they have indeed an individual or a group of individuals, if you will, in front of them that are indeed guilty of having committed an offence. And I think it's very imperative that: number one, I think the public must allow the justice system to work if it's going to work properly.

I think as far as the judicial system, it's imperative that we listen to the public, and we establish some guidelines, and establish, if you will, procedures and sentencing that would fit the crime. But at the same time we should not allow public pressure to pressure a judicial system — whether it's the prosecutors or whether it's policemen — to have someone paraded in front of the public. Let's say . . . for example, it wasn't that long ago we had, I believe, an investigation into the disappearance of three women in the Saskatoon area, and that over a period of time. And of course when that happens and someone disappears — a young girl or a young boy such as the case that happened in

Moose Jaw — the public would be demanding to have someone arrested immediately.

But, Mr. Minister, I don't believe that's always possible. And I think it's very important that our justice system be allowed to operate properly and without — how could I phrase this — without being forced to bring forward and come up with an individual or individuals to show that they're doing their job. I think sometimes it takes a bit of time for a thorough investigation so that you, at the end of the day, can feel quite certain that you've got the proper individuals in front of you.

And I think just this last year we've seen a number of occasions where earlier convictions, some as old as 10 and 15 years, have been overturned because a review of matters have basically indicated maybe there was some information lacking at the time. And I don't think it serves our judicial system well to be forcing an issue and forcing a justice system, or forcing our police network, or forcing prosecutors to act and prey at an individual. So on that basis I think it's important that the public realize that there are procedures to follow.

But what the public I believe are demanding of us is that at the end of the day there are sufficient crimes and penalties . . . or penalties if you will, to fit the crime. And that even goes for young offenders. So that's an area I think that it's very important that we follow up on and that we take the time and we set out some very stringent guidelines.

I think if you will, Mr. Minister, we've created so many guidelines and so many different avenues of criminal activity that it becomes mind-boggling. And I'm sure even for our police networks themselves they must find it frustrating trying to determine whether this person is guilty of this offence or whether there's another offence that they should be charged under.

And I'm not sure if there's a simpler way of administering justice in the province of Saskatchewan. If there was, maybe it would then eliminate the need for the largesse, if you will, of the legal system in our province or in our nation. I don't know.

But certainly I think what people are looking for, they're looking for a justice system that is fair, treats everyone fairly. And I certainly believe, and I think the public must realize, that in this Canada . . . or, in this country of Canada and in this province if you will, I believe our justice system operates on a premiss that you are innocent until proven guilty.

Unfortunately most of the public, as soon as you mention, or it comes out in the media that a certain individual has been arrested based on the assumption that they may be guilty of having committed a certain crime and have been arrested in this certain investigation, the public seems to jump on the bandwagon and they've already got that person convicted before that individual has had an appropriate time to have, or have had, their day in court.

(2115)

So I think it's very important that we not only listen to the public and set appropriate penalties, but as well, the public

allow the judicial system to . . . process to work appropriately so that when a trial is complete and whether a conviction is . . . I shouldn't say a conviction is gained, that you indeed . . . the judicial system has been able to determine whether or not that person was guilty or innocent.

And I guess at the end of the day as well someone might argue, well that individual got off because they had a good lawyer, or that individual got convicted because they didn't have a good lawyer. There are some of the concerns out there.

But regardless of what happens, we should allow our judicial system to operate and to indeed address the concerns that the public have at large, that they can believe in the system.

Another question regarding the young offenders, and I was going to allude to it as well. You had mentioned that the department administers justice, but the young offenders, as far as the institutionalization of individuals, Social Services administers a number of these programs. And I'm not sure.

There is a work camp out at Kenosee Lake that I think has worked quite well. It was very interesting. They cut some of the dead wood in the park. And I remember going out there a year or so ago to pick up some wood to use in our fireplace. What I found very interesting, Mr. Minister, is that the attendant in charge of the camp came out and said, okay fellows, let's go and we're going to help Mr. Toth fill his truck full of wood. And the eagerness with which those young fellows came out of the door and to help I thought was very interesting.

And I think that is the type of a program, Mr. Minister, that certainly allows young people an ability to, if you will, provide for restitution for the crime they've committed. Because while they're out cutting that dead wood they're beautifying the park because they take all that dead wood out of the park and out of the trees, and so when people come down to the park it's just that much nicer. And at the same time they turn around and make that wood available and they sell that wood, which means you're generating some income. And I realize most of this probably goes just to administer the program. But these are avenues whereby I think . . . that I look at as means in which we can help people to better themselves and lift them up in society.

Another thing I think we could do for a lot of young people . . . I think a lot of the younger people that end up having criminal records and being involved in criminal activity tend to be young people who, in some cases, may not have had that opportunity to really advance or may have been slow learners and have ended up in the wrong crowd. Maybe an educational program to help them at least attain a grade 12 education while they are institutionalized might be an appropriate method of helping some of these young individuals as well.

And so I've thrown out a number of areas, Mr. Minister, and maybe you'd care to respond or like to respond to some of these concerns I've raised.

Hon. Mr. Shillington: — Yes, many of your comments are . . . I found your comment with respect to the justice system actually quite thoughtful. The member is full of surprises

tonight.

Certainly you put your finger on a conundrum. And that is that with respect to any individual case, the justice system must be independent from one end to the other, both from its beginning with the police investigation to its completion when the matter is finally disposed of by the highest appellate court which is available to the litigants. It must be completely independent. And the public prosecutions branch must be independent. We've had some discussions about that actually over the last few days; we in fact in this House have struggled with trying to define that independence, and members have had, I think, honest differences of opinion.

And you're also correct in stating that while a member must be . . . while, I'm sorry . . . while the justice system must be independent with respect to any individual case from one end to the other, nevertheless the system taken as a whole must generally meet public expectations of fairness and effectiveness. And the public must be satisfied that the justice system is in fact doing its job, that guilty people are being convicted, and that innocent people are not, and that the system does deter crime. If they lose that confidence in its fairness or its effectiveness, very serious problems can result.

And we see some of those problems. Indeed we see some of those problems in our neighbours to the south, where the criminal system is seen to have broken down. And in some cities in the great republic to the south, some of the cities face very serious problems where there's simply no confidence in the justice system from one end to the other.

This province in fact has been well served by having a justice system which has been independent in its entirety. Through at least the lifetime of three governments — the Blakeney government, the government led by the member from Estevan, and the current government — the justice system has been independent.

At the same time, I have noticed in that 20-year period, I have noticed increasing interest, shall we say, by the public and an increasing, I think, level of criticism to be candid. I think I find an increasing level of criticism of the justice system now. I don't think that's the fault of any one person, or perhaps it is the fault of the justice system. Perhaps it's simply the temper of a time and the strain of modern day events. The justice system is trying to cope with a world which is changing quickly, some ways more quickly than we can adjust to it.

The member also made some interesting comments with respect to youth camps. These again are difficult issues. You try to teach them useful skills. You try to teach them a sense of responsibility. You also try to teach them that crime doesn't pay, and that people who are convicted face serious penalties, ostracization from the community, and then the community which is important to them, and also penalties in the sense that loss of freedom and liberty and so on.

So all of these the system tries to balance, and some of the things you described, some of the camps, are an attempt to balance these various competing goals of rehabilitation of youth

and also providing a deterrence in the future.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, just the one comment. In regards to that, I made a comment about education. Do we have any kind of education programs available in some of the institutions to help young offenders who may not have much of an education, may not have achieved . . . Let's throw out a number; I don't really know. Maybe what they've received so far is about the equivalent of a grade 9. Maybe they're students that have a difficult time learning.

And I think that's why some of these individuals do end up on the street. And I think it would be important and certainly beneficial if we did have some form of an educational program whereby these individuals, rather than just sitting idly all day, may have an opportunity to enhance their intellectual skills.

And certainly at the end of the day, while they're receiving correction and may help to face society down the road, they at the same time will be receiving that educational equivalent, or an increase in their education so that when they do get out of an institution they have the potential for job opportunities because of the fact they do have those educational skills. And I don't know if that's taking place but is that something that's being looked at?

Hon. Mr. Shillington: — Yes we are conscious of that. The child protection plan, it should be pointed out, attempts to identify homes and children which are high risk, in the sense the children have high risk of becoming offenders. And we try to prevent that.

Certainly once they do offend, we also try to rehabilitate them. And the most effective way of doing that is through education, as you well point out. We do try to . . . the child protection plan does try to deal with the system, both before and after the offence is committed. So we do try to rehabilitate them, we try to prevent it, and we do try to use education so far as possible. It's by far the most effective thing you can do with a child who has offended, is to keep them in school to develop some very real and marketable skills.

Mr. Toth: — Mr. Minister, I do want to come to that point that you alluded to just a moment ago about equality of the law and that's regarding the suggestion or the . . . brought down by Mr. McIntyre regarding Mr. Mitchell and this section of the Young Offenders Act and the concern that the Battleford *Telegraph* feels that they have been unjustly treated.

And it would seem to me that if I'm not mistaken in comments . . . I read some of the comments by even the prosecutor in the case regarding the North Battleford *Telegraph* where they basically indicated that they felt that *The Telegraph* inadvertently had printed the name and it was a human error and in making their submission to the court . . . And now we've got the decision from Mr. McIntyre regarding Mr. Mitchell's comments that were inadvertent comments made by the media. However, they did contravene a section of the Young Offenders Act.

And it would seem to me, Mr. Minister, that number one, if we

were talking of equality it would be probably, I guess if you will . . . and I don't know how this really works in a court system or in our justice system today. If indeed a higher . . . and Mr. McIntyre I believe was on the federal . . . I can't remember if he was a Supreme Court justice but it would seem to me that when a ruling or a suggestion comes down from a person of that equivalent that possibly a junior or a Justice department and even a prosecutor's office would take all those things into consideration and maybe come up with some changes to apply the law equally.

But at the same time is your department looking at . . . is this another area that your department is specifically looking at and suggesting we make some changes so that individuals aren't put in a position of possibly inadvertently again, if you will, contravening the Act? And I think that's an area that certainly has to be addressed as well in view of the outcry that came, arose when Mr. Mitchell stepped aside because of those comments.

Hon. Mr. Shillington: — Yes, I want to . . . I want to take this opportunity just to make a comment about public prosecutions in this province. Through several years, certainly more than 10 years, public prosecutions in this branch have handled some very delicate cases, have handled them and they have involved members of this Assembly and that has gone on for at least a decade. Throughout all of those years under the most difficult circumstances, public prosecutions have discharged their duties in a way which has met everyone's concept of fairness until very, very recently.

The ability of this branch of the department to discharge its duties in a way which was independent, in a way which is impartial, never been called into question. I think that's a remarkable record for this department, given the very difficult circumstances they've operated under.

No province in the Dominion of Canada has had the number of delicate, difficult cases to deal with that Saskatchewan has, and this branch has discharged them in a way that they think is exemplary, in a way which I think has brought real credit to the whole justice system. It's only very recently that events have conspired to cause some questioning of the way this matter has been handled.

I want to say specifically with respect to North Battleford, I don't know how one can respect the independence of the public prosecutions branch and get into a discussion here as to whether or not the newspaper should have been charged. I don't how we'd do that and still leave public prosecutions independent.

And I'm going to decline to comment on that, except to say that the matter was handled by public prosecutions. Sometimes these are subjective decisions. They're not always objective. I think the decisions were discharged with competence, with a sense of fairness. And it's somewhat distressing to me to find that just so recently, after having gone through such a difficult period, for I say spanning far more than a decade, having gone through such a difficult period very recently, to have their decisions called into question.

Specifically with respect to the question of whether or not this section of the Young Offenders Act is being considered, I am informed by my officials, one of whom, as I say, is directly involved in the matter — I am informed by my officials that in fact this section of the Young Offenders Act is one of the things that's being reviewed by this federal-provincial task force.

(2130)

Mr. Toth: — Well I guess, Mr. Minister, what I was basically asking of you, in regards to the situation we discussed regarding the member from Saskatoon Fairview and the North Battleford *Telegraph*, the fact is this. What process is followed when a decision is made such as Mr. McIntyre's; it would seem to me that that would be the type of decision that the department . . . and I'm not sure; are you telling me that the Crown prosecutor's office operates totally separate? The Crown prosecutor's office, while it operates separate, at the same time must . . . what they're basically doing is they're applying the rules as they understand them, that have been set by this Chamber and by the department as they would bring forward suggestions for legislation.

They would establish then the legislations, the penalties, the types of criminal activity. I don't know, sir, if the Crown prosecutor's office establishes that. I think that's . . . I believe that's established in here through legislation, and the Crown prosecutor's office then applies that legislation as they understand it, in a court of law.

But at the same time, I believe in this case with Mr. McIntyre, does the Justice department come up with the recommendation or would a prosecutor's office then determine okay, here's a senior official has come down with a ruling that basically would set precedence, and that maybe we should look at in view of the specific piece of legislation that we're looking at here. Would they determine then that this may be an area that needs review? Would the prosecutor's office come to the Department of Justice and suggest that this is an area we should look at or how . . .

Is there any interaction at all between the prosecutor's office and the department regarding laws as to how . . . the types of laws that you would bring forward, and whether or not . . . or the types of laws you would apply, or how does the system really work?

Hon. Mr. Shillington: — No. Under a system which, as I say, was certainly firmly established in the '70s when I was ministerial assistant to the now Premier, who was the attorney general, under a system which was firmly established then, this has not changed in the 20 years that have elapsed, toward the quarter of a century that's elapsed since then.

The laws first of all are passed by the federal government. The Young Offenders Act, the Criminal Code, are statutes of the federal government. We don't pass them. The prosecution's branch do not receive directions from the political arm or the executive arm of government; they operate independently and have during that period of time.

We do not give them directions on specific cases. We do not give them general directions. They apply some fairly simple, basic rules which are standard to all prosecutors across Canada and I think probably throughout North America.

Mr. Toth: — So then basically what you're saying, Mr. Minister, is in a scenario we've just laid out and the discussions that are now taking place as the review is undertaken with the Young Offenders Act, and if any changes are made and the federal government implements these changes, then the prosecutor's office then would look at that and that's how they would then apply the laws?

Basically, if I understand you, once a law is made, then the prosecutor's office . . . rather than the prosecutor's office suggesting maybe there's some areas we should look at here, they don't really make suggestions; they just apply the law as it is laid out.

Hon. Mr. Shillington: — That's correct, yes.

Mr. Toth: — So therefore then I would encourage your officials to certainly — in view of all the discussion that has taken place . . . that this is an area that I believe no doubt your department is quite well familiar with already, and will be raising with regards to the Young Offenders Act as they deal with the Act and with the specific sections, or the different sections, that will be coming forward.

Mr. Minister, in regards to guidelines for abuse, I just want to make a couple of comments here. I'm not exactly sure how we specifically lay out guidelines as to what may be considered abuse and I think I indicated that a little earlier.

I think the period that you and I grew up in, even school teachers had the ability . . . there was a strap usually hanging on the wall. There was in the school I went to, and a lot of teachers weren't afraid to use it in a disciplinary fashion. But I see just by the looks of some of the faces of individuals in this room that a lot of people view that as an archaic means of discipline. And it seems to me that . . . and I'm not saying that we suggest the strap as a means of just administering discipline all the time. I believe there are many forms of discipline.

But what I'm wondering is, when it comes to guidelines regarding abuse, and someone lays out an accusation, what does a public official — such as a police officer if you will, or a person in a responsible area, even say a teacher, if someone comes to them at school . . . what guidelines do they follow before they go to a higher authority and suggest that maybe this home should be investigated?

And maybe the member from Rosetown should have had a little bit of discipline, and he wouldn't be talking and speaking from his seat all the time and always interfering. He might show a little more respect in this Assembly.

But what guidelines are followed so that indeed we don't have frivolous matters always being raised and, if you will, whether it's police force or whether it's Social Service individuals, always running after situations where accusations may be

coming that may be not legitimate? Are there any guidelines or is this another case where we're looking at trying to build some firm guidelines so officials know how and when to act?

Hon. Mr. Shillington: — Basically what the police, and the prosecutors, and the judges are all trying to apply is community standards; which will vary from generation to generation, and from time to time, and from community to community.

I remember my grandfather, who went to school . . . who was born in 1871, actually went to school in rural Ontario, telling me of having been strapped so hard in school that he couldn't walk. That would be the subject of a serious criminal charge today. At that day, it was considered normal corporal punishment for misbehaving.

Obviously community standards are different today, but that really is the only guideline which police and prosecutors and the judges have is, what is . . . what are the normal community standards. Has it crossed the line from reasonable corporal punishment to a criminal assault. They attempt to establish, they attempt to apply, community standards. These are difficult decisions, and as I say, will vary from community to community and from place to place and time to time. But there really is no other guideline except community standards.

Mr. D'Autremont: — Thank you, Madam Chairman. Mr. Minister, throughout this whole session and going back into the previous session, we have dealt with an issue very close and dear to my heart, and also one close and dear to the heart of a number of members in this Assembly. I'm thinking particularly of the member from Indian Head-Wolseley.

Mr. Minister, we have been talking about gun control in this legislation starting last session when rumours of changes to the regulations to the Act were heard out of Ottawa. In the previous session, we passed motions opposing any changes to gun control, to the firearms regulations that are currently in place, and they had no effect, Mr. Minister. Throughout the summer, through the fall, and this early winter, we've had rallies across this province opposing the federal Liberals' proposed changes to firearms control.

And yet those . . . that Act has come into the House. I have a copy of it here, Mr. Minister. It's a fairly large and onerous Bill. I'm sure that probably no one in this House has gone through the whole thing entirely and understood it. Some may have read through it, but I'm not sure they understood all of it because it's a very convoluted piece of legislation.

Mr. Minister, in this whole time, we have passed a motion in the House opposing . . . in this session, opposing this legislation, putting in place a committee, a delegation that would make a representation to the Standing Committee on Justice, federal Standing Committee on Justice whenever they hold their hearings. That is, those hearings have not yet started, but that seems to have been the end of anything positive out of this legislature.

I've presented three Bills dealing with this particular piece of legislation that I would like to discuss with you tonight. But

before we get to that point I think it's important to have an understanding of what the firearms registrations are doing in Canada and where they started from. So I would like to read one paragraph from a background paper on gun control in Canada from the Library of Parliament written by William C. Bartlett, law and government division with the Justice department in Ottawa. And the first paragraph reads:

Canada has had laws restricting the possession and use of firearms since 1877; there was a nationwide permit system for the carrying of small arms in effect in 1892. All handguns have been registered since 1934, and in 1951 a centralized registry for restricted firearms was established under the control of the Commissioner of the RCMP. The present classification system of prohibited weapons, restricted weapons (including all handguns), and non-restricted long guns was introduced in 1968.

Further to this, Mr. Minister, there was changes made in 1979, 1991, and now the current proposals.

Mr. Minister, since we've had registration, and in some cases prohibition, of firearms in certain . . . of certain firearms in Canada for the last 60 years, registration, or a permitting system actually, since 1892, over 100 years, it seems that that has not solved the desired . . . the problems that have arisen, did not have the desired results. We still continue to have crime committed with handguns, with long guns. Even though in the case of handguns they have indeed been registered for the last 60 years. And only those who go through a rigorous examination have been entitled to legally hold handguns. And yet the main thrust seems to be, by the politicians in Ottawa, is to somehow further restrict the legitimate and legal firearm owner to have access to firearms in Canada.

The argument is that further registration will impede the criminal use of firearms. Well, Mr. Minister, registration has not impeded the criminal use of handguns. They continue to be used. But, Mr. Minister, the argument is carried on that if we registered long guns now, perhaps that will have an effect.

But again, all the statistics show that that would not be the case. In Great Britain, where in 1988 they banned most firearms, both handguns and long guns, there continued to be a rise in violent crime and crime with the use of firearms, even though most were banned and prohibited in the entire country.

It did not have the desired effect of reducing the criminal use of firearms. And yet in Canada we seem to be heading in exactly the same direction, and, Mr. Minister, I would suggest with exactly the same results — that the further restriction, registration, of firearms will not affect the criminal misuse of those same firearms.

Those that will be affected are the legitimate and legal owners of firearms. And yes, in some cases those legitimate and legal owners of firearms do break the law. But it's not a general occurrence; it's very much a small exception, rather than the rule.

This registration system, Mr. Speaker, that is being proposed will have an impact only on those legal owners, not on the criminal element. So, Mr. Minister, before I take up the whole time that we have available with a speech on this, I would like to have your comments on this and what your government proposes to do to deal with the further registration of firearms as proposed by Allan Rock and the federal government.

(2145)

Hon. Mr. Shillington: — I can say to the member opposite as we've said repeatedly . . . let me begin by saying I think all members of the House, including, I think, the member from Souris-Cannington, would support any measure which you believe was going to reduce violence in society. I think we would agree upon that.

I think we would also agree that some of the measures being proposed by the federal minister, it's highly dubious whether they'll do anything to reduce violence, and they're going to impose an enormous cost upon society or gun owners depending on how the Bill is structured, the final Bill is structured.

We believe that the registration of long firearms will be very expensive, and in equal parts, expensive and ineffective in reducing their use in any type of violent crime.

We therefore oppose the registration of long firearms. I think we have taken all reasonable steps to try to bring that point of view to bear on the federal government.

My predecessor, the member from Saskatoon Fairview, could not have been more energetic, active, or articulate in opposing this Bill. There were any number of gun rallies around the province, so the firearm owners were equally energetic and articulate.

At the end of the day, however, there is no way that the gun owners can stop the federal government and no way the provincial government can stop the federal government if they are determined to proceed. We only have the power of persuasion and nothing more.

And I know the member has brought forth several Bills. I've explained why we believe that those Bills are likely to be ineffective.

The one thing which I think we could do, and we have tried to do, is to get a hearing before the Standing Committee on Justice, which will be considering the Bill. We hope to make that an all-party committee, and we have written the federal Minister of Justice asking that the committee come to Saskatchewan so they may hear directly the views of the people of Saskatchewan. That would be an opportunity for us to make our point of view known to the federal government, and it would be an opportunity for the all-party committee to make its comments directly.

I've in fact written to the federal Minister of Justice to that effect. I have not received a reply and I therefore assume the

matter is under consideration. But that step remains to us.

There aren't very many more steps left to be taken though. We can simply . . . all we can do is rely upon the powers of persuasion. We don't have any effective means of stopping the federal government cold in their tracks. There are any number of cases which confirm that control of firearms is a matter coming under the criminal law of Canada and a matter properly within the jurisdiction of the Government of Canada, and so we have no means of stopping them cold in their tracks.

Mr. D'Autremont: — Well thank you, Mr. Minister. I would like to read from the Canadian constitution, and I would ask for your interpretation of this particular section of the constitution. It's entitled: exclusive powers of provincial legislature, section 92:

In each province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subject next herein-after enumerated . . .

And it goes on.

So Mr. Minister, I'd like you to give me your constitutional opinion, or that of your officials, on that particular section of the Canadian constitution, and when it says, exclusive powers of the provincial legislatures, are those powers that can be overruled by the federal government?

Hon. Mr. Shillington: — Yes, the framers . . . Whatever the framers of that section meant, it was interpreted by the Privy Council of England to mean that the province had jurisdiction to legislate with respect to matters of property and civil rights. But those powers were subject to any powers given to the federal government, and federal powers were paramount.

And that is the imprint put on the constitution by the Privy Council of England, whether or not that was what was actually intended by the framers of the constitution. That clearly is the law.

It is equally clear from any number of cases that legislation with respect to guns and gun control comes within the jurisdiction of the federal government and the rubric of criminal law. And therefore it is a valid exercise of a federal power and therefore would be paramount over anything we might do in property and civil rights.

The law on this subject is well established and admits really of no doubt. And therefore it is not . . . legislating under the area of property and civil rights is not a means by which we can stop the federal government in their tracks.

Mr. D'Autremont: — Well, Mr. Minister, I have a differing legal opinion from your own, and I would like to read from it as it deals with section 92:

The *Constitution Act, 1982*, did not repeal rather, it effectively continued the Act of 1867 as part of the Constitution of Canada, (paragraph 52(2)(b) and the Schedule to the *Constitution Act, 1982*), thus the exclusive authority for the provincial legislature to enact

laws with respect to "property and civil rights" is preserved, and extends to the subject Bill respecting property rights in Saskatchewan.

It might be argued that the doctrine of paramountcy of Federal legislation applies in this case. Were it that the Assembly would be, by passing an Act relating to a subject matter (ie regulation of the "Internet" throughout the province) not enumerated in either section 91 or 92, and the Parliament of Canada had not yet legislated or desired to legislate in that field, the provincial legislation would stand, unless and until the federal parliament chose to legislate in the field. Paramountcy would then override the provincial legislation. But here one has the "exclusive" and "enumerated" section 92(13) head of provincial power, and the doctrine of paramountcy does not apply.

Hon. Mr. Shillington: — I can only say that I've heard that view . . . I think I've heard the member refer to that view before. That legal opinion is at variance with virtually every other opinion of anyone else who has considered the subject and written on it.

Mr. D'Autremont: — Well, Mr. Minister, do you have a written opinion dealing with that constitutional item that you can present here today?

Hon. Mr. Shillington: — Well certainly I've been given written briefings by the department and the department has researched the matter. They've not specifically been written so that they might be tabled. But I've certainly . . . the department has certainly reviewed the matter with care and have come to the unmistakable conclusion that the federal government does have jurisdiction to legislate with respect to guns and control of guns and that their legislation would be valid. And therefore nothing the province could do would invalidate that legislation.

Mr. D'Autremont: — Well, Mr. Minister, do you have any case law that would deal with section 92 and any of its 16 components that would give us an example that the federal government does indeed have supremacy in this entire area?

Hon. Mr. Shillington: — There's certainly plenty available. I don't actually have them with me, but I can supply some case names. I can supply you with lots of precedents, if that's what you want me to do. I can provide you with written authorities that gun control comes within the jurisdiction of the federal government. And I don't actually have them with me.

Mr. D'Autremont: — Well, Mr. Minister, I'm not particularly concerned whether or not gun control currently comes within the purview of the federal government. Obviously they have been legislating in it since 1892, so the criminal use of firearms is clearly within the federal jurisdiction. But I'm interested in section 92 of the constitution — whether or not the federal government has supremacy over section 92.

Hon. Mr. Shillington: — Yes, that's precisely what these cases say.

Mr. D'Autremont: — Well then I have to ask, Mr. Minister, why is section 92 still in the Canadian constitution? If it says, exclusive powers of provincial legislatures, obviously, in my view, it's not telling the truth. When it says exclusive, that means that the provincial governments do indeed have that power. If they don't have that power, then why is it there?

Hon. Mr. Shillington: — I don't know why it's written as it is. I do not know why the Privy Council took the views they did, but they did, and the law on this matter is well established. I am not a legal historian, although I do have an interest in history of all sorts, including legal history. I know the general way in which this developed.

I know that the intentions of the original framers of the constitution, the British North America Act, was not entirely reflected in the decisions, was not reflected in the decision of the Privy Council of England, which was the supreme appellate body before it was abolished in 1949. So I generally know the history to it.

What I do know, and all that is relevant for these discussions, is that the federal jurisdiction of criminal law is paramount over anything the province might do under property and civil rights, and if the two conflict, the provincial statute isn't valid — that is well-established law.

Mr. D'Autremont: — Well let's explore section 92 a little bit more. Mr. Minister, who has power over hospitals and health?

Hon. Mr. Shillington: — By and large the province does, although the federal government certainly plays a role in both, I think.

Mr. D'Autremont: — Do the provinces not have the power to make their own rules and regulations dealing with hospitals and health? While they may suffer penalties from the federal government in a sense, in the terms of financial support, the provinces nevertheless have the power to, say, provide whatever services they desire within their hospital system?

Hon. Mr. Shillington: — The answer to your question is yes.

Mr. D'Autremont: — Well how about the administration of justice within the province? Who has exclusive powers in that area?

Hon. Mr. Shillington: — The whole area of criminal law is something of a shared jurisdiction. The federal government has exclusive jurisdiction with respect to criminal law. The provinces cannot legislate the area. It is up to the provinces to administer the law, but here again it is really something of a shared jurisdiction. And this is one of the trickier areas of constitutional law.

Mr. D'Autremont: — That may be so, Mr. Minister, but it's the province, is it not, that has exclusive jurisdiction over the administration of justice within its boundaries?

Hon. Mr. Shillington: — Yes, subject to the jurisdiction of the federal government to make laws with respect to criminal law.

Mr. D'Autremont: — Yes, Mr. Minister, the federal government does indeed make the law, the criminal law, but it's up to the province, is it not, to administer that law?

Hon. Mr. Shillington: — Yes, but when passing the criminal law the federal government can make rules with respect to its administration which must, in general terms, be honoured by the provinces. So you can't pretend these are two watertight compartments — one administration; one the law itself. They are not watertight compartments. The federal government can and does lay down rules with respect to the administration of criminal law in the Criminal Code and those must be respected by the provinces. So these are not two watertight compartments.

Mr. D'Autremont: — How about another area, Mr. Minister. Municipal institutions within the province. Who has the power and jurisdiction over those?

Hon. Mr. Shillington: — The province has jurisdiction over municipal institutions.

Mr. D'Autremont: — Well, Mr. Minister, these are all items under section 92 of the constitution. You've admitted that the province has jurisdiction under municipal law for municipal institutions. You've admitted that the province has jurisdiction for hospitals and health, and while the federal government can certainly penalize us, they can't . . . they do not interfere within the structure other than through a process of coercion.

Now we've had a bit of a discussion on the administration of justice, that the federal government makes the Criminal Code and determines as to how — not how — what should be delivered but it's up to the province to deliver that justice.

So, Mr. Minister, if those are areas in which the province dictates the methods of delivery and the application of the constitution, why in that very same section — section 13 in this particular case dealing with property and civil rights in the province — is it all of a sudden the federal government has paramountcy? If they don't have that in section 7, if they don't have it in section 8, and they don't have it in section 14, why do they have it in section 13?

(2200)

Hon. Mr. Shillington: — Yes, the doctrine of federal paramountcy applies to all of the areas you have mentioned. If the federal government . . . Let us take an example which is bordering a touchy subject. It is true that the provincial government has the power with respect to health and hospitals. If however the federal government passes laws falling within the criminal law — abortion might be an example — and that overrules anything the provinces might have done, and the doctrine of paramountcy applies.

And so the comment that these heads of jurisdiction under section 92 are within the exclusive jurisdiction of the provinces has been interpreted by the Privy Council and the Supreme Court of Canada to mean exclusive only if there isn't a valid

exercise of a federal power under a valid federal head of jurisdiction.

If the federal government does that, then that takes precedent. And it doesn't matter whether it's education or whether it is health or whether it is property and civil rights, so long as the federal government exercises power under a valid head of jurisdiction, it overrules anything the provinces . . . can be done in any of these sections.

The hon. member is attempting to do something which should be possible, but it really is not. The hon. member is attempting to read the British North America Act, and from the bare . . . and it is written, and he is trying to read the Act and trying to deduce from the wording itself the meaning of the Act.

You really can't do that. You really have to not only read the Act, but you also have to have read a century and a quarter — a century and a quarter — of legal decisions since then. And you can't really do what the member's trying to do, and that's read the Act and argue that this is what those plain words must mean.

Because there has been a century and a quarter of interpretation by the Privy Council and the Supreme Court of Canada, and you really have to read the Act as it has been interpreted by the Privy Council and by the Supreme Court of Canada. And so the exercise the member is attempting to go through perhaps should work in a perfect world, but it doesn't. You can't interpret this Act unless you also are familiar with the jurisprudence on the Canadian constitution.

Mr. D'Autremont: — Well, Mr. Minister, outside of the Criminal Code, what powers can the federal government exercise to override the section 92?

Hon. Mr. Shillington: — The officials have actually provided me with an example which I think does help to illustrate the paramourcy rule.

The province has so-called exclusive jurisdiction with respect to property and civil rights. Then if you go on and read section 93, section 93 outlines the powers the federal government has, one of which is bankruptcy. If there's a bankruptcy then the property and civil rights doesn't apply and the federal rules overpower.

Mr. D'Autremont: — Well, Mr. Minister, I don't have the complete constitution here, but my photocopy does bring in a portion of section 93 and the heading on it is education, not dealing with bankruptcy but education, Mr. Minister.

Hon. Mr. Shillington: — I was distracted during part of your question. I am told it's the powers in 91 to which we should be addressing ourselves.

Mr. D'Autremont: — I missed that, Mr. Minister; if you could please repeat that.

Hon. Mr. Shillington: — Federal authorities in section 91.

Mr. D'Autremont: — That is correct. I just happen to have the

copy of that here, Mr. Minister. Because when you said 93, I was just kind of a little curious as to how you got bankruptcy into The Education Act. Because the education is another area of provincial jurisdiction in the main, Mr. Minister.

Mr. Minister, has there been any attempts within Canada to utilize the power of exclusive provincial . . . exclusive powers of provincial legislatures as they relate to property?

Hon. Mr. Shillington: — I really, I guess, return to the comment I made, and that is that there are any number of cases where the provinces have tried to argue that property and civil right protects their legislation. But if it conflicts with a federal statute it has always failed. So there's any number of instances where it's been tried; none where it's been successfully used.

I'm told . . . there's been some discussion, and it appears this is an appropriate time to move — and I'll so do — move that we rise, report progress, and ask for leave to sit again.

I'm told that we should not do that for a couple of minutes. So if the member has one more burning question, why don't you do that, and then I will so do.

Mr. D'Autremont: — Well, Mr. Minister, it seems that, to me, this section 92 is very plain and very clear in its language, and it takes 125 years of lawyers to screw it up so that no one can understand it.

Mr. Minister, I believe under section 7 of the constitution it deals with the legal rights that we have in Canada. And I'd like to read that section. Section 7 reads:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Also, Mr. Minister, I believe it's under section 33 of the constitution, that allows provinces to pass, notwithstanding the Canadian constitution, amendments to sections 7 to 15, and I believe 32 perhaps is another one. But clearly sections 7 to 15 are those which can be amended by a provincial legislature using a notwithstanding clause.

Mr. Minister, why would it be impossible — which seems to be your attitude towards this — impossible to place property under section 7 using the notwithstanding clause?

Hon. Mr. Shillington: — The notwithstanding clause cannot be used to transfer a matter falling within the federal jurisdiction to the provincial jurisdiction. You can't use a notwithstanding clause to deprive another level of government of a legitimate exercise of their authority. And that I think is agreed — well perhaps you have a different opinion, but if you do it's the only opinion in that area. Virtually everyone else agrees. You can't use the notwithstanding clause to transfer jurisdiction from one level to another.

The committee reported progress.

The Assembly adjourned at 10:10 p.m.

April 3, 1995
