

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 11, 1995

The Assembly met at 1:30 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. D'Autremont: — Thank you, Mr. Speaker. I'm pleased to rise today to present petitions on behalf of the people of the province. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to unequivocally oppose changes to present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, recognizing that gun control and crime control are not synonymous, and allowing provinces to deal with gun control legislation on a provincial basis.

And as in duty bound, your petitioners will ever pray.

These petitions come from the Manor, Kenosee Lake, Carlyle, Redvers, Moose Jaw, Regina, Leader, Prelate, Sceptre, Cabri areas of the province, Mr. Speaker. I so present.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, I too have petitions I would like to present to the Assembly this afternoon. I'd like to read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to unequivocally oppose changes to present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, recognizing that gun control and crime control are not synonymous, and allowing provinces to deal with gun control legislation on a provincial basis.

And as in duty bound, your petitioners will ever pray.

And the petitions I present to the House are signed by individuals from the Kipling, Moosomin, Windthorst, Wawota, Langbank, Kennedy, Whitewood, Milton, Wapella areas of this province; certainly you can see it's from across the province.

Mr. Britton: — Thank you, Mr. Speaker. I too have a few pages of petitions to present. And I will just read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to unequivocally oppose changes to the present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, recognizing that gun control and crime control are not synonymous, and allowing provinces to deal with gun control legislation on a

provincial basis.

As in duty bound, your petitioner will ever pray.

Mr. Speaker, these are from different areas. Smeaton, I notice Smeaton, Tisdale, Shipman, and pretty well across the piece. I would like to lay them on the Table now. Thank you.

Mr. Swenson: — Thank you, Mr. Speaker. I too have petitions today. I'll just read the prayer:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to unequivocally oppose changes to present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, and urge the federal government to recognize that gun control and crime control are not synonymous.

As in duty bound, your petitioner will ever pray.

Today, Mr. Speaker, I have citizens from the communities of Gravelbourg, Lafleche, Punnichy, Raymore, more people; Ponteix, people from all over the province, Mr. Speaker. I wish their names laid before the Assembly.

Mr. Neudorf: — Thank you, Mr. Speaker. I want to join my colleagues in reading a similar petition as they continue to pour in. And I too would like to read the prayer, which states, Mr. Speaker:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to unequivocally oppose changes to present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, recognizing that gun control and crime control are not synonymous, and allowing provinces to deal with gun control legislation on a provincial basis.

And as in duty bound, your petitioner will ever pray.

Mr. Speaker, these signees come from basically the Prince Albert area, Weldon, Leask, Shell Lake, Prince Albert, Preeceville, Mr. Speaker, and I notice even a couple of people have signed from Cranbrook, B.C. (British Columbia).

Mr. Martens: — Thank you, Mr. Speaker. I too have petitions that I want to give. The prayer says:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to unequivocally oppose changes to present legislation regarding firearm ownership, and instead urge the federal government to deal with the criminal use of firearms by imposing stiffer penalties on abusers, recognizing that gun control and crime control are not synonymous, and allowing

provinces to deal with gun control legislation on a provincial basis.

And as in duty bound, your petitioners will ever pray.

These individuals who have signed come from Smeaton, Chocicland, Saskatoon, and various places in the northern part of the province; I so submit.

READING AND RECEIVING PETITIONS

Clerk: — According to order the following petitions have been reviewed, and pursuant to rule 12(7) they are hereby read and received.

Of citizens petitioning the Assembly to oppose changes to federal firearm legislation.

And of citizens petitioning the Assembly to examine the decision to close St. Paul's labour and delivery and post-partum wards in Saskatoon.

NOTICE OF MOTIONS AND QUESTIONS

Ms. Haverstock: — Thank you very much, Mr. Speaker. I give notice that I shall on Monday next move first reading of a Bill to amend The Health Districts Act. And I give notice that I shall on Monday next move first reading of a Bill to amend The Tabling of Documents Act, 1991.

INTRODUCTION OF GUESTS

Mr. Keeping: — Mr. Speaker, it's a privilege for me to introduce to you 38 students from Carrot River High School. They're in your west gallery, Mr. Speaker, and it's kind of a special privilege for me because Carrot River is a long ways from Regina and as you know I don't have visitors that often so it's kind of special that they're here today for me.

They're accompanied today by their teachers, Diane Higgins and Rhonda Pomeroy, and their chaperons Mike Weisgerber, Cindy Trites, and Judy Meachem. I'll be meeting with these students after question period in room 255. And I want every member here, and you, Mr. Speaker, to help me welcome them to Regina. I hope they enjoy Regina and their tour of the legislature today.

Thank you very much.

Hon. Members: Hear, hear!

Mr. Muirhead: — Thank you, Mr. Speaker. It's a great pleasure to introduce to you, Mr. Speaker, and to all members of the Assembly, 13 students sitting in the east gallery. They're grade 11 students and they're from the Schell School at Holdfast. It is such a pleasure to have Holdfast represented here today. In my 17 years as a member there's hardly been a year that Holdfast hasn't sent someone in from some of the classes in Holdfast and I really appreciate their interest.

They're accompanied, Mr. Speaker, by their teacher, Mr.

Ledingham, and chaperon Mrs. Cheryl Grund. And I'll be meeting with them, I believe it's 2:15 . . . 2:45 to 3:15 for drinks and questions and I'm looking forward to having a good visit with the students from Holdfast and I ask all members of the Assembly to please welcome my students and visitors.

Hon. Members: Hear, hear!

Mr. Martens: — Thank you, Mr. Speaker. On behalf of the Leader of the Opposition, it's a pleasure for me to welcome students from Kindersley, Saskatchewan from Westberry School. They are 49 in number seated in your gallery and they are grade 7 students, and their teachers today are Mr. Jon Yellowlees and Mr. Doug Klassen. The note says, Mr. Speaker, that I shouldn't introduce the 16 chaperons that are along with them. And I just want to ask the question: does it take that many to chaperon 14, or did they all want to come to Regina and see what goes on? I would like to have all of the members welcome these together with me.

Hon. Members: Hear, hear!

Mr. Lyons: — Thank you very much, Mr. Speaker. Mr. Speaker, I'd like to introduce to you, and to the other members of the Assembly, a very dear friend of mine seated in the west gallery, Ms. Gay Jackson. Gay is from the Plunkett-Guernsey area of the province. And I've always wanted to say Plunkett in the legislature. She's in visiting today to see the goings on in the legislature. Unfortunately we're going to be losing Gay and her companion Doug, who will be moving to British Columbia, taking up new responsibilities with the trade union movement there. I'd ask all members to welcome Gay to the Assembly here today.

Hon. Members: Hear, hear!

Mr. Keeping: — Mr. Speaker, I just noticed a friend of mine in the east gallery that probably drove the bus for the students — Mr. Klassen from Nipawin — and I'd ask you to welcome him here as well.

Hon. Members: Hear, hear!

STATEMENTS BY MEMBERS

Moose Jaw Spa

Mr. Hagel: — Mr. Speaker, when 1,100 Moose Jaw families get behind a project, you know that it's a good one. And when you get the Premier and the Minister of Economic Development to lend their strong left arms to the turning of sod for that project, you can be doubly assured.

And both of those things, I'm happy to report, have happened. Yesterday in Moose Jaw the member for Wakamow and I attended the sod-turning ceremony for the Temple Gardens Mineral Spa. Even Al Capone showed up, though he left with the Moose Jaw city police in hot pursuit.

And, Mr. Speaker, the spa is the result of hard work, perseverance, and home-town support — support by a

community determined to build on its strengths. One of those strengths is an abundant supply of underground geothermal mineral water.

Temple Gardens will be one of the largest indoor-outdoor spas in Canada, and will include a 44-room hotel, with restaurant, convention centre, and therapeutic services utilizing the water.

The dream of Temple Gardens was realized by a combination of private and public enterprise, by the investment of 1,100 families, the city of Moose Jaw, Western Economic Diversification, and by the Government of Saskatchewan.

More than 120 jobs will be created during construction and operation, and when the spa is opened next spring, I predict tourists will throng to downtown Moose Jaw.

I congratulate spa president, Deb Thorn, the board of directors, and all the people of Moose Jaw whose hard work and vision have created this jewel for Saskatchewan tourism. Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

Grand Opening of Langenburg Recycling Project

Mr. Knezacek: — Thank you, Mr. Speaker. On Tuesday, I had the pleasure of participating in the grand opening of a paper recycling project in Langenburg. This project is the result of a cooperative effort between the board of directors of the Langenburg and district activity centre, the town of Langenburg, the RM (rural municipality) of Langenburg, and the towns of Kamsack and Esterhazy. These communities are setting a good example of how local residents and organizations in rural Saskatchewan can join together in an effort to preserve our environment, and at the same time, lessen the burden of our landfill sites.

Mr. Speaker, there are many reasons why we must recycle paper products. Paper makes up over a third of our municipal garbage or about 350,000 tonnes annually in Saskatchewan. Recycling one tonne of paper saves 17 trees and 3 cubic metres of landfill space.

This project comes at a good time because this week is National Forest Week and Meadow Lake, Saskatchewan has been designated the Forestry Capital of Canada.

I would like to congratulate the Langenburg and district activity centre, the participating communities, and all of the people who played a part in organizing this paper recycling project. Their actions today are helping to ensure a safe environment for future generations. Thank you.

Some Hon. Members: Hear, hear!

Lumsden's Environmental Education Conference

Ms. Murray: — Thank you, Mr. Speaker. Last week I had the privilege to attend a wonderful conference in Lumsden, a very active community in my constituency. Sponsored by the Saskatchewan Outdoor and Environmental Educational

Association, the environmental education partnerships for sustainability conference was jam-packed with sessions and speakers.

Some of the workshops included renewable energy, backyard wildlife, photography, the first nations' Project Wild, and recycling. Many of the presentations were focused at young people and included situation games, interpretative walks, or nature studies. All together there were almost 50 sessions and workshops. The conference really had something for everyone.

Mr. Speaker, I want to thank the Saskatchewan Outdoor and Environmental Educational Association for their work in organizing the conference and their ongoing efforts to educate the public. I also wish to thank Buffalo Plains School Division, the staff and students at Lumsden High School, the organizing committee, and all those from the community who helped to make the conference so successful. I was truly glad to be there. Thank you.

Some Hon. Members: Hear, hear!

Moose Jaw Spa

Mr. Swenson: — Thank you very much, Mr. Speaker. I too would like to join with the member from Moose Jaw Palliser in congratulating the folks yesterday on the official sod-turning of the spa in Moose Jaw. I unfortunately wasn't able to attend, but I do remember well the day that the well was tested when the plume of water shot 150 feet into the air, and some of us had the protection of firemen's suits that day and some didn't. But it's one of those things, Mr. Speaker, that communities have to dig down deep when they really want to do something and there's people in Moose Jaw have dug down deep and they believe in this endeavour.

I'm proud to say that I and every member of my family are shareholders in that particular endeavour, and it's something that you have to take a risk on once in a while in order to see something happen good down the road. And I am glad that the government has seen fit to be part of that risk.

I'm sure in the years to come that all of us will enjoy going to that spa and taking in the waters. Whether it does any medicinal good or not, Mr. Speaker, we'll only let time tell. Thank you.

Some Hon. Members: Hear, hear!

Redberry Pelican Project

Mr. Jess: — Thank you, Mr. Speaker. I am proud to say that the Redberry Pelican Project has been given national coverage through an article in *Western Living*, a supplement to *The Globe and Mail*.

The article, Mr. Speaker, details the history of the pelican project and the work done by Larry Hawrysh. Originally developed as an alternative to a 400-site cottage development, it now leads the way in ecotourism.

At the interpretative centre are displays on pelicans and the

Redberry ecosystem. In spring, solar-powered cameras beam back images of the pelicans' nesting rituals. This innovation, Mr. Speaker, allows people to study the birds without disturbing their habitat.

Mr. Speaker, the Redberry Pelican Project has captured worldwide attention. It won the Governor General's Award for Conservation and a British Airways Tourism for Tomorrow Award.

Though the pay-off for now has been modest, the popularity of the project will see it become a viable and valuable part of the Redberry economy.

Once again, I wish to congratulate the Redberry Pelican Project. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Appreciation for Regina's Amenities

Mr. Draper: — Mr. Speaker, sir, I visited the Conflict of Interest Commissioner this morning before coming here, and had to pass the Scarth Street Mall to get to my parked car. The sky was blue, the sun was shining, and there was no wind for a change. I had half an hour to spare, so I had a cappuccino at an outside table and read the *Leader-Post* and visited a newly opened cheese shop.

My gaze drifted to the park across 12th Avenue and I suddenly realized how much Regina has improved since my family emigrated to Saskatchewan in December of '66. Now I say Saskatchewan, because we came to Saskatchewan specifically.

Don't we have a lovely mall in the Cornwall Centre, Mr. Speaker. Aren't the stores and restaurants on Scarth Street elegant. Isn't the Saskatchewan Centre terrific. And don't we have fine parks here.

We used to fly to Toronto; London, England; Paris; and Bern in Switzerland for facilities like these, and now Regina has them. Why even the liquor laws have come into the 20th century. Please allow me to thank the citizens of Regina for their good taste, the businessmen of Regina for their investments, and successive councils and mayors for their leadership.

Not long ago they — whoever they were — were looking for a motto for the city. I have one for them. Regina: not only the city to come from, but the city to come to. Thank you.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Utility Rate Increases

Mr. D'Autremont: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Finance.

Madam Minister, many times in this Assembly and in the media you have steadfastly refused to believe that your government's utility rate policy amounted to taxation. In fact just last Friday,

you were quite adamant; you claimed that anybody who thought that utility rates were taxes were foolish.

In *Hansard*, you were quoted saying, utility increases are not taxes and cannot be construed as taxes. Madam Minister, I'm wondering if you still hold that position?

Hon. Mr. Romanow: — Mr. Speaker, in the absence of the Minister of Finance, who is making an appearance on behalf of the government to the chamber of commerce at their annual convention today in Saskatoon, the general proposition which I think one has to subscribe to is in effect what or how to characterize a cost of doing business, if I can put it that way.

If a utility is owned by a private corporation, a power corporation, and that utility — in the interests of the commercial dictates of it and shareholder demands — increases its fees, what does the hon. member call that? Does he call that a tax, or does he call it a rate increase?

The point that I'm getting at is, that what the members opposite are saying is that ownership is somehow central to a definition about whether it's a tax increase or a fee increase. What's central to the debate is to make sure that the commercial entity is operated in viable, efficient terms in the best interests of the users of that particular service.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Thank you, Mr. Speaker. Well I see the Premier has put the barricades back up on his closed mind because last night he said: I think the public view is that rate increases amount to tax increases. That's what you said last night, Mr. Premier.

Now that you've established that utility rates are taxes, my next question is to you. Mr. Premier, in the fine tradition of the Liberal leader, you made another me-too announcement in regards to the Crown corporation utility rates.

Mr. Premier, I'm wondering if you could explain how telling the public 45 days in advance of a utility rate increase or a tax increase is going to increase accountability?

Hon. Mr. Romanow: — Well I thank the hon. member for the question, Mr. Speaker. I think the answer is very obvious. Our approach is very different from that of the Conservatives, as demonstrated by the fact that the Conservatives in fact eliminated the Public Utilities Review Commission.

The idea behind the announcement which I made yesterday to about 1,200 business people in Regina and area was as follows: if there is to be a utility rate increase, there must be a public accountability session by the Crown corporation involved. The public accountability session involves input to the corporation from the public, without the necessity of lawyers or lobbyists or accountants.

The Public Utilities Review Commission, which you advocated, and in fact under your administration was established, cost \$3 million, not counting the millions that attached to the various

other people who wanted to make a comment on utilities.

And I might add that in every instant under your PURC (Public Utilities Review Commission), every rate increase which was recommended by a Crown was accepted. The one time that PURC turned down a rate increase — SGI (Saskatchewan Government Insurance) — the member from Estevan, the then premier of the province of Saskatchewan, did away with PURC, just like that.

We think that it's too costly, too cumbersome; it's not efficient. What is important is accountability and then a 45-day notice to make sure that the public's voice is heard before the decision is made, one way or the other, on the proposal.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Mr. Premier, accountability only happens in here under the auspices of the legislature and its committees; not in a committee or a review run by the Crown corporation that's asking for the utility rate increase.

Mr. Minister, Mr. Premier, your reaction is only that, reactionary. And it falls short of the public's expectations. It's like your balanced budget legislation; it has no teeth. Or like your pension plan legislation. That's simply not good enough.

Mr. Premier, the public wouldn't be so cynical if you actually brought forward meaningful changes. The people might be more accepting if you hadn't thrown out this idea just before an election call. And I highly doubt that you will react after the election on what you're saying today.

If you had listened, you wouldn't have forced the PST (provincial sales tax) up by two points. If you had listened, you wouldn't have closed 52 hospitals. What makes you think that the public is going to believe you this time, Mr. Premier?

Hon. Mr. Romanow: — Well, Mr. Speaker, what the public chooses to accept of course will be in the domain of the public in due course, in the next few months or the next few years or several months. That'll be the decision of the public. And I make no comment on that other than to say that I respect the decision of the public and always have in my years of public life. And the member being a rookie, I hope that he too accepts that approach and I'm sure that he will.

You say it falls far short. I don't agree with you. You say the balanced budget legislation falls far short. I don't agree with you. You know the taxpayers' association says it falls far short. Ms. Moira Wright, who worked for the minister of Finance in the Tory administration, Mr. Lorne Hepworth, in the Tory administration that racked up the huge deficits and debts, described our proposal as being immoral. But for two years she drew down \$26,000 a year and apparently the cat took her tongue because she didn't have the courage to say it was immoral all the time that your administration racked up the deficit that was there.

We don't need lectures from Tories like Ms. Moira Wright about what to do. What we need are apologies for what they've

done to the people of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Mr. Speaker, thank you. Mr. Premier, if you listened to the people of Saskatchewan you would have responded to the plebiscites that were taking place in the last election. The cabinet is the only one who makes the determination on these bills, on the utility rate increases; and, Mr. Speaker, I'm not even sure that it's the cabinet; it's Jack Messer.

Mr. Premier, your answers simply aren't good enough. We've been working on trying to get you to move on this issue for more than two years. And now we see you come up with a half-baked idea just on the eve of an election that basically does nothing but give the taxpayers a few weeks of notice before you go ahead with your rate increases.

If you really want action on this issue, why not use the MLAs (Member of the Legislative Assembly) of this Assembly to review and approve your proposed tax increases at little or no cost to the public? You could have an all-party committee doing this, Mr. Speaker, that are represented in this Assembly. This is supported by 80 per cent of the people in your own polling, Mr. Premier. We have a Bill before this Assembly that will do just that.

Will you agree to move into second reading on this Bill and give the people of Saskatchewan what they really want? Will you do that today?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, the question asks whether I would agree to allowing the members of the Assembly to talk second reading on a particular Bill that the Tories have tabled. This is the decision of the House and whatever the House decides is fine by me. And I'll accept it.

But I do want to say again, coming back to the Public Utilities Review Commission . . . and this notion that the Conservatives themselves are, with the greatest of respect, very confused about this too because it was you people who started out with PURC; now you move from PURC to LURC (legislative utilities review commission), the legislative review committee. Now you argue the legislative review committee is no extra cost. Why would it be extra costs for the Crown corporations? If the cost is extra for us by virtue of setting up accountability sessions as MLAs, same costs only for the Crown corporations.

And the member opposite from his seat says well the Crowns will do whatever they want to do. Well the answer is not true. There is a minister responsible for every Crown. You may not like our answers but we have to answer to you all the time. And the idea of this whole operation is for the Crowns to get out there to listen to the people.

I think there can be a useful two-way exchange, advising, informing on both ways, what it takes to operate a commercially viable Crown corporation.

And by the way, I find it passingly strange that this also comes from the member whose party sought to do away with all of the Crowns.

Some Hon. Members: Hear, hear!

Ontario Adoption Decision

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Justice. Mr. Minister, yesterday the Ontario Provincial Court ruled that homosexual couples cannot be prevented from adopting children under the Canadian charter of rights. This ruling now stands as a legal precedent in Canada and is very likely to impact on other provinces.

Mr. Minister, can you tell us what steps you are taking to deal with this situation? Are you prepared to allow homosexual couples to adopt children?

Hon. Mr. Mitchell: — Well, Mr. Speaker, I have seen the article in *The Globe* and it's not a decision that we have at hand. We're going to have to get a copy of the decision and consider its implications in Saskatchewan.

The matter is not a big issue in this province and has not been litigated, has not been taken to the courts. Indeed I think that we have no legislation similar to the Ontario legislation that I'm aware of. Although I want to say, Mr. Speaker, that I haven't had the opportunity to review the Ontario legislation.

Some Hon. Members: Hear, hear!

Mr. Toth: — Well, Mr. Minister, this decision is going to have an impact all across Canada, and Saskatchewan people want to know how you are planning to deal with it. An Ontario Crown lawyer who has been dealing with homosexual cases says that while politicians are treating the issue like a hot potato, gays and lesbians are winning court victories that could turn up the pressure on federal and provincial governments.

Mr. Minister, when this issue came up during the debate on Bill 38 two years ago, you did in fact treat it like a hot potato. You avoided the issue. You said that existing legislation would allow homosexuals to adopt if they received the approval of the court. And that's what you said in *Hansard*, June 18, 1993.

Is this your position today, Mr. Minister? Are you going to allow homosexual couples to adopt children?

Hon. Mr. Mitchell: — Well, Mr. Speaker, it's not up to me to allow or not to allow anything of that nature to take place. As I said a couple of years ago, and say again today, this is a matter which in Saskatchewan is administered by judgement of the courts. And I of course don't have any power over judges nor any power to dictate to them.

As far as I'm concerned, I believe that the system in Saskatchewan is working very well — has been working well for years and years and years. And I don't know what the member's problem is. I must say that I haven't received any

representations on this score since we went through the flurry of activity with respect to Bill 38. As far as I'm concerned, it's just not an issue.

Some Hon. Members: Hear, hear!

Mr. Toth: — Well, Mr. Minister, I'm afraid the decision that was rendered yesterday may just encourage and speed up the process. Mr. Minister, you did offer a solution recently regarding gun registry. You suggested Saskatchewan have an opt-out clause and I think that may be a pretty good solution to this problem.

I think, Mr. Minister, it would be appropriate if we reviewed the matter and were ahead on the game rather than falling in behind. Would you be prepared to use the notwithstanding clause to override the charter and prevent homosexuals adopting in this province?

Hon. Mr. Mitchell: — Well this is no time of course in question period for any kind of a legal lecture or lecture on the charter, but you use the notwithstanding provision in order to protect your own legislation which may offend the charter.

I'm not certain what the member is referring to. I'm not sure what piece of provincial legislation he thinks needs this particular kind of protection.

The law in Saskatchewan is based upon the best interests of the child and that judgement is made by an impartial court, indeed a court that the province has no part in appointing.

So I think that I'm not surprised to get the question from the hon. member, remembering as I do the debate that took place around Bill 38, but I don't see what relevance it has to our situation in Saskatchewan.

Some Hon. Members: Hear, hear!

Sask Water Pipeline Proposal

Ms. Haverstock: — Thank you very much, Mr. Speaker. Mr. Speaker, Sask Water is proposing that a water pipeline be constructed connecting various towns between Wakaw and Humboldt. This pipeline will cost the various communities millions of dollars.

In Humboldt, an independent engineering firm was hired to find out if the pipeline was the most cost-effective option and they found that the Sask Water proposal was going to cost the town of Humboldt \$22 million more than allowing private companies to upgrade the town's current system.

My question this afternoon is for the Premier. Sir, why would a Crown corporation be promoting a project that will take business away from private companies and end up costing local taxpayers more?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Mr. Speaker, I'll have to be absolutely

certain of the Leader of the Liberal Party's facts again on this case, as I have to, unfortunately, on most of the questions that she asks. And I will accordingly ask the minister in charge of the Sask Water Corporation about the full statement of facts.

But keep in mind the general proposition is that Sask Water Corporation is there as a facilitator and sometimes partner in projects which communities would desire.

In this kind of a circumstance, there has been much favourable talk for the particular pipeline that you're discussing. Like in any operation of this nature, there will be those who detract. As for the actual circumstances of the case which you set out, please forgive me, but I'll take some advice from the officials and try to have the minister or myself in the next few days give you some further information to determine if your facts are accurate.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — It's most interesting, Mr. Speaker, when we examine this government's record, because this NDP (New Democratic Party) government appears dead set against private enterprise and small business in this province. We've seen prison labour produce goods to compete with local businesses. We've seen SaskTel compete with a Yorkton computer firm. And now we have Sask Water in direct competition with private engineering companies.

My question to the Premier: what makes you think that government can do things better, smarter, or cheaper, than the skilled professionals in the private sector in the province of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Well, Mr. Speaker, of course the general proposition that the Leader of the Liberal Party advances and attempts to ascribe to us, I don't accept. I do not believe that government can do many things better than the private sector — full stop, period.

I think that in this society we're trying to build a cooperative enterprise of economic development. There is room for public sector development; there is room for cooperative sector; and there's room for private. And if you allege this to me then I think I have every right to turn the tables on you, and to ask what makes you think that the cooperative sector can't operate in a very efficient and productive way? What makes you think that the civil service is inefficient? Well, mind you, I know that you think that it's inefficient because you're going to apply Texas-style methods to medicare, to the nurses, to the teachers, to the education system.

The auditors are going to come out, under your administration, if you should get elected, and they're going to come out with big machetes, because you don't think they can do anything that is going to be very productive. Well I don't happen to agree with that.

I think we all strive for efficiency. This government is the most

efficient government in any government in Canada and we believe in a methodology of economic development which involves private sector, cooperative sector, and public sector, in cooperation — that's the Saskatchewan way. It may not be the Texas way and it may not be the Liberal way, but it's the Saskatchewan way.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Mr. Speaker, Mr. Speaker, I can understand why this particular Premier is most afraid of the Provincial Auditor and private sector audits in the province of Saskatchewan. He has the largest political staff of any Premier in the entire country and more than the Prime Minister of Canada. I'm sure he's very concerned about the kind of waste that they would find and the efficiencies that they could find.

Mr. Speaker, Sask Water's proposal is simply not competitive, even though they were given — and get this — \$5 million of taxpayers' money as an interest-free loan to assist in this project.

Mr. Premier, when is your government going to stop using taxpayers' money to set government up in direct competition against small businesses in this province?

Some Hon. Members: Hear, hear!

Hon. Mr. Romanow: — Well, Mr. Speaker, it's interesting that the Leader of the Liberal Party takes this point of view, because she accordingly would be against the Moose Jaw mineral spa where we've invested \$700,000 by way of equity into that operation. Are you against that?

I guess the Leader of the Liberal Party will be against the specialized tax benefits, which at one time she advocated, for the manufacturing and processing people which allow Cargill to come in, which allow our announcements with respect to Millar Western, Thomson Meats announcements and the like today in Melfort. Are you against that? That's taxpayers' money.

I think you're for the Texas-style approach. Yes, that's what you say in your document, and that means hack and slash and deny everything that goes. I repeat again: that may be the Liberal way and it may be the Texas way; it is not the Saskatchewan way and I want to tell the Liberal leader, she's in for a very rude surprise if she thinks Saskatchewan people are going to agree to that kind of an approach to this province — a very rude awakening.

Some Hon. Members: Hear, hear!

Ms. Haverstock: — Mr. Speaker, I think that it is going to be this government and this Premier who are going to be in for the very, very big surprise — the people of this province want smaller government; they want more efficient government; they want lower taxes; and they want more jobs and they know it's the private sector that really are the job creators of this province.

They do not appreciate a government coming along and going in direct competition with local businesses, costing people jobs

and costing taxpayers money.

Given the criteria for the NDP Crown Tendering Agreement, this project, Mr. Speaker, smacks of an ulterior motive. Mr. Premier, will this be a union preference contract under the new Crown tendering agreement?

Hon. Mr. Romanow: — I'd like to take the question. The Minister of Labour was going to answer the question about Crown tendering, and he was going to say what I wanted to say, that she clearly does not understand the Crown tendering process. It does not apply; it does not apply to Crown tendering because this involves a municipal project. And so this is an absolutely mistaken approach and that's what the Minister of Labour was going to say.

Why I wanted to get in and speak on behalf of the Minister of Labour is, why it is that the Leader of the Liberal Party persists — persists — in ignoring the basic fact that the per capita delivery costs of operating government in Saskatchewan are lower than Alberta, lower than Manitoba. According to the Investment Dealers Association of Canada . . . don't take my view; I can show you the document; I'll show you the document. That was last year's figure. This year's figure we're the lowest in all of Canada. And you say . . . (inaudible interjection) . . . Pardon me, what did you say?

An Hon. Member: — I said we can show you the document too.

Hon. Mr. Romanow: — They'll show us the document too. What document will you show us? Because if you show us the Texas-style document . . . and note what you're committed to. Note what you're committed to. Note what you are committed to. You are committed to reducing a government which is the lowest-operating government in all of Canada now by applying the Texas-style approach. And I say to you, you have a duty to tell the nurses and the teachers and the doctors and the elderly people where it is that you're going to take it out of their hides.

Some Hon. Members: Hear, hear!

Taxation of Status Indians

Mr. Swenson: — Thank you, Mr. Speaker. My question is to the Minister of Finance. Madam Minister, yesterday in question period you said, and I quote:

. . . we have (continuous) discussions on an ongoing basis with the . . . new leadership of the FSIN (Federation of Saskatchewan Indian Nations) about the whole package of tax issues as they affect first nations people.

This morning on CBC (Canadian Broadcasting Corporation) radio, Chief Blaine Favel said that no such discussions are taking place and that he is not prepared to discuss any form of taxation of status Indians. This completely contradicts your statement, Madam Minister.

Madam Minister, who's not telling the truth, you or Chief

Favel?

Hon. Mr. Romanow: — Well, Mr. Speaker, as I've indicated already to the hon. member, who must be seeing a mirage, the Minister of Finance is in Saskatoon on a chamber of commerce annual meeting. So I'll answer on behalf of the government.

Mr. Speaker, I want to point out to the members of the House, and the member from Rosthern in particular, I believe that within 48 hours of announcing your new policy on taxation, of PST as it relates to status Indians, you pulled a flip-flop almost as big, if not as big, as the flip-flops of the Liberal leader in the province of Saskatchewan. All of a sudden now it isn't what you said it was; it's something different. This is a moving target, your approach is. So I look forward to the next flip-flop that you articulate in this particular area.

Mr. Speaker, the situation is that taxation needs to be looked at as a whole package. And in this particular area, taxation needs to take into consideration the issues of treaty rights and the constitutional positions taken with respect to the first nations people.

Taxation obviously has got to be looked at in this context. We believe in cooperation and partnership and discussion with people, whether they're first nations people, or whether they're ordinary Saskatchewan people other than first nations, in devising that kind of a fair taxation policy. That's the fair thing to do.

You're the one who's talking about fairness in taxation, and you didn't even have it in your hearts to have the fairness to notify the first nations leadership about your policy, which you have flip-flopped on since.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. Perhaps the Minister of Finance should stay away more often and then we could get the Premier on his feet to answer some of the questions surrounding his government. You didn't answer the question, sir; you didn't answer it at all.

Finance minister says there's ongoing negotiations. The chief says there's none on the table at all. He says your Finance minister didn't tell the truth here yesterday. That's what he said this morning.

Now, Mr. Premier, you know full well that today's status Indians are paying your provincial sales tax, on gas tax, alcohol tax, tobacco tax. Chief Favel referred to each of these taxes as ongoing battles. And he referred to a group of chiefs that are getting a trust fund together to launch legal action against your government for collecting some of these taxes.

Now, Mr. Premier, is that correct? Is it your understanding that there will be a legal challenge to some of the taxes that you currently charge status Indians off reservations? And what will be your response, sir, to that challenge?

Hon. Mr. Romanow: — Thank you, Mr. Speaker. I will say to

the hon. former leader of the opposition, with respect, that I try hard, although I eventually succumb sometimes, to avoid responding to hypothetical questions.

I don't know what our response will be if there should be a lawsuit, if the suit should go before a court case — if, if, if, if, if. I said yesterday in response to the Liberal leader, if is the biggest word in the English language. I don't know if, if, if. We'll deal with it once it happens.

Now Chief Favel said the following: that before him, Chief Crowe and the provincial government had on the table a number of issues and negotiations pertaining to taxation. Since the election, which has only taken place a few months ago, under the new regime — if I may put it that way — under the new chief's policy, he takes the view that they're not on the table any longer. He did not say that there were no negotiations. That is the situation.

The last point I want to make is he argues there's going to be a battle. Well if he wants to battle, that is his position, to take his cause in the best way that he can do it. That's negotiation. There's going to be a battle from anybody's side if you've got strongly held views. We believe in honest, open negotiations. We believe in fairly arrived at agreements with people acting honourably. That's our position.

Some Hon. Members: Hear, hear!

MINISTERIAL STATEMENTS

Thomson Meats Expansion

Hon. Ms. Carson: — Mr. Speaker, this morning my colleague, the Hon. Dwain Lingenfelter, and I had the pleasure to . . .

The Speaker: — Order, order, order. The member, I think, is aware you can't use the name of the individual. Use the name of his title.

Hon. Ms. Carson: — I'm sorry, Mr. Speaker. This morning, my colleague, the Minister of Economic Development, and I had the pleasure to participate in a sod-turning for a \$4 million expansion of Thomson Meats Ltd, the Melfort meat processing plant.

The company is adding 25,000 square feet to existing plant. The work will be completed in three phases by the fall of 1996 and will involve the addition of new blast freezers, coolers, production equipment, and production area. Thomson Meats officials expect to double their workforce, which stands now at 70, and also double their annual sales, which now stand around \$13 million.

Mr. Speaker, this expansion announcement is welcome news, not only for the people of Melfort but for the entire province. Food processing is one of the largest components of our manufacturing and processing sector. Food processing businesses like Thomson Meats are the growth business in our economy along with agricultural biotechnology companies and other enterprises which add value to agriculture.

Thomson Meats is also a successful exporter, and we all know how important trade is to Saskatchewan. We're a province of traders, and in the area of food processing, we apparently have more food processing companies which export than does neighbouring Alberta, according to a recent survey by the Saskatchewan Food Processors Association. One of Thomson Meats' main markets is Japan. It's been in this market for only two years, but already sales to Japan account for one-quarter of its production and obviously play a big role in the company's announcement this morning.

Finally, Mr. Speaker, Thomson Meats is an example of an excellent company, a company that has been honoured with the ABEX (Awards for Business Excellence) Business of the Year Award. The company is not content to rest on those laurels though. It continues to grow, continues to innovate, and continues to seek new opportunities. By doing so, it provides a model for other Saskatchewan businesses to follow.

Mr. Speaker, I am sure all members of this Assembly will join with me in wishing CEO (chief executive officer) Lorne Thomson, board chairman Rusty Thomson, and general manager Henry Sawatsky, every success as they expand their company and gear up for the challenges and the opportunities of the century ahead. Thank you.

Some Hon. Members: Hear, hear!

Mr. Swenson: — Thank you, Mr. Speaker. The official opposition would like to join with the minister from Melfort in congratulating the Thomson family and their employees as they move down the road in expanding their business. Certainly all of us are pleased when a Saskatchewan company forges ahead into new market-places, and the initiatives that have begun with the cattle industry, with the beef export people — Mr. Neil Yanke and others who have worked with Thomson Meats and other people like them — to build that market-place, really speaks for the integration of the meat business in this province and how well it can do.

I think all of us realize, Mr. Speaker, what a potential is out there if we could simply get the government of the day dealing with issues of fairness in taxation. The Thomsons today compete with the load of this government of their back, Mr. Speaker. Saskatchewan is the highest taxed jurisdiction in western Canada, and because of that, because of that, our opportunities are limited.

Just think, Mr. Speaker, what opportunities would avail Saskatchewan processors, marketing people, employees, if the tax load that this government has imposed upon them were lessened so that people could use those natural entrepreneurial talents that they obviously have displayed, and how much more successful they would be.

And if that were the case, Mr. Speaker, we would not be a thousand jobs short today of when these people took office in 1991 — a thousand jobs short today of where we were four years ago. And the only reason is because the entrepreneurs, the people that know how to make it happen, like the Thomsons and others, have had to carry the load of taxation, the labour

regulations, all of the things that prohibit Saskatchewan people from being the kind of entrepreneurs that they know they can be, Mr. Speaker.

So let's hope, as the days go by, that this government wakes up and starts to take the monkey off of the back of the entrepreneurs of this province and goes to fair taxation, so that we can all enjoy the benefits of the entrepreneurship demonstrated by the Thomson family.

Some Hon. Members: Hear, hear!

TABLING OF DOCUMENTS

The Speaker: — Before orders of the day, and pursuant to section 222(1) of The Election Act, I wish to table the annual fiscal returns of registered political parties for the fiscal year 1994.

ORDERS OF THE DAY

WRITTEN QUESTIONS

Hon. Mr. Shillington: — Convert.

The Speaker: — The question 79 is converted to debate.

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill No. 26 — An Act respecting Saskatchewan Assessment Appraisers and to enact certain Consequential Amendments to The Assessment Management Agency Act

The Chair: — Before we proceed to clause 1, I would ask the Minister of Municipal Government to please introduce the officials who have joined us here today.

Hon. Ms. Carson: — Thank you, Mr. Chairman. To my right I have John Edwards, director of municipal policy and legislative services for the department. And behind me I have Darcy McGovern, who is Crown counsel from Saskatchewan Justice.

Clause 1

Mrs. Bergman: — Thank you, Mr. Chair. Welcome to your officials, Minister. The government has already passed legislation to allow municipalities to opt out of having to use the services of SAMA (Saskatchewan Assessment Management Agency). Now they can look to the private market to contract for these services, and this would be an obvious benefit to taxpayers.

Bill 26 sets up a Saskatchewan Assessors' Association to license assessors both in and out of SAMA.

The idea of licensing is not unpalatable to current assessors; however they believe some of the criteria is unnecessary. Some who are certified under the International Association of Assessing Officers, because of certain arcane requirements,

would not be immediately eligible for licensing under this new Saskatchewan association. The same applies for accredited members of the Appraisal Institute of Canada.

The transition clause in Bill 26 leaves some of these members out. Could the minister explain why this is so?

Hon. Ms. Carson: — Mr. Chairman, obviously educational requirements are extremely important. The requirements will be set by regulation and the regulations will be developed after broad consultation. No one has been excluded.

Mrs. Bergman: — Are you saying then that a comprehensive exam would decide on certification?

Hon. Ms. Carson: — What we intend to do is set out a criteria that will recognize both experience and expertise, and we will be doing our consultations around that area. So the entrance requirements at this point in time have not been decided, but that will be one aspect of the consultations that we'll look at.

Mrs. Bergman: — Thank you, Minister. Wouldn't it just be better though to utilize a comprehensive exam alone to decide on certification, and level the playing-field?

Hon. Ms. Carson: — Obviously that is one option, but I think it's best to do the consultations with all the groups and let them have their input, rather than the government unilaterally making that decision.

Mrs. Bergman: — Thank you, Minister. By coming up with your own arbitrary rules for licensing, won't this leave Saskatchewan out of step with other jurisdictions, and limit the options of municipalities, of who they can hire?

(1430)

Hon. Ms. Carson: — We have no arbitrary rules at this point. We are going to develop our regulations after consultation, so I think you are into the process far ahead of us. We intend to do this after consultation with all of the stakeholders; the appraisers and the assessors who are now working in that area.

Mrs. Bergman: — Thank you, Minister. These were some of the concerns raised with us, and it's encouraging to understand that the consultation process and the setting of standards isn't set in stone by the legislation. And I thank you for answering the questions that we were asking on behalf of some of the people.

Clause 1 agreed to.

Clauses 2 to 48 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 30 — An Act to amend The Assessment Management Agency Act

Clause 1

Mr. Toth: — Mr. Chairman, I would just like to ask the minister for the reasons behind the reduction from 10 to 3 years on reassessments; who was consulted and why that decision was made; and what kind of cost will be associated with that decision?

Hon. Ms. Carson: — Mr. Chairman, in regard to the change from the 10-year cycle to the three, there has been broad consultation and all the groups that we have talked to have agreed to this — those include the chamber of commerce, the Saskatchewan association of urban municipalities, SARM (Saskatchewan Association of Rural Municipalities), SSTA (Saskatchewan School Trustees Association), and SAMA.

The reason that we moved from a 10-year cycle to a three-year cycle is so there wasn't so much lag time and so that evaluations would be kept current.

And in regard to the cost, we aren't able to right now predict what that cost might be, but obviously there is a huge cost. If you're 10 years behind, you have to do a comprehensive re-evaluation and that is very costly as well. By doing re-evaluations on a three-year cycle, it probably will be less costly than doing the broad re-evaluations after 10 years. So there's a trade-off there, but we can't predict right now with any accuracy exactly what that might be.

Mr. Toth: — Madam Minister, I guess the major question out there is why we haven't been able to design a policy that would just be an ongoing format that would be followed. And if a property is . . . say a property has a new building on or renovations are done that would change the value of that property and then would affect the assessment . . . But what I'm saying is why can't we just have some standard rules that you could work with rather than every . . . now you're saying we're moving from 10 to 3 years. You're going to have a total review of assessment in the province that would fall into place because of the fact that what this does is it's a cost that every RM . . . or every municipality, urban or rural, has to work with and to address the issue of improvements on property. And it would seem to me that if we just had a standard format to follow — every RM knew what it was, every business person, every private individual knew that if you improved your property, your assessment might change. If you had just some sort of directives, we wouldn't have to go through this total review on an annual basis or a tri-annual as we're going to see here.

Hon. Ms. Carson: — There is some distinction we have to make about the re-evaluations and the rules. The methodology that we have in place right now is based on 1965 values, and there is a lot of discussion that's been taking place over the last five, six years, about that methodology. And the process we're going through now is develop a new methodology in order to establish the rules around which evaluation can take place.

So the rules, hopefully, that we'll be bringing in by 1997 will be fairly constant after that. There may be small changes in the rules, but the broad methodology, once it's been updated, will be kept current and all we are doing after that is reinspecting the property to value it against the methodology that is in place.

There won't be constant change, as you predict. I think what we have now is much more continuity and much more satisfaction with the assessment system than what we've had in the past.

Mr. Toth: — Well while we're reviewing and coming up with the new methodology, why not come up with a methodology that would just continually work year after year rather than having a total assessment on . . . in this case, every three years, municipalities have to deal with the cost of another assessment review. Why not bring that into place?

Hon. Ms. Carson: — At the present time, you will recall that our values now are based on 1965. And what we're moving, from 1965 to 1994 values, so we're bringing them up to date. What will occur after that is making sure that from 1994, and every three years thereafter, those debt values are updated.

Mr. Toth: — Well I understand that, Madam Minister. But what I'm suggesting, once we've brought it up to '94 values, it would seem to me that if we just had some regulations or directives in place from here on in, the increased value of property could just be added in on an annual basis. Property owners knew exactly how assessments would be raised if they upgrade, if they clear — let's say for a farmer — clear 30 acres off of a quarter section. That property has more value, or land values.

Or even if you construct — add to your house or add some buildings on a farm property or even in town — that then increases values. And if you had some directives, as a landowner, as a property owner, you would know as soon as you made those changes that your assessment is going to change somewhat. You'd have a better understanding rather than waiting three years down the road and we'll determine what the new assessment will be.

Wouldn't that be an appropriate way to address it, and everyone knows where they are rather than waiting for three years?

Hon. Ms. Carson: — Well what you are talking about are the reinspections, and reinspections occur every year as there are additions on to property improvement or there are changes on agricultural land. Those properties should be reinspected and added to the assessment roll every year.

That is not what we're talking about when we're talking about re-evaluation. If you move up to, say, a market-driven model, then you have to have a time in which you do that evaluation if you're moving with the market.

They have proposed a market-driven model, and they obviously — the people who have examined this, including SUMA (Saskatchewan Urban Municipalities Association) and SARM — have looked at it and they feel that a three-year cycle is best in order for them to make a determination about how these values change over time.

I want you to make a distinction between the reinspections, which should occur all the time . . . and those taking into account the changes in the property whether you're clearing some land or whether you're adding a new building on to your

property — that's reinspection.

Re-evaluation is a determination of the value of the property as it relates to the current market forces, and you need some kind of a time frame in there that gives you the ability to make that analysis. And a one-year roll-over is a bit difficult to make that constantly.

Mr. Toth: — Well, Madam Minister, I guess maybe I'm following where you're going, but the question I really would like to get to is this: while you're determining what the actual or the real market value is going to be — we know that markets can go up and down — we're going to have these cycles. Why not just put a real value in there as to what the real productive value of that property is and then that just goes on for time in eternity, if you will.

So what you're saying right now, if we're going by that real market value, so the price of property goes up tomorrow, you raise it. It drops off three years down the road; you lower it. And as a property owner, you're always in this state of flux. The reality is, once you've raised it, RMs do not decrease the tax revenue that they draw from it. And so SARM and SUMA would say, well okay, it's just like any commodity you might be moving through the market-place.

And I think at the end of the day, if you just had an actual, real value that was progressively there over the long term rather than going on whatever the market may bear, it would be something that most property owners would understand, and I think that SARM and SUMA could certainly set their revenues and their fees based on that. It would be a lot easier to follow. And I don't know why we can't do that.

Hon. Ms. Carson: — The property assessment system is fairly complex, and it takes into the account the various categories or the various classifications of property. And commercial property may be going up while residential property is going down or agricultural property is changing.

So I believe the recommendations that we have in place now that says we should work on three-year cycles is really the best. We have done this after consultations with SUMA and SARM. They are comfortable with this. They believe that it's consistent with the need to make sure that the properties and the property owners are provided a fair and equitable valuation system.

I can only tell you that the people who use the system believe that a three-year cycle is the best way in which we can provide equitable . . . and fairness to the property owners of Saskatchewan.

Mr. Toth: — Well, Madam Minister, I'll move on from that area, but I think the points I was bringing — and certainly you've raised some points as well — that as far as property owners . . . simplify it in the long run would make a lot more people happy.

It is our understanding that the fees for the new assessment are set with SAMA and that the municipalities will have no opportunity to negotiate the assessment costs with private

assessors. Is this the case? If so, why?

Hon. Ms. Carson: — Well as you will recall, in the amendments we put into the SAMA Act last year, a municipality could, if they choose, find an alternative way of doing their assessment. And they had the right to go to the market-place, if they chose, to find an assessor to do their assessment roll for them.

And so they aren't stuck with the requisitions from SAMA. If they choose to opt out and go to field services that are provided by the private sector, they have the right to do so.

(1445)

Mr. Toth: — So what you're saying is that municipalities will be able to negotiate with private assessors to carry out this triennial reassessment?

Hon. Ms. Carson: — The municipalities will have the right to negotiate with private sector assessors if they choose. But this is not triannual. This is something that must take place and occur every year. An assessor who is qualified must sign off the assessment roll. And so whomever is doing the assessment services for the municipality will have to provide that service on an annual basis.

Mr. Toth: — Madam Minister, you mentioned in the second reading that the legislation brings with it a faster appeals process. But clearly this is not spelled out in this Bill. Is this to be in the regulations or in another Bill? Could you explain how this new appeal process will be faster and more efficient than the previous process? Will it also be as fair?

Hon. Ms. Carson: — Mr. Chairman, I don't know where the member opposite got the idea about a faster appeal process. We haven't talked about it. If you could help me with perhaps where you got that idea, we would try to find an explanation for it.

But we're not talking about the appeal process. What we're talking about though is providing a fair and equitable assessment system so that appeals will not be generated to the degree they are now. Obviously our assessment system now is very much out of date, and there is a lot of questions about fairness and equity.

That has generated a lot of appeals, and so there is a backlog. What we believe will happen with a new assessment system is that those appeals will no longer be necessary because people will have current valuations applied to their properties.

Mr. Toth: — Well, Madam Minister, I can't point that out to you directly. I'll have to do some research on that and get back to you on it.

But I do have a question before we move on, and that's regarding the appeal process. And I've come to you with a concern raised by a business person in the community of Whitewood. When they moved to the community, there wasn't housing available, and they found a nice house on a quarter section of land that was available, so they purchased it. Failing

that, okay, we're out in the country. We've got some land. It's a good place to raise our kids. Taxes should be a little better, and quite happy.

They realized that the small acreage would be somewhat higher than just strictly agricultural acreage. Unfortunately, Madam Minister, what they're facing is a higher taxation rate than they would if they would have bought a house in the community.

I'm wondering if we're going to establish some guidelines whereby water, sewer, and access to gas . . . and all of these properties . . . street clearing and all that is not available on an acreage — is not available on a quarter section; it's at your own cost — if those will be taken into consideration. And while on one hand you may have a higher level than you would if that were strictly agriculture, but in regard to property within a local community, it is substantially less taking in those costs. Is that going to be part . . . and considered in the process of assessing property in rural communities?

Hon. Ms. Carson: — Thank you for that question. I know it is a problem for people who are living on small acreages or on low-assessed land out in the RMs when they receive tax bills that are really based on assessed value of their house, and they had expected that, by moving into the rural area, that they would have lower taxes.

I will point out to you, with due respect, that the issue that you're talking about was an amendment that your government brought into the RM Act in 1989, and it was a consequence of that Act that we find people now who are paying what they believe are taxes . . . or having a value placed on their property that is higher than the people who are living in the area who have farming as their main occupation.

You may recall the amendment in 1989 that was introduced to The Rural Municipality Act. The issue of taxation and services is an issue that is a responsibility of the rural municipality, and obviously it's not our role or place to make comment on that.

If SAMA, in consultation with SARM, wishes to take into account the issue of how we can have people who are living on small acreages in rural Saskatchewan given a more fair or a better system of taxation, then they will have to think that through on their own. It's not the government's place, I don't believe, to apply those rules.

This is a system that is driven by the municipalities. If they want that system changed to encourage people who are living in rural municipalities to have lower taxes on their houses, then certainly they have the option to make those discussions and bring those point forward, but it's not going to be something that is initiated by the provincial government. That is their role and their responsibility, and if they want that change, they can initiate it.

Mr. Toth: — Madam Minister, I'm not familiar with the . . .

The Chair: — Why is the member for Saskatoon Idylwyld on his feet?

Mr. Cline: — I'd like to ask leave to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Cline: — Thank you, Mr. Chairman, and thanks to the member from Moosomin for allowing this introduction. With us today in the Speaker's gallery are a group of senior citizens from West Portal Mennonite Brethren Church, which is located in my constituency in Saskatoon. And these seniors from Saskatoon are on a tour, including a tour of the Legislative Building here in Regina.

And I'll be meeting with them, and I'd ask members to join with me in welcoming these people here this afternoon and wishing them a very enjoyable tour, and also a pleasant day and a safe trip back to Saskatoon. Thank you very much.

Hon. Members: Hear, hear!

COMMITTEE OF THE WHOLE

Bill No. 30 (continued)

Clause 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Chairman, I too would like to extend a welcome to our seniors who have joined us this afternoon for this debate, and we certainly appreciate the time you take to come and possibly maybe give us some pointers on how this place could operate more efficiently. We'll have to chat with the member about that.

Madam Minister, the one question . . . first of all I'd like to know what that amendment was, because I'm not familiar with it, how it would have allowed such outrageous tax increases on private property that wouldn't even compare to property in a small urban community.

Hon. Ms. Carson: — The amendment that I'm referring to is section 3(13) of The Rural Municipality Act . . . or 3(31), pardon me, 3(31) of The Rural Municipality Act. And it offsets a value of the property against the value of the land. And in instances where the land value is lower than the value of the house, the assessed value of the land is subtracted from the house and you pay taxes on the house.

Mr. Toth: — Thank you, Madam Minister. Madam Minister, I'm considering the problem that that has created. Why don't you initiate a change to the legislation then that would correct that? That certainly addresses a concern that property, whether it's a quarter section or a small acreage, isn't just based . . . assessment isn't just based on the land but also has the value of the house.

In consideration of the fact that that house is not . . . doesn't have all the services and that the landowner has to provide a lot of services that the person would get in the urban community, I'm wondering, Madam Minister, if you would give some

serious thought — your department — to addressing that and bringing that up with SARM and SUMA so that we do have . . . And like I say, the individuals that I've talked to, the individuals I've worked with even on council, were not saying we're asking for a break so that we're just living on property at the base of the . . . at the cost of just the property value, but we're willing to pay a little more. But we're not quite prepared to accept the fact that we're charged more than the community . . . a house, similar house on a lot in a community with all the other services.

I'm wondering if you'd give that consideration.

Hon. Ms. Carson: — Yes, thank you. Actually we have talked to the SARM about it, and I too have had a number of requests from rural residents asking that we look at this. I think it is a concern, especially if we want people to continue to live outside our cities and towns and to enjoy the rural life.

We are actively considering it. We will do it after consultation with SARM. And if there is a solution to the problem, then it will have to be one that is arrived at jointly with the municipalities and the Government of Saskatchewan.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Hon. Ms. Carson: — Mr. Chairman, I would like to thank the members opposite for their cooperation and for their questions. And I would like to thank my official who has now left.

Mr. Toth: — Mr. Chairman, if I could as well certainly express our thanks to the minister and her officials for their responses to the questions regarding to the two Bills we've passed this afternoon.

THIRD READINGS

Bill No. 26 — An Act respecting Saskatchewan Assessment Appraisers and to enact certain Consequential Amendments to The Assessment Management Agency Act

Hon. Ms. Carson: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

Bill No. 30 — An Act to amend The Assessment Management Agency Act

Hon. Ms. Carson: — Mr. Speaker, I move that this Bill be now read the third time and passed under its title.

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

(1500)

COMMITTEE OF FINANCE

General Revenue Fund Highways and Transportation Vote 16

The Chair: — Before we proceed to item 1, I would ask that the Minister of Highways and Transportation please introduce the officials who have joined us here today.

Hon. Mr. Renaud: — Thank you, Mr. Chairman. To my left is Mr. Bernie Churko, ADM (assistant deputy minister) of policy and programs. Immediately behind him is Lynn Tulloch, director of finance and administration. And directly behind me is Mr. Don Metz, the ADM of operations.

Item 1

Mr. Toth: — Thank you, Mr. Chairman. Mr. Minister . . . and first of all welcome to the minister and his officials. There are a number of questions that my colleagues and I — and I'm not sure if the third party has any, but we'll find out in a few minutes — would like to raise.

I've got some specific questions that have come from constituents, first of all, that I would like to address before I forget about them and forget to raise them.

Mr. Minister, I believe it was last year I brought to your attention the fact there is a spring just north of Whitewood on Highway No. 9 in the Qu'Appelle Valley. Basically it's under the responsibility of Environment and Resource Management, but over the years Highways has maintained access to that spring and has hauled gravel into that spring area, so it doesn't get real sloppy and messy and try and maintain at least a good landscape around it.

I'm wondering, Mr. Minister, if you could indicate to us whether your department is going to continue that process of maintaining gravel and access, grading that access into that spring on an ongoing basis?

Hon. Mr. Renaud: — Thank you, Mr. Chairman. To the member opposite — we will certainly continue to maintain that. It's an important part of that area, and we will continue to maintain it.

Mr. Toth: — What you're saying by continuing to maintain, you will make sure there is sufficient gravel and that it's graded down to the bottom, to the spring. I'm not sure if it's your department that would be looking after the well or the casing that's been put around the spring so water can be collected much more easily. But I would certainly recommend that Highways, considering the fact that you're running up and down maintaining the road, may continue the process of maintaining that area.

As you know and I'm sure many of your officials know, it's become an area where people from a wide area certainly do get their drinking water. So I would certainly encourage your department to continue that process.

I've got another question, Mr. Minister. Mr. Minister, does your department administer vehicle safety, do the vehicle safety checks on vehicles coming into the province or on vehicles that have been damaged and are repaired under insurance? Who guarantees the roadworthiness of vehicles after they have been put through and adjusted and have been re-equipped to become roadworthy again?

Hon. Mr. Renaud: — Thank you to the member opposite. The roadworthiness is the responsibility of SGI, Saskatchewan Government Insurance. We do inspect vehicles. We have safety inspections on highway traffic. And you will see, as you go by a weigh scale at some point in time, traffic officers pulling in large trucks, for an example, and inspecting those vehicles for safety. But roadworthiness is the responsibility of SGI.

Mr. Toth: — So, Mr. Minister, if a vehicle is damaged . . . and in this case, I'm going to use the incident of a vehicle in our area. A large truck, as a matter of fact a gravel truck, that had a pup trailer behind it, and the driver pulling over ended up getting a little too close to the shoulder. And his truck sunk in the side of the road, and he actually had substantial damage. The vehicle wasn't written off however. They were able to repair it, but there were a number of things the driver noticed. And the unfortunate part was he wasn't given an assurance of a clean bill of health before his vehicle left the shop.

His understanding was when the vehicle left the shop, SGI had finished. The claims were followed up on. All the major repairs had been done, and he certainly had a lot of questions as to the type of repairs. He was afraid that if he drove his vehicle out there without demanding some changes . . . And for an example . . . here's a good example. They were going to re-roll some springs — and a couple of them were actually cracked and broken — re-roll them and put them back on the vehicle.

What would have happened to that individual if he'd have been on the highway? Just say drove out of the shop. He had . . . all these repairs had been done. SGI said, okay, it's ready to go. He'd have driven down the road, and an inspector from the Department of Highways would have pulled him over. Would the inspector have declared that vehicle roadworthy?

What assurances can individuals have that when adjustments are made, when corrections are made, when vehicles are basically put through a shop and brought up to speed, that they will have, when they leave that shop, they will not fall into a contravention of the safety division?

Hon. Mr. Renaud: — Well, Mr. Chairman, to the member opposite, it's quite speculative, and I certainly would like to know the details of the particular incidents that you're talking about. But if a highway traffic officer stopped a vehicle or pulled over a vehicle and did a safety inspection, they would look at the safety of that vehicle and then determine at that time whether the vehicle was safe or not.

Mr. Toth: — I guess that's the problem this individual had. In one case — say — he actually left the shop, didn't even get a mile out of town, and a wheel came off. And he didn't even

have . . . put it on. And he was asking, so who's responsible?

So if he leaves the shop and if he leaves the premises of the body shop where they've done all the work or the wheel alignment and rebrake repair — wherever his vehicle may be repaired — if he leaves that premises, gets on the road, runs into a problem, highway safety board says this vehicle needs some work on it, who's responsible for the repairs? Or does the Traffic Board at least have some guidelines whereby they would inspect a vehicle?

It would seem to me appropriate, Mr. Minister, for highway safety or inspection service to make sure that they inspect vehicles before they leave a shop or repair shop, rather than just thinking SGI has said this is what needs to be done. But does SGI fall within the guidelines of the safety requirements of vehicles?

Hon. Mr. Renaud: — Certainly it would be SGI's responsibility in this case. And I would think that you would want to bring that matter up with either the minister in charge or in fact with SGI directly.

Certainly our traffic officers have a job to do, and that's inspecting vehicles, if in fact they do pull a vehicle over and inspect that vehicle for safety concerns. But with the particular instance you're talking about, I can't comment any further than that on that.

Mr. Toth: — Well, Mr. Minister, I guess the reason I bring it up with you is because you may be aware of the fact that SGI is a Crown Corporation, and we really don't get . . . If we try to raise the question with the minister responsible, the comment always is, well bring that question up when you get down to . . . when Crown corporations meets, and you can raise the question. And the unfortunate part is our questions are basically limited to the year under review which sometimes can be two years behind.

But what I'm going to ask of you, Mr. Minister, is that . . . at least the safety division of the Department of Highways work in or set up a policy with SGI so that if a vehicle, especially whether it's a private vehicle or whether it's a construction vehicle such in this case, a gravel truck . . . before a vehicle is allowed to leave a premises after it's been repaired, that there is a clear inspection and a clear bill of health on that vehicle so that an owner would not . . . after he leaves . . . Like you had indicated, okay, if you leave the premises, SGI has basically said it's fine and dandy.

Then what happens if there's a mechanical problem that arises shortly after the repairs have been done? The owner is left with no alternative but then to go back and try and get it out of SGI. And dealing with a Crown corporation, a public entity, an insurance company of any kind of firm, as a matter of fact, is not always that easy.

So I'm wondering, Mr. Minister, if your department and your safety division would at least establish a policy whereby there is an inspection that would follow after reconstruction of a vehicle is in place so that an individual feels, once they pull out of a

shop, that their vehicle is going to get a roadworthy certificate or has it applied to it, and they have no fear that that vehicle has been declared safe to be on the highways. Would you do that, Mr. Minister?

Hon. Mr. Renaud: — Thank you to the member opposite. Certainly if you would give me the particulars of that instance — and certainly you know where my office is, or you could meet me behind the bar at some point in time — and if you could give me that, I would certainly discuss that with Saskatchewan Government Insurance.

Mr. Toth: — Well, Mr. Minister, I'll move off of that one. And if we have any further complaints down the road, we'll have to come back and revisit this and ask why we don't have a good working relationship. Hopefully this just draws the fact the department should be at least acknowledging that there is a working relationship cross-reference so that people don't fall into this.

Regarding highway construction across this province. Mr. Minister, one would ask when would we see any highway construction down in my area. Now I'm not exactly sure if your government's looking at trying to win that seat or not. I haven't seen any stakes out there, so they must mean that we're not going to see any highway construction in the near future. What kind of budget is the department looking at this year?

And actually in some ways I feel sorry for you, Mr. Minister, as I see your budget being reduced on a yearly basis when you've got responsibility for highways and roads right across this province, and the dollars that you're getting on a yearly basis, the reduction certainly doesn't help in maintaining roadworthiness.

But what kind of construction program do we have in place at the present time? What is the department anticipating to end up with as far as costs of reconstruction of roads that have been damaged because of the type of spring we've had, especially on the eastern and the north-eastern corner of this province?

(1515)

Hon. Mr. Renaud: — Thank you to the member opposite for his question. Certainly we do not believe in staking for the sake of staking. And you know, we do what we can with the financial situation that we have in the province of Saskatchewan, and it's good to see that turn around.

But I want to tell you that we're going to spend \$34 million in capital construction this year and \$102 million in preservation and maintenance. And the reason why we're spending more in preservation and maintenance is because we do have an \$8 billion infrastructure in the province already, and it makes a lot more sense to us to preserve and maintain that infrastructure than to continue to add to it.

Mr. D'Autremont: — Thank you, Mr. Chairman. Well, Mr. Minister, welcome today to yourself and your officials. I certainly agree with you that it makes a lot more sense to maintain the infrastructure that we already have in place rather

than going out and simply adding on new highways where they may not necessarily be warranted. And because of that I want to talk to you today about maintaining some of that infrastructure.

Mr. Minister, just outside of Regina here on Highway 33 you built, I believe, 32 kilometres improved highway. I was wondering if you could give me the rate counts on that road for vehicular traffic, the accident rates, and the justification for improving that particular stretch of road.

Hon. Mr. Renaud: — Thank you to the member opposite for the question. The traffic count just outside of the city of Regina in 1992 were 1,340 vehicles; that's the average daily traffic count. I do not have the accident rates here, but I certainly will be prepared to get those for you. And it was basically preservation. As you know there was some four-laning done within the urban centre, and then it was widened, and there was some preservation work done on the remainder of the highway near Regina.

Mr. D'Autremont: — Thank you, Mr. Minister. When you're making a determination as to which particular piece of road you will rejuvenate, what kind of a formula do you use for that? I know that the traffic count plays a part in it. I believe that the accident rate plays a part of it. Does the surface condition of the highway play a part in that, and if so, what? Can you explain how you make the determination as to which particular pieces of the highway system would be rejuvenated?

Hon. Mr. Renaud: — Thank you for the question. To the member opposite, certainly maintenance costs are a part of it, and the condition of the road is a large part of our decision-making process.

Mr. D'Autremont: — Thank you, Mr. Minister. How would all the factors within determination be weighed? How heavy of an emphasis does the traffic count play? How heavy of an emphasis does the accident rate play, the maintenance costs, the condition of the road? And how do you evaluate that road condition?

On that particular stretch of highway I drive back and forth every week, coming from my constituency to Regina, and the road condition in comparison to a number of the other highways that I've driven in this province seem to be in not too bad of condition. So how do you evaluate all those factors?

Hon. Mr. Renaud: — Well thank you for the question. Certainly we have engineers on staff, and we have some great engineers on staff. And you made mention of, it seemed to be okay. Now often when I look at a highway, it seems to be okay, but often there are cracks in the surface and will allow moisture into that surface, and therefore that particular piece of road has to be fixed in order to preserve it for the future. So it's very hard to determine even as you drive over it.

But certainly if you have any questions ever again on a particular road, do not hesitate to contact the department and ask them because they will certainly make you aware of their concerns.

Mr. D'Autremont: — Thank you, Mr. Minister. Now how do you weigh that though? Within your formula structure . . . and I assume you have a formula; you haven't confirmed whether or not you have a formula. But how do you weigh the condition of the road? Do you have a scale that you use, or how do you weigh that?

Hon. Mr. Renaud: — In regards to a rehab, what you do is, the surface distress . . . I mean it's a matter of looking at the situation and whether the highway is going to collapse or not. And then you prioritize those in the province. And that's how you basically make your decision on rehab. There's no set formula that you could take magic numbers from somewhere and put them there. We have engineers there to look at the condition and to make the best judgement.

Mr. D'Autremont: — Well thank you, Mr. Minister. Well most of the people who would have driven over 33 highway from here to Kronau would have thought that piece of road was in reasonably good condition. Now perhaps your engineers have some evidence that it was not, and if so, I'd like you to identify that.

But I can think of a very large number of highways around this province that . . . you use the word distress. I think those highways have gone beyond the word distress. So I want you to give me an evaluation of this particular piece of highway out here, Highway 33, from here to Kronau, as to why that particular piece of highway needed to be rehabilitated, needed to be upgraded, widened, as compared to some other highway in the province.

Hon. Mr. Renaud: — I think there's two things that we're talking about here, to the member opposite. There's rehabilitation or preservation, and then there's upgrade. And I think what you're moving to is asking why this particular road was preserved rather than perhaps another highway — perhaps in your constituency — that isn't reconstructed. And I think maybe that's what you're moving to.

But what the department is prepared to do is give you an analysis on 33, if that would be suitable to you, so that you can see the analysis that was done.

Mr. D'Autremont: — Okay. Thank you, Mr. Minister, that would be fine if it lays out the criteria that were looked at and the weight given to that various criteria to come up with the determination.

Because I looked at a number of the different highways — not only in my constituency but across the province — that are in, to use your words, significant distress. I'd like to know, though, how heavy a factor the traffic count is on those roads, how heavy that is weighed in the determination of either rehabilitation and prevention or upgrading, and how heavy a weight you put on the accident rates on a particular stretch of road to determine whether or not there should be something done to that particular stretch.

Hon. Mr. Renaud: — Okay, as I mentioned earlier to the

member opposite, we have a budget of \$102 million in preservation, and that's to protect the existing system.

We have a \$34 million construction grant . . . or budget where the upgrade would fall under. Okay. And the upgrade is where the traffic counts and the accident rates are used primarily to prioritize which highways that you are going to upgrade. The preservation is to preserve so that highways don't fall into the state of a highway that would then need an upgrade.

Mr. D'Autremont: — Well, Mr. Minister, there are a number of highways across this province that have fallen into that state where they needed upgrade.

I'd like to talk a little bit about the Highway No. 13 from Stoughton to Forget. And that's not in my constituency, but I do have to drive over that particular stretch of road, and it's one of those pieces of road that is in distress.

With the changes to the Crow rate and the grain hauling patterns that have already taken place — particularly in Stoughton where Forget no longer has an elevator, and you receive a significant amount of heavy traffic coming from that area to the delivery point in Stoughton — we've seen a major impact on that particular stretch of road. And it certainly hasn't been to its benefit. What kind of a traffic count do we have on that particular stretch of road, Mr. Minister?

Hon. Mr. Renaud: — Thank you to the member. I certainly agree with you that No. 13 in the Stoughton-Arcola area is in need of upgrade. And as the province turns around, certainly we'd be able to reassess that into the future. There about 800 vehicles per day, based on 1992 figures, in that area.

So we know the need, and that is one particular area that we certainly realize the need. And we will continue to maintain it as best we can until such a time that we can actually upgrade that highway.

Mr. D'Autremont: — Well thank you, Mr. Minister, for recognizing that indeed that particular stretch of road is in serious trouble.

I have a map from your department and it calls that particular stretch from Stoughton to Forget a TMS (thin membrane surface). I wonder if you could explain to me what a TMS is. It must be some . . . because it says here that one type is pavement, one is gravel, and the other is TMS.

Hon. Mr. Renaud: — A TMS is a thin membrane surface, and we have a lot of highways in the province that have that type of surface and when a lot of those highways were put in, that was adequate. We had smaller trucks and grain traffic; as you mentioned a little while ago, has certainly changed in the last few years.

So many of these roads — the thin membrane surface — is going under extreme pressure with the changing transportation, and so those problems have to be addressed. But as you know, we're just coming out of a really bad financial situation and it's impossible to address all the thin membrane surfaces at one

time.

Mr. D'Autremont: — Well thank you, Mr. Minister. I hope you're addressing some of them because we certainly have a significant number that are in trouble, and it seems a good portion of those are in my constituency or surrounding areas.

One of the things that's happened in our area is with the oil activity. It's put a heavy amount of traffic over those roads, and that traffic, in a lot of cases, is very heavy trucking and it has really been to the detriment of the highway system. And yet that same oil traffic and industry has generated a very, very substantial amount of income for the province, which in turn is not returned to that area.

In fact I was down at another community in the Estevan constituency where, on Highway 361 west of Lampman, there had been a motor vehicle accident involving a school bus with children on it. Where because of the highway there being so full of huge potholes — not little ones like you find in the cities, but these are potholes that are six, eight feet across — that a vehicle bounced across the road and hit an oncoming school bus. Luckily, no one was injured in it, but it still is an example of the very serious problems that are happening to a number of the highways in that area because of the heavy traffic on them. The income is being generated there, but it's not being returned there to make up for the impact that that economic activity is having.

(1530)

And that's another area, Mr. Minister, that needs to have a very serious look at; 361 is the highway that receives a large amount of heavy traffic. It's thin membrane in the most part. Some of it is gravel, and those parts that are the thin membrane especially are in a great deal of difficulty. The gravel parts are, in some cases, very little gravel and mostly rock. It does make for a very solid surface, but it also causes a few problems with driving and with conditions of vehicles, Mr. Minister.

No. 8 Highway is also another one that is a similar situation, which is receiving a large amount of heavy traffic on it, in particular with the grain movement and with the oil movement. It leads down to the customs port at Sherwood.

There is a large amount of heavy traffic hauling grain south across the border, particularly in the winter months, that have a serious impact on that road. There's also a large amount of oil traffic going both across the border and just right in that local area that travels back and forth up and down that road. The traffic counts on that road have been increasing significantly over time. I see here from 1985 to 1993 that the counts have gone from 165-175 to almost 400 in 1993, and I would suggest, Mr. Minister, that those counts will be even higher.

Now when we're trying to get tourism to come into this province, when we have roads such as that particular stretch of road, it does not encourage people to use that road to come up here. And in fact I have petitions here from the area that I wish to table today that address that. And I would read what's written on it. These are not official petitions that can be presented to the legislature in the normal sense that we would do it here, but

it still expresses the idea that the public wishes to convey to you.

And the question asked on this petition is: Would you like to see upgrading on No. 8 Highway from No. 18 Highway at Carievale to the Carievale-Sherwood port of entry? Would you like to see a 24-hour port of entry for tourism and industrial trucking, sports, cultural, recreation, trade with the U.S. (United States), not to mention safety reasons? If you would like to see this happen, please sign your name.

And I have a significant number of names here, Mr. Minister, and they come from all over that area on both sides of the border — both in North Dakota and in Saskatchewan — places like Sherwood, and Bismarck, Mohall; Carievale, Carnduff, Saskatchewan; Gainsborough. Some of these places I don't even know where they're at in North Dakota, Mr. Minister. But they're right across the whole northern . . . north-western section of North Dakota and across the south-east corner of Saskatchewan. I would like to present them today, if I can have one of the pages please and table these.

Also a number of the business interests in the area, Mr. Minister, have written letters to you, to me, and also to the federal MP (Member of Parliament) requesting that some consideration be given to upgrading this particular piece of road. And it doesn't matter what kind of industry you're involved in there, Mr. Minister, you want to see something happen to improve that particular piece of road.

The letter I'm holding comes from a company called Wolcott Gas Processors. This particular industry sells propane mainly, and perhaps some liquefied natural gas, I'm not sure about that, but propane across the border into the U.S. They have trucks, at least one truck every day, sometimes two trucks a day, coming up from the Minot area to pick up propane. That's just one of the examples, Mr. Minister.

So have you given any consideration to providing some support to this particular stretch of road? Those communities along there are involved in the north central . . . Central North American trade corridor which runs from the tip of Mexico through Canada, through the U.S., Canada, and on to Alaska. And these people are particularly interested in trying to develop a trade corridor along this route to take advantage of the North American Free Trade Agreement. And they can't do that without having proper transportation systems. And that particular stretch of highway between the border and Carievale is a serious impediment to that particular area gaining the benefits of that.

Once you hit No. 18 Highway, you have a good highway. It's a good, heavy-duty highway. But when you look across the border, you also have an excellent highway system. The road coming up to Sherwood, North Dakota, is the heaviest along that whole stretch in North Dakota between Westhope and the North Dakota border. They have 5 inches of pavement on that compared to as little as 2 inches on some of the other of the five crossings along the western side of North Dakota. So the best highway in North Dakota is coming up to Sherwood and we have almost our worst highway taking traffic from the border and bringing it into Saskatchewan. And this is one of the areas,

Mr. Minister, that needs a serious look at and I wonder if you'd mind commenting on that.

Hon. Mr. Renaud: — Well I think if it was . . . if I had a lot of money and it was . . . I think I would like to have a beautiful port entry at every one. I know I get calls from the people that are near Highway No. 4. I get calls from people that live near Highway No. 6 and No. 37 and of course No. 8 and 35. And all would like a good entry into the United States.

But of course you realize and I realize that that's not possible. I mean we do have an \$8 billion road infrastructure in the province and we are just coming out of some financial difficulties, as you're quite aware. We have to pay \$870 million in interest this year. That would probably improve a lot of those port roads. But we just can't cry over spilt milk and we have to continue to work with what we have.

So we work within the financial ability of the province. And we have to understand too that No. 8 Highway is fairly close to No. 9 and as well the port of North Portal, Highway 39. And so we have entries there. And I know it would be nice to have a fantastic highway at all of those points. But we just can't do it all at once. And we continue to monitor and continue to maintain until such a time that we can look at those particular roads.

Mr. D'Autremont: — Well thank you, Mr. Minister. You say you have \$34 million available for capital construction upgrade this year. How do you allocate that then? What's the priority? Can you give me the priority of construction that you have established to date?

Hon. Mr. Renaud: — Okay, I will be able to send the member opposite the prioritized list. We do not have it here today. But basically the 34 million, as mentioned earlier, would be based on an analysis of cost versus need, and that gets into your traffic counts and gets into your accidents and gets into your maintenance costs and that sort of thing.

Some of that \$34 million, as a matter of fact, is going into Highway No. 16 or the Yellowhead, a continuation of the Yellowhead from Saskatoon to North Battleford, the twinning project. And there we have traffic counts of 3,500 vehicles per day and higher accident rates and there is a great need there.

There is also federal monies, 50-cent dollars, on that particular project. So some of our monies are going into that project, as an example.

Mr. D'Autremont: — Well thank you, Mr. Minister. How much will be going into all of the infrastructure programing that would be in conjunction with the federal government? How much of the entire 34 million capital budget?

Hon. Mr. Renaud: — Well thank you to the member opposite for his question. Under the infrastructure program, there are I believe three projects, and I would get that information to you as well. But the projects that I can think of just off hand is the Cumberland bridge and the Melfort airport and Grandmother's Bay road. And the total of those projects in Highways'

expenditures would be about \$3 million.

Mr. D'Autremont: — Does not the Yellowhead highway, No. 16, include part of that infrastructure money? I believe that's what you mentioned earlier.

Hon. Mr. Renaud: — To the member opposite, that's a different program. Highway 16 is under the SHIP program which is the strategic highway improvement program, which was signed between the federal government and the provincial government in 1992. And it's a cost-sharing program and involves, I believe, \$70 million. So that's 35 million from the federal government and 35 from the provincial government.

Mr. D'Autremont: — Is there any other money out of the SHIP program being spent around Saskatchewan? I believe that perhaps it was in '92 or '93 there were some bridges built on 13 Highway at various locations across the province. What other projects are taking place in Saskatchewan for this upcoming budget?

Hon. Mr. Renaud: — What I have here is a map of SHIP projects, as well as a list, and I would send that to you if that would be okay.

Mr. D'Autremont: — Thank you, Mr. Minister. I wonder if, on that list, you can just indicate whether or not the funding is also on those lists as what the costs are. Is that included there?

Hon. Mr. Renaud: — Yes, it is.

Mr. D'Autremont: — Thank you very much. Mr. Minister, I believe that covers my questions dealing with my local issues.

We do need to take a very serious look at some of . . . or a lot of the roads across this province and particularly those areas that are having a significant economic development where the road usage is increasing.

The map that I have available that was sent to me by your department — and I thank you for that — shows that the numbers are increasing in some areas and particularly in those roads that are in distress. And I believe that we need to do some serious considerations as to improving those particular roads because of the economic activities that are being generated there.

It's my suspicion, Mr. Minister — because I don't have any numbers after 1993 — that some of those road counts would indeed be increasing and therefore warrant more considerations to be upgraded.

(1545)

You've given me a couple of . . . three programs there for the infrastructure, for the SHIP programs. Now when you come to make those determinations on the SHIP programs, how do they fit into your priority list for around the province? Do most of the roads that are being upgraded now fall into that area of being under the SHIP program; or are there other roads that are being built, such as 33 Highway out here, when it was done last year? Was it under the SHIP program or did it fall under some

other category?

Hon. Mr. Renaud: — Funding under the SHIP program was restricted to the national highways network. And there are certain highways that are under the national highways network, and that would be . . . No. 1 is an example, No. 16 is an example, No. 7, No. 11 — there are certain highways in Saskatchewan that are classed as the national highways network. And the SHIP money has to be used for either reconstruction or rehabilitation or maintenance on those particular roads.

Mr. D'Autremont: — Okay, thank you, Mr. Minister. All of those highways that you've mentioned, none of them touch my constituency.

Mr. Minister, we've received your globals and we'd like to thank you for that. However there are some of the areas that were not perhaps as complete as we would have liked. Rather than taking up the time in the Assembly to deal with those, I wonder if we could get a commitment from you to answer those further questions.

Hon. Mr. Renaud: — You have a commitment that I will certainly look at your request.

Mr. Swenson: — Thank you, Mr. Chairman, Mr. Minister, your officials. A couple of things I want to touch on with you today, and hopefully you'll have the answers.

I asked a number of questions of the Minister of Finance a few weeks ago, dealing with the announcement made by the Premier at Kamsack, dealing with the east side of the province and the flooding vis-a-vis roads, what not.

There are a lot of people, particularly in those RMs that might be outside of that area that have suffered significant gravel loss, are wondering about your ability to deal with their problems, given that there's been a very serious commitment made, with you as the lead minister, we are told by your colleagues, to come up with the money. And the Premier said this \$6 million was simply a kick-start to further monies. And having analysed your departmental budget, I'm wondering if you could tell us where you initially see that money coming from, and where else the Premier might expect to find monies for what is obviously a very serious situation for a lot of people.

Hon. Mr. Renaud: — Thank you for the questions of the hon. member opposite. Certainly it is a serious problem. The department of course is dealing with SARM at this very moment in regards to the program, or the policy, and are also working with the rural municipalities in investigating the damage. And they are talking with most municipalities at this very moment.

We are going to find the money internally, and it's going to be tough but we believe that we can do it.

And certainly the RMs need the help. There is damage out there; there's a loss of gravel. And certainly I was pleased that our government was able to answer in some way to try and help

the rural municipalities out of the situation.

Mr. Swenson: — Well, Mr. Minister, that is a fairly good chunk of money. And given the pressure that's going to be . . . I mean we all know the pressure. My colleagues have been asking you . . . we've had petitions in this House almost from the day it opened. I brought in petitions with hundreds of names on; the member from Maple Creek has done. I mean there isn't a highway in this province, Minister, that isn't under some significant pressure. And we have RMs all over the whole area . . . The Regina clay — they tell me that their gravel loss this winter was as bad in winter and spring as it's ever been.

And they're not going to be able to access monies as they have in the past, so I think you need to indicate to us — at least so that those people have some satisfaction that they aren't going to get cut back even worse — where you're going to get the money from, where in your budget you foresee the ability to come up with some very serious money, particularly if that's only a kick-start. And I think it's incumbent upon you to bring that forward.

Hon. Mr. Renaud: — Well thank you to the member opposite. Indeed, as I mentioned earlier, there is quite a number of rural municipalities that have more damage than normal this year. And internally we will look for efficiencies in our preservation budgets. In all areas of the Department of Highways we will certainly look internally for as many efficiencies as we can.

You also have to remember that Municipal Government is allowing the rural municipalities to move some of their grant structure from conditional to unconditional, and also there will be some money put into futures.

And so I think the program will be good and SARM and the department are working on the details. It's not easy to come up with an additional \$6 million, but we will find it somehow because we realize that the rural municipalities need the help in this extreme circumstance.

Mr. Swenson: — So what you're telling the Assembly today is, as we go through your estimates, Minister of Highways — pass my budget and trust me. I mean this announcement is made; dire circumstances. But when I hear the Premier of the province, in the weeks just leading up to an election campaign, out there teasing the folks in Kamsack about this just being the kick-start, and you're the guy that's supposed to deliver, then I think I have a right to ask some serious questions. Because your budget is under extreme pressure, Minister, absolutely extreme pressure.

And all of a sudden you're going to come up with a bunch more money. And I'm just wondering where you're going to . . . you must have . . . before you were designated as the lead minister on this, you must have consulted with your departmental staff and been prepared to bring forward to cabinet some ideas about where you're going to get the dough from.

And I think you should give us some clear understanding of where those efficiencies are going to occur, so that others in

this province don't find out later on, once you've gone out and maybe won the next election campaign, that they're all of a sudden on the short end of the stick. Because rural Saskatchewan, Minister, under your government, has been getting that short end for the last three years and people are getting sick and tired of it. So you should be able to give us some indication about where you're prepared to achieve those efficiencies.

Hon. Mr. Renaud: — Well thank you to the member opposite. We've had good discussions with RMs, and we've talked to them and they're going to be, I believe, as reasonable as possible because they know the financial stress that the government is under, and we're just moving ahead and turning the corner.

And certainly they understand that and they're going to be as reasonable as they can with their situations. And we will, through efficiencies within the department, try and find as much monies as we can there in order to help the rural municipalities.

It would be nice if I could wiggle my nose and say no more snow and no more rain and the flood wouldn't be there, but we've got to live with those circumstances. They've happened. It just doesn't happen every year, but this year it happened. And so we're going to have to try and find as much money internally as we can in order to help the rural municipalities out of this situation.

Mr. Swenson: — So what you're saying to me is, today, that I'm not prepared to tell you, on behalf of the taxpayers of this province, one thing. Not one indication of where I'm going to come up with a very large sum of money. That it isn't this area, isn't this area, that . . . I wish you could wiggle your nose, Minister. I think there'd be more chance of you wiggling your nose than some of those RMs seeing some gravel this year. That might be possible.

But obviously there's a very strong and big commitment been given out there and there's extreme pressure in a lot of areas. And I would think we would want to understand in this Assembly, where you're going to spend the taxpayers' money that you've maintained all along, as Highways minister, that you didn't have enough to fix all the problems. You didn't have enough to do regravelling.

So, Minister, you're now going to have to come up with another 4 or 5 or 6 million bucks. And you must have some idea. I mean just give me one example of where you're going to get the money from and maybe we can get on with considering giving you a budget to work with. I don't know why you would want to be so hesitant. What are you hiding? Or was the Premier just blowing smoke in Kamsack?

I mean give us some indication of where you're going to achieve the efficiencies. What departmental areas can you cut to make this happen in a reasonable way?

Hon. Mr. Renaud: — Thank you to the member opposite for his question. Certainly I mentioned earlier that we'll look for efficiencies wherever we can. If in fact we have to delay

construction of a certain project . . . and I know your next question will be, well which project is that going to be? Well I don't know that.

But if we have to delay a construction of a particular project, and/or if we have to delay some preservation in some area to help the rural municipalities in a time that they really need it, I think that's important that we do that. And the rural municipalities agree.

I think it's a little premature to say how much the damage is going to be. I mean we're sort of saying, you know, 4 million. But it could be 1 million, it could be 2, it could be . . . we don't know that figure yet. We're doing the analysis now. But certainly we will find it within our budget.

Mr. Swenson: — Minister, you were prepared, prior to the end of the budget year, to spend 20 million bucks from the previous budget year on a bunch of programs. And because you wouldn't change your union-only tendering policy, that didn't happen. Plain and simple. Contractors said we'd rather live without it than be put underneath the thumb of that particular piece of legislation.

But that money was there. You ran a very large surplus. And I would remind you where that surplus came from, Minister. You represent a rural area of this province that's under extreme pressure now because of flooding. Some people up there are going to miss their third crop in a row. And I would think after all the campaigning you did up there to get that nomination, that you would want, Minister, you would want to represent those people. And that means that rural Saskatchewan, Minister, can't afford to have and bear the brunt any more.

I mean you took all their GRIP (gross revenue insurance program) money; you balanced your budget; you had a large surplus. And now I see the Premier trotting in that same area again and making promises again before an election. He's going to be a helper. But you know darn well that those rail lines and those roads and those culverts and those bridges, I mean all that stuff's been done.

You're putting in infrastructure as we speak in here. There were roads cut day after day to let that water through. And you're fixing that stuff. So those costs are mounting. You've got to be finding the money somewhere. And I don't understand why you're so hesitant, why you're so hesitant to say to this Assembly, well in my budget we think we can achieve X here, here, here, and here. Because we don't put a priority on those areas.

Then it would seem only fair, Minister, that before this House rises we'd have a clear understanding of where you're going. I can't get you back here in July and August and September. I can't get you back here. You're out there free-wheeling. So it's important when we do estimates that we understand what you're doing, why, and how you're going to spend your budget.

And you now have extra monies tacked on top of that budgetary process that you went to Treasury Board with. Where are you going to get that money from?

(1600)

Hon. Mr. Renaud: — Well I'll try and mention it one more time. I guess our government is not in the . . . does not want to create deficits. I mean we want to balance the budget, and this is what we ran on and this is what we're going to continue to do.

So what we have to do is find monies, for a situation that happened this year, within the existing budget. So we're going to monitor the damage in the rural municipalities. Municipal Government have put up \$2 million into futures. They are allowing the municipalities to move their grants from conditional to non-conditional to allow them to do more gravelling and to . . . maybe more maintenance.

And we are going to look for \$4 million within the Department of Highways, if this is in fact the amount we need. And we may have to look at a construction project or we may have to look at a preservation project in order to find this money, and look for other efficiencies within the department.

But I want to tell the member opposite that we . . . our government is determined to run the province on a balanced budget.

Mr. Swenson: — Well I can appreciate that, Minister, that's why I don't understand why you, particularly you of all departments, would want to have any truck with that union-only tendering policy that cost you that 20 million bucks.

I mean you would have had that available to shift and move around. A lot of those contractors, Mr. Minister, could have been very valuable to you in this crisis, and money. Instead you would not change to go along with all the people you have to work with.

Now the question is, Minister, why you would want to adhere to that particular policy in the face of a crisis, when if you ever wanted to have low-cost delivery of a service it would be today, you know. Low-cost delivery is the only way you're ever going to come anywhere close to fixing all those roads and culverts and replacing that gravel.

And you say no, I'd rather give up the money rather than change my ways. And how in the world can people in rural Saskatchewan accept that kind of a philosophy? That's why I have to ask these questions, because it seems that you would rather on one hand, give it up to the unions rather than spend it in rural Saskatchewan.

Well, Mr. Minister, once again, are you prepared, are you prepared to go back to the Finance minister on behalf of the whole east side of this province and a whole lot more that obviously have a very serious situation — because if rural people don't have transportation, they don't have much, Minister, and you're in charge of that — are you prepared to go back to the Minister of Finance and say: Madam Minister, we have a crisis on our hands; we're prepared to do some things to help these folks out. Are you prepared to do that?

Hon. Mr. Renaud: — As I said to the member opposite earlier, through Mr. Chairman, is that we will find the money within our budget, whether it be a construction project that has to go, if it has to go, or preservation project. But I think it's premature to say that we can't find the money. If in fact at some point in time there is no money, I certainly will go to the Finance minister, because she's very understanding.

But I want to tell you one thing: that the budget will be balanced, and that's a priority with this government. Because we know what happened when you don't balance the budget — the debt increases and the interest increases on the debt, and this year we're going to pay \$870 million in interest. And boy, could we do a lot of highways work with \$870 million. We can't let that happen again.

And like I said earlier, it's no use to cry over spilt milk, and we will not. So we will work within our budget, and we'll find the money to the best of our ability.

Mr. Swenson: — Well there's going to be \$110 million of spilt milk after you let your friends in CIC (Crown Investment Corporation of Saskatchewan) carry on — and your Minister of Labour here — carry on with that goofy policy.

Do you know how much road you could do for 110 million bucks, Minister? How much gravel you could fix? How many bridges you could build? How many people in rural Saskatchewan would have a decent road to drive on? Hundred and ten million dollars of spilt milk, that's what it's going to cost you with your union-only tendering. You know, you already spilt 20 million of it yourself. So I don't understand for the life of me why you would talk to us about spilt milk when you're spilling it all over the place.

It's no wonder you didn't want to run in the Melfort constituency because of that pipeline there they call a sprinkler system; I wouldn't want to run there either. I mean how could you walk down a street in Melfort and hold your head up with that thing spewing water out all over the place? That's a prime example, Minister, of what we're talking about. I know that you don't like to hear those things, but that's the truth. I'd have run off and run in Carrot River too.

Mr. Minister, one more time. There's a \$6 million pledge on the table. There's community after community; why in the world you will not give us some indication . . . and we represent taxpayers just like you do. And in my part of the world, they are sitting down here in the Regina clay, and there's no gravel on their roads. And they're saying, you know what? You know what? We're never going to be represented by a New Democrat in the Legislative Assembly. There isn't a snowball's chance, Minister.

So you're probably going to take our gravel, the money, and you're going to fill the Premier's election promises up in places like Carrot River. And yet you won't tell the good folks out there exactly where you're going to get the money from. They're just supposed to trust you. Well rural Saskatchewan is tired of trusting New Democrats because it's just pillage and burn all the

time.

Minister, you have the obligation to tell people where you're going to get that money from.

Hon. Mr. Renaud: — Thank you to the member opposite for his question. And as I told him earlier, we will look for efficiencies within the department. We will look at our construction budget. And if indeed some has to be taken from there and the preservation portion of the budget, if some has to be taken from there . . . and we will help rural municipalities over this time of crisis.

The SURM . . . or SARM, pardon me, is very favourable about some help, and so are we because this doesn't happen every year, and so we will try and help them out of this crisis. And they're certainly appreciative of the efforts that we are making.

Item 1 agreed to.

Items 2 to 7 inclusive agreed to.

Vote 16 agreed to.

Supplementary Estimates 1994-95
General Revenue Fund
Highways and Transportation
Vote 16

Item 1 agreed to.

Vote 16 agreed to.

The Chair: — If the minister would like to thank his officials?

Hon. Mr. Renaud: — Thank you, Mr. Chairman. I would, first of all, like to thank the members of the opposition for their questions, and I certainly would like to thank my officials today.

Mr. Toth: — Thank you, Mr. Chairman. I'd like to thank the minister and his officials for taking the time to come and address a number of questions that were raised today.

Certainly we could have raised a lot more. But for expediency, we'll take it easy on the minister and hope next year he's got more to offer, or his colleagues feel sorry and give him more money in Highways.

The Chair: — Thank you to the members of the committee.

General Revenue Fund
Justice
Vote 3

The Chair: — As the last time the department was before the committee was April 3, I'll ask the minister to reintroduce his officials to the members of the committee.

Hon. Mr. Mitchell: — Thank you very much, Mr. Chairman. Beside me is Brent Cotter who is the deputy minister of the department. To Mr. Cotter's left is Kathy Hillman-Weir, who is

the executive assistant to Mr. Cotter. Behind me is Ron Hewitt, who is the assistant deputy minister of the registry services division. And next to Ron is Keith Laxdal, who is the associate deputy minister of finance and administration division. And to Mr. Laxdal's left is Janet Sullivan, the administrative assistant with administrative services. To my right, Mr. Chairman, is Doug Moen, who is the executive director of public law and policy. Also in the Assembly, Mr. Chairman, and seated spread out across the back are Darryl Bogdasavich, who is the executive director of the civil law division; Richard Quinney, who is the executive director of prosecutions division; Dick Till, the executive director of corrections; John Baker, the executive director of law enforcement services; and Betty Ann Pottruff, director of policy planning and evaluation.

Item 1

Mr. Toth: — I was just going to say, as always, Mr. Chairman, I guess you'll have to rely on my colleague and I for some questions. I'm not exactly sure if the minister really wanted to face us this afternoon, but we look forward to addressing a number of concerns with the minister and his officials and thank them for coming. Was that two weeks ago? Anyway . . .

A global question I'd like to ask, Mr. Minister, regarding lawsuits . . . and last year our office asked for information on any lawsuits in which the government was currently engaged. And we asked this with different departments, but basically they didn't provide the information and suggested that where it should be coming from was from your office, Mr. Minister. And we're wondering if you will submit information to our office on behalf of all of the government departments, Crowns, agencies, and boards, providing detailed information including who the plaintiffs were, the defendants, complaints, government lawyers, and costs to governments of any lawsuit that may be entered into or brought forward by any department or a complaint against the province.

Hon. Mr. Mitchell: — Mr. Chairman, we'll provide that information to the member as he requested.

Mr. Toth: — I thank you, Mr. Minister. Also, Mr. Minister, are you able to forward global responses to us today? All the global questions, were they forwarded to us?

(1615)

Hon. Mr. Mitchell: — Yes, I have those with me, Mr. Chairman, and I'll send them across by page.

Mr. Toth: — Mr. Minister, a few general questions. Firstly, dealing with maintenance enforcement, how many are currently registered with maintenance enforcement? How many cases are currently delinquent? What does the average payment owe in total? I'm going to give you three or four of these rather than just short questions and short answers. If I'm going too fast, just let me know.

How many of the clients registered with maintenance enforcement are subsisting on welfare? How much money has been collected on behalf of custodial parents through the

maintenance enforcement office in the last fiscal year? And then I've got two or three other questions I'd like to ask.

Hon. Mr. Mitchell: — Mr. Chairman, I'm able to answer most of the member's questions.

The total number of applications which we have received during the life of the program — that would be from March 1, 1986 to March 31, 1995 — are 17,684 applications. In the fiscal year just ended, April 1, 1994 to March 31, 1995, we had received 1,881 applications. Those applications come in at the rate of approximately 40 per week.

The payments that have been processed by the office from the beginning of the program in March '86 up to March '95 has been almost \$103 million. The payment processed in the last fiscal year . . . I shouldn't say . . . I mean the fiscal year before last. I'm going to give you the last two years. April 1, '93 to March 31, '94 was 17.9 million. And the payments processed in the last fiscal year was 20 million.

Of those amounts, let me break out the welfare payments that were in the welfare stream, if I can use that word. In the last fiscal year — that is April 1, '94 to March 31, '95 — there was \$1.85 million; and in the previous fiscal year, April 1, '93 to March 31, '94, that was \$1.7 million.

We do not have the information respecting custodial parents.

Mr. Toth: — That's a substantial sum of money, and I guess it shocks me to see 40 complaints a week. I'm not even sure . . . I'm not sure what that's indicating about our society, but there's certainly going to be a lot of hurting kids out there and disturbed families when you have 50 complaints a week or 50 cases a week coming to your office.

Since this maintenance enforcement . . . And also last year, I believe it was last year we brought forward legislation that allows for a mediation process. I'm wondering, Mr. Minister, since that has been implemented, how has that program worked, and how many of these cases would have been worked through mediations versus ending up going to courts to address maintenance with regards to custodial parents?

Hon. Mr. Mitchell: — What the office receives are court orders in effect. Court orders are sent to them, and by that time the court has already made its judgement. The mediation system that we put in place last year will affect the process which leads to those orders being made, but that system just went into place on January 1 of this year. It took an implementation period, so we're not beginning to see the results of it yet.

Mr. Toth: — So basically what you're saying then, the numbers that we have before us really are strictly reflecting court proceedings. And the mediation processes will not have had a drastic effect on these numbers, or indeed that won't really be showing up in the numbers that you've given to me at the present time.

Mr. Minister, what has Saskatchewan done in the area of maintenance enforcement? Specifically, have been there any funding increases for this area, staffing increases? Have there

been any new measures implemented to ensure that maintenance payments get into the hands of the custodial parent?

Hon. Mr. Mitchell: — We're quite satisfied with the performance of the office. Let me give the numbers that the member asked for. In '94-95, the fiscal year just ended, the office had 31 full-time equivalents. And in the current budget year, the '95-96 year, the number of full-time equivalents will be 30.6 — slightly less.

The budgetary expenditures for '94-95 were \$1.098 million, and in the current year they are projected to be \$1.049 million, so we're quite satisfied with that. If you recall the numbers I just gave you a few moments ago, we're actually able to do more with less resources — both for the people who are . . . on whose behalf we're collecting money and for the consolidated revenue, as far as the social welfare stream is concerned.

Mr. Toth: — So if I understood you correctly, Mr. Minister, you're indicating that you actually had a drop of three and a half positions from '93-94. Did I get that correct? Were . . . '93-94 numbers or were you giving me '94-95 firstly?

Hon. Mr. Mitchell: — I should . . . it's actually less. It was 31. It's now 30.6, so there's a drop of 0.4.

Mr. Toth: — Mr. Minister, I understand a number of measures have been undertaken in Manitoba, for example, suspending and refusing drivers' licences and motor vehicle registration; reporting delinquent payers to credit bureaus; seizing monies owed by the payer and other people, such as jointly-owned bank accounts; increasing maximum jail term from 30 to 90 days; and raising the maximum fine to 1,000 from 500 for wilfully avoiding payments.

First of all, Mr. Minister, as far as this province is concerned . . . and the enforcement of maintenance . . . does your department find that we're lagging behind, that you find it difficult at times, or is there a feeling that maybe we have to implement other measures, such as Manitoba has, to enforce maintenance? And if the feeling is there that we're not really meeting the needs of the custodial parent out there, what is the department doing to address these concerns?

Hon. Mr. Mitchell: — We feel, on the whole, that our legislation is one of the strongest of its kind in Canada. We are very much aware of the Manitoba development that the member has referred to. There are also provisions that have been introduced in Alberta that are of some interest to us, and we've done a fair amount of work on this. And what we've decided to do is to watch how those measures affect the situation, what kind of results they're getting from it, before we consider doing it in Saskatchewan.

But as the member observed earlier, we improved the collection procedures quite a bit; that has had a pay-off in terms of the effectiveness of the office. And we're watching what's happening in other provinces very carefully.

Mr. Toth: — Mr. Minister, has the government ever looked at other methods of helping custodial parents, such as percentage

standard of support whereby the court grants custodial parents support based on certain percentage of the non-custodial parent's wage, whereby any changes in wages would automatically take effect?

I think what we're looking at here . . . and certainly I think we raised this question last year as well, the fact that there are situations where non-custodial parents may find that their income has decreased, and yet they've been requested by the court to maintain a certain level of support. And I guess what the custodial parent is suggesting, maybe if it was flexible, then it would . . . basically if it was flexible they could address the changes in wages.

Maybe you could respond to that, Mr. Minister, if I can stop this time clock.

Hon. Mr. Mitchell: — Mr. Chairman, that was a really a very interesting question. The member may be aware that there has been a lot of work done on this precise question that he raises, over the last couple of years — last four years I'm told — between the federal government and all the provinces really. We've been actively involved in that.

And following the Justice ministers' meeting in Victoria in January, we released a major study on it. And that's been circulated across Canada, and there will be considerable reaction to it. That report proposed the kind of formula for calculating support payments that the member referred to. And built into that formula is the kind of flexibility that the member was referring to.

So if the income of the non-custodial spouse changes, drops, the process is available to adjust the amount of support in light of that development. And similarly if the income rises, the court will be able to move quickly on application in order to adjust that. So it's a flexible kind of approach that the member's question suggested.

(1630)

Mr. Toth: — Mr. Minister, would there be a maximum and a minimum amount that may be brought forward, or is it strictly, if that's applied on a percentage basis, irregardless of what the income of the non-custodial parent may be. You could have a substantial increase in wages and lose that in a few months, or if it drops to a certain level on the bottom end, it may be hardly worth making payments. So I'm wondering is there a minimum and a maximum that would apply in this circumstances?

Hon. Mr. Mitchell: — The formula that is included in the support deals with income levels between 7,000 a year at the low end and 150,000 a year at the high end; and then beyond that you're outside the formula. It's a question then for the courts to determine, I suppose, the way they deal with those questions now. So that's the band that will be affected by the formula.

The whole question is also dependent upon the final outcome of the tax question raised by the Thibodeau case, which is out there for determination now and which will have a great deal of

effect on the way in which the formula operates.

Mr. Toth: — Mr. Minister, I have a few questions that have been brought to my attention by individuals who are really concerned about the Justice system and how it's affecting them.

And I'm not going to use first names, but certainly it's people who have called. I'll just say an individual by . . . Mr. Harre from Regina has a problem in view of the fact that his wife and some aunts — and it comes around to maybe a case that's even before us, regarding pyramids; I'm not sure if that would have a direct effect — but they attended a candle party and subsequently ordered \$150 worth in candles. The product was never delivered so they were therefore swindled out of 150. They contacted the Better Business Bureau, who informed them that they must contact the city police. They were then told by the city police that they would not do anything about it because the crime was not over \$500.

I guess their frustration is, in other words they've lost \$150 but because it wasn't over \$500 there wouldn't be any action taken. They're wondering, Mr. Minister, how you can legitimize an activity such as this. They feel a wrong was committed. And because their loss was underneath \$500 they feel that what they basically were told: well I guess it's tough, your loss was under \$500, we're not going to take any actions, therefore there's nothing we can do.

Can you inform the Harres of what actions or how they would then proceed to receive compensation for a . . . I guess they would consider this a fraudulent matter that was imposed by them and a loss that was incurred.

Hon. Mr. Mitchell: — Mr. Chairman, I've consulted with the department about the situation that the member raises, and we are not aware of the situation.

We have heard that there are such thresholds that are being applied by some of the municipal police forces. The member raised the case in Regina; we've heard that they have a dollar threshold. It's not any kind of instruction they get from us, nor do they tell us about this in a direct way, so we're not certain that that is their policy. But we have no reason to argue with the member. And we will indeed discuss this with them following our exchange in the House this afternoon.

The person or persons who sold the candles to them or entered into that transaction are very likely registered under The Direct Sellers Act, and if that's the case, there will be a bond involved. And it may well be that the people who wrote to you could get access to that bond and get their satisfaction in that way.

Mr. Toth: — Thank you, Mr. Minister. And I'd certainly be prepared to and more than willing to discuss this and get some further details so that we can have a follow-up on it. I guess the question that arose, as was related to us, was the fact that unless it's \$500 or more, it's insignificant and basically saying we really don't have time to follow up on all these trivial matters that seem to be addressed with us

In view of the fact, Mr. Minister, that . . . I believe it was just

last week. I'm not sure. It was an individual from the criminal crime division was on the radio and in the newspapers warning people of other types of programs that are available, and you get a call through the mail, and you've won all these prizes if you just send us X number of dollars, and to be wary of these types of sales persons. So I'm not sure how we combat it all, other than buyer or public beware. But I think I'd appreciate if we took the time to follow up on this. This might have an avenue where it could be pursued.

Another question that arose from an individual from Prince Albert, regarding a matter of child abuse . . . This individual called our office to put forward comments on Saskatchewan justice system, which they indicated they have lost total faith in the system. And the reason they feel they've lost faith in the system is because they were told by police in Prince Albert that they were reluctant to proceed with an investigation into child abuse because of the Martensville situation.

And it seems to me a sad day, Mr. Minister, when individuals feel that they really can't go to the police any more because there's a reluctance to really investigate suggestions of child abuse . . . or are discouraged to proceed with any charges because of what may or may not have happened at Martensville.

What would you be saying or what do we say, to individuals raising and bringing these concerns to our attention? And here again, Mr. Minister, I can certainly give you the name privately afterwards to maybe do a follow-up.

I think you're well aware of the fact that in our discussions, both recently and in the past, I think we must be very cognizant of the fact that we . . . justice should be allowed to operate and we should be able to believe that at the end of the day, if a complaint is laid and an investigation is completed, that after that investigation is completed, that investigation should be allowed to proceed in a matter that doesn't drag people into the public or public eye or out into the open or focus of public attention until it can be proven that their actual circumstances . . . that would indicate that certainly this is something that should be followed up on. But at the same time we don't want people to feel that they are just sloughed off because there's a fear to proceed with an allegation.

Hon. Mr. Mitchell: — I am really concerned about that information. We have given a lot of emphasis to child abuse cases and to following up on them. And the member will know some of the measures that we've taken to better deal with the evidence of young children who are the subject of sexual abuse.

We have learned a lot about the handling of that evidence, the gathering of it, and maintaining it in such a way that its integrity is intact and it gets before a jury without being discounted or otherwise have its integrity lessened.

I will be following up with the member to obtain the name and we will check into the situation in Prince Albert. There is very simply no basis for any police officer saying they should be reluctant because of what happened in Martensville. Their obligation is clear when a situation like this is reported to them — to investigate it and investigate it according to the

procedures that police follow in such cases.

So I'm very interested in following this up with the member.

Mr. Toth: — Mr. Minister, I'm going to come back to some questions on that in just a moment, but I'd like to move on to another question that arose from a conversation with an individual from this community, and they're more than prepared to pass over information as well.

But basically, the first question that arised and then a subsequent question that came . . . or was brought to my attention today. An individual was basically charged with having committed an insurance fraud, was then — if I'm not mistaken here — convicted, sent to prison for six months. The conviction was then subsequently overturned and then after the Crown was allowed to appeal. But at the end of the day, an appeal wasn't brought forward, and the person's been facing somewhat a position of hassle for the past number of years arising out of this conviction.

His first question was: if a person's been charged, tried, and found innocent, why should they be forced to pay for the costs to prove their innocence?

Hon. Mr. Mitchell: — Well in any criminal prosecution, the person who is charged is presumed to be innocent and the onus is on the Crown, on the prosecutors, to prove that they're guilty beyond a reasonable doubt. That applies in whatever court you're in — if it's in Provincial Court or in Queen's Bench, before a judge alone or before a judge and a jury. So that the situation is, in reverse, is the opposite of the way in which it was reported to the member's office. He's simply not in the situation of having to prove he's innocent — the Crown's in a position of having to prove that this person is guilty.

Now in any event, it has never been the law of this country, nor of England, from whom we inherited our criminal procedures, that the state would pay the costs of anyone who was acquitted or convicted — the state is simply administering the law laid down by parliament as to what conduct is criminal.

(1645)

The presumption of innocence operates, as I indicated earlier, and the Crown does what it does. It objectively puts the facts before the tribunal — whether it's a judge or a judge and jury and the system works in the way that the member is familiar with.

And there have never been costs awarded in connection with that process.

On rare occasions in the history of the common law, persons in that position are able to show that the prosecution has been malicious, that something has gone wrong with the system and someone has acted in a completely improper manner and has been motivated by malice. And in those circumstances a court may find, by way of damages, that the person is entitled to recover their costs plus other damages for their loss. But that rarely, rarely happens and it's certainly not part of the allegation

of this person as I understood your question.

Mr. Toth: — So basically what . . . as I understand, Mr. Minister, if a person happens to have a charge laid against them and would seek legal counsel, goes to court, and at the end of the day the person is found to be innocent — the charges aren't valid — but in the meantime that legal counsel has cost money. So the person has had to hire counsel to go and defend them in court and they're left with that . . . that can become a fairly substantial cost.

So what you're saying then is that legal counsel, that cost to that individual, if they're found innocent, is their . . . I guess what you're just saying, well it's tough. That's the way our justice system operates. I'm not exactly sure if that's quite how it should operate, Mr. Minister. I think there should be some accountability from the Crown and from our police officers, from the whole justice system, as how justice is applied when it comes to the fact that if you're charged then all that cost, and it can . . . we know that court cases can drag out for a long period of time and it can become a fairly substantial cost.

How does a person then, when their innocence is proven, go about trying to recover some of the losses that they have incurred in having to proceed through trial and having to pay legal counsel to defend them?

Hon. Mr. Mitchell: — Well you know, you got to consider what is the public interest. Parliament passes criminal laws which are simply laws that define what conduct is such a departure from the norm as to be considered by our society to be fit to be labelled a crime and treated as a crime and punished as a crime if the person is found guilty. And we make those decisions in assemblies like this.

In Canada we do it in Ottawa because of their constitutional responsibility. In the United States they do it in accordance with slightly different constitutional arrangements but we all do it. And we do it in order to maintain order in our society, a system of social control over behaviour to deal with situations where individuals engage in conduct which is such a departure from the norm that they are considered to have committed a crime.

Now the whole system is conscious of the fact that those people are presumed innocent until they're proven guilty beyond a reasonable doubt. And so the police in their investigation know that they have to accumulate evidence to that standard so that if that evidence goes before a court and if it's believed, the person will be found guilty.

The prosecutions people, which in this province is done through this department, also has an obligation to look at the evidence and to determine whether or not there is a reasonable prospect, a reasonable likelihood, of conviction. Those words are important — a reasonable likelihood of conviction. And it is the professional responsibility of all of our prosecutors to make that judgement.

So it's gone through two screens to that point. And if the judgement is that that threshold has been met, then the matter is taken to court. The Crown puts in its evidence. That evidence is

tested by counsel acting for the accused. And they try to deal with the evidence in the way that lawyers do. They cross-examine and they introduce other evidence and try to establish for the court that their client has not been proven guilty beyond a reasonable doubt.

And it's important for all of us to remember that that is the standard that the court is applying. Court is not determining, in any civil sense, innocence or guilt. They're not trying to find out whether a person is probably guilty or probably innocent. They're answering the question: has that accused been proven guilty of this offence beyond a reasonable doubt?. If so, they're found guilty; if not so, they're found not guilty. Now the question of are you or are you not innocent on this balancing act that I mentioned earlier just never comes up in a criminal prosecution.

Now the point I'm trying to get to — the member will forgive me for being a little lengthy in my answer, but it's a very important point — there is an enormous public interest in the justice system being able to operate on the basis of evidence that has been gathered by an independent police force, then assessed by an independent prosecutorial service, each acting independently of any kind of influence from the outside, but doing their own jobs as they've been trained to do. And then they decide whether something goes to court or not.

It's an enormously important point that that be allowed to continue and continue untrammelled in order that we are able, as a society, to deal with people who care so little about the way in which our society operates, that they're prepared to engage in activities that are such serious departures from the norm, in other words that they have engaged in activity which we call a crime.

That has to go through without the police or the prosecutors being worried about if they miss the mark — if they're somehow not able to prove guilt beyond a reasonable doubt, that there would be consequences attaching to the system whereby you might have to pay somebody's big legal bill, pay for their hiring of lawyers and the like.

So we, meaning the system generally, over hundreds of years, has never allowed that to creep in. And I think it would be a tragic mistake to do that because we would then contaminate our system by economic considerations and allow that to influence our judgement about whether or not this alleged misconduct can be proven beyond a reasonable doubt.

I think that requirement itself, the necessity of proof beyond a reasonable doubt, gives the accused people a great deal of protection. The charter cuts in also with a great deal of protection for accused people. And it provides, in a democratic country, I think, sufficient safeguard without even considering for a moment having some kind of economic element injected into the piece.

Now the member will forgive me for carrying on at such length, but it's really a very, very fundamental question that he asks, and it underlies so much of the issues that we faced in this province over the last few years.

Mr. Toth: — Well, Mr. Minister, coming back to this and a couple more questions . . . but I want to just make one comment. On the front page of the paper today, we've got a headline about an arrest made regarding the individual that was found murdered, the lady. That was about a month ago. And it was interesting to note, Mr. Minister, the comment made by the mother of this individual who lost her life was, well it's nice to say that an arrest has been made. But then the next sentence was, I hope they have the right person.

And I think there is . . . basically what that individual is saying at the end of the day is while they're looking for . . . they certainly want to see that someone is held accountable for the travesty that happened to their daughter, it may be a reflection on our system as well and the fact that of all the investigative procedures and what's taken place over the last little while, that even the victims are saying, we hope we've got the right person.

Now in this situation here we have a letter that went from the senior Crown prosecutor in '93 to this individual and said: we've now had an opportunity to review this matter and have decided not to proceed with the new trial in young offenders' court. Consequently, we now consider this matter to be at an end.

And the individual thought, well okay, this is at an end; we've been through the system. Till he went to start a business up, went to apply for a licence, and unfortunately, apparently some information that was supposed to have gotten . . . I don't know exactly where that goes, regarding charges that may . . . held against you — didn't get there. And they saw on his record that this charge was still held there even though it had been thrown out.

And then a further letter says: we've now got this straightened out.

And I'm going to send this information over and see if we can have a follow-up. Because we now have a letter, this individual just received a letter, just the other day from SGI, and SGI is still coming after the individual for the . . . based on the fraud charge, even though it's . . . I don't know, it seems to be a real mixed-up affair. And being not a legal person, I guess I'm at wit's end, having difficulty trying to figure out what to do.

But I find a young individual who's very concerned with the system and how they've been treated. And I'm more than prepared — I've talked to the individual — I'm more than prepared to send all this information over to you to have your office follow up and see what redress . . . or what could have been done or what maybe has transpired here that has left so many unanswered questions and where the individual proceeds.

So, Mr. Minister, I'll have one of the pages take this and copy it and send it over to you. And I'm asking you, Mr. Minister, if you'll seriously take the time to review this — I don't know if it's come to your department before — and see what kind of redress . . . or how we can address this concern to the individual. Would you mind doing that, Mr. Minister?

Hon. Mr. Mitchell: — We'll be glad to take a look at that. It

doesn't ring a bell over here; we don't recall the incident. And the system is not supposed to work like that. The system is supposed to work much more efficiently and effectively. So we'll take a look at it.

Mr. Toth: — Thank you, Mr. Minister. And, Mr. Minister, I'd appreciate if as well you filled me in on it at the end as to where we are, what's up, the process that would be followed.

Mr. Minister, for the past while — and it still continues — coming to the Martensville case, we see the headlines of: Martensville inquiry please; Hindsight on Martensville easy — I think that came from the minister in a debate we had in this Assembly — and we see a group are encouraged by your remarks regarding a possible task force.

Mr. Minister, I'd like to pursue the fact of you've continually stood inside, said inside and outside the Assembly at a number of occasions, that you would not call for or allow a public inquiry into the circumstances surrounding the Martensville case. And we've gone through this a number of times, but I'd like to give you the opportunity to maybe suggest that you've had . . . reviewed the matter and maybe are willing to look at an avenue whereby we could get to the bottom of what happened here.

Because as you said in this Assembly, that certainly a lot of people have been victimized, a lot of children. We need to take into account what happened to the children. We need to take into account what happened to the families. And then we come to the question that I just raised a moment ago about an individual who faced a situation where they felt they had a legitimate complaint and were basically brushed off because of the fear even by the police officers now themselves that they don't want to get involved in any type of circumstance of this nature because of the complications that arise.

I'm wondering, Mr. Minister, why will you not allow for a full public . . . full inquiry?

(1700)

Hon. Mr. Mitchell: — Well, Mr. Chairman, I have a sense of having answered this before several dozen times. Maybe we're getting up into the hundreds by now, but I welcome the opportunity to take another look at this. So let me begin.

As the member has noted, the calls for an inquiry have come from many different directions, and the question that I have always had, that I continue to have today, is what would be the purpose of that inquiry? What are we trying to get at? And no one has . . . Let me put it this way, there is not . . . there isn't clarity of thought. There isn't unanimity of thought among those who ask for an inquiry.

It is clear to me that different people are asking for an inquiry for different purposes. Some have publicly said that they want to inquire of those children just what it is that they . . . yes, the member shakes his head that that's not right. I have heard people say, I have heard people say that the end result that they would like to achieve from a board of inquiry is that the children were not telling the truth and therefore the accused

people should be cleared.

Well I am not going to put those children through another trial. And in this respect a board of inquiry would be another trial. As far as I'm concerned, I am not going to cause those kids to take the stand one more time to recount the evidence that they have offered in the past. And I am not going to see them cross-examined one more time on these issues. I just simply won't do it. I'd much prefer to go to my grave with all the doubts swirling around than I would to put those kids through it once again. So that's one aspect of it.

Others have raised the question of the kind of investigation that was held. And there's been a lot of treatment of that subject, as I have told the member over and over again, specifically during the jury trial. And it was my clear impression that the main issue day after day, week after week, during that trial was the quality of the investigation; who did what, who interviewed what witnesses, what questions were asked, what answers were given, how did that compare with a subsequent interview, you know, and it just went on and on and on and on and on.

And I have the clear impression that there is just no questions left to ask anybody about the investigation. I think that's just received the most thorough kind of an airing. And it's all there. If we ever took the time to sit down with the transcripts and read it, it's all there. I'm not going to do it, but, here's been a lot of reporting on it. Even though the trial couldn't be reported day by day, there are rather well-done reporting pieces on that part of the trial. And any of us, and including the media, could plough through that evidence and see what went wrong and what went right during the investigation.

So the point is simply this: if I called a public inquiry with respect to the investigation, I would be doing nothing more than ploughing ground that had already been ploughed.

And all that we can learn from that evidence, that investigation, is already there for us to read and consider and learn from. And I think I speak on behalf of all parts of the department, that we learned a lot. We learned a lot of lessons about the evidence of young children in sexual abuse cases and the necessity of preserving its integrity and all these things that I've spoken to in the past. So that's the investigation part of it.

Now the department itself, under the direction of Mr. Quinney and his prosecutors, picked up the cases when they became involved in the case and handled those prosecutions that required a large number of decisions on their part. All of that is documented in the files of the department and all of that is reviewed by the department in the normal course of the business of the department.

I have not heard anybody suggest that the prosecutors handled the case badly, or mishandled it, or were guilty of any kind of misconduct. If those allegations are out there, they haven't come to my attention. I have not heard anybody suggest that the inquiry should focus on the way in which our prosecutions people handled the case.

As far as I'm concerned, they handled it entirely appropriately

and in accordance with their duty as prosecutors of criminal cases. So that's the third possible area of inquiry.

Now there's a fourth possibility, I suppose, in a notional sense, would be the way in which the court conducted the trial, but we don't hold public inquiries to review that. There are processes available for dealing with that question and they're by way of appeal. If a judge has in some way misconducted the trial, if the jury has in some way misconducted themselves or otherwise have gotten out of line, you'd just take that up to the Court of Appeal and get that straightened out. And if you're not happy with that, you have an opportunity in many circumstances to go above that to the Supreme Court. So that is not a proper area of public inquiry. So at the end of the day I ask myself, what is there that we should inquire into? And you get different answers from different people.

But I must say, and I say this in all sincerity to the member, I don't know what it is that we are expected to inquire into; and to the extent that I do know it, I am unable to accept it.

Now let me end on this note. I was . . . I met with Carol Dalton and the group, Cry Out for the Children. I met them in Saskatoon last . . . (inaudible interjection) . . . Pardon?

Yes, I met them in Saskatoon last Friday and it was . . . she had with her other members of her group and three parents of children who have gone through the justice system as complainants — as persons in respect of whom charges had been laid against alleged abusers. And it was a very emotional meeting and a difficult one. Although it was conducted in a good atmosphere, none the less it was very emotional.

In that meeting, a proposal was put on the table early that we have what they called a public task force to look into the whole bundle of issues that surround children who have been sexually abused. There wasn't much detail about it; there was no proposed mandate or that sort of thing. But what was proposed is that it would . . . the task force would have representation from the public on it. And I invited the group to specifically propose what it is they have in mind, and that requires them to flesh out the proposal to put some terms of reference into it. That seemed to me to be a very constructive suggestion.

It will not satisfy those who would somehow like to put those kids back up there on the stand and hammer away at them to find out just what did happen. And it won't satisfy those who want to nail the investigating officers to the wall. But it will give us an opportunity to learn from that whole experience that we call Martensville and draw from it all of the lessons we can. The proposal was not confined to Martensville. Martensville would just be one example of where kids have been sexually abused. But it would cover all of the other situations, criminal and non-criminal, where kids are abused, and try and bring some light to that group of issues. I think we as a society have not done well with respect to those kids and I think a task force holds some promise. So I responded favourably to them.

Now it will . . . we of course don't have a proposal yet or a fleshed-out paper on it, but we look forward to doing that and we are in quite a positive frame of mind about the whole

suggestion.

Mr. Toth: — Well, Mr. Minister, you're quite right, the headline on Monday, May 8 is: "Jury still out on reliability of testimony from children". And I can understand where Carol, and I met with Ray Lamarche as well, were coming from. And in that regard, Mr. Minister, their suggestion of a task force may have some validity as to how situations like this are held in the future.

However, Mr. Minister, I'm going to throw a curve ball at you in suggesting that my view of an inquiry has nothing to do with a retrial. I believe, Mr. Minister, just in the last . . . it wasn't that long ago that you chose to step aside from your position as minister over a comment that had been made on a local paper. And at that time the government appointed an independent person, totally removed from this province, to review the circumstances and come back with a report.

And the report certainly indicated . . . and a couple of questions were put by Mr. McIntyre, and the questions were: is the evidence sufficient to justify a prosecution? In other words, is it sufficient to raise a reasonable prospect of conviction? Assuming, as here, that it does, does the public interest require a prosecution to proceed?

And the comments were, in this case the first question would of course be answered in the affirmative. There was no doubt an offence occurred.

The second question however is in this case decisive. It is clear in all the circumstances that no public interests will be served by prosecution of the minister.

And the interesting thing I note is we've got, not in the public interest, here. We have, not in the public interest, regarding Phoenix and Mr. Koskie and we're still waiting for that report, and I'd like to know when that's coming down.

Mr. Minister, my view of the world as it takes shape with regards to Martensville is not a commission made up of individuals basically out of the legal field, out of the prosecutors' office, or out of the police offices. My view is that, from day one to where we are today, there's all kinds of evidence that's been gathered. There's been . . . I understand there's been taping of interviews.

It would seem to me that if we're really going to determine what happened in Martensville . . . I'm not calling for a retrial; no one's asking for a retrial. No one wants to go and interview families; no one wants to go and interview children.

Mr. Minister, if indeed this proceeded in the appropriate manner; if indeed the manner that was followed up was followed judiciously; if indeed there's nothing to hide, there'd be no reason why we couldn't appoint maybe someone from outside the province. And a couple . . . one person from the legal field; an individual from outside the legal field to go through the transcripts — and not just transcripts, I'm talking of tapes — because what's on paper doesn't have anything to do with maybe the emotion or maybe the insinuations that may

have . . . may be implied through voice reflection. Even the taping of how interviews are conducted.

And I think that's the only way, Mr. Minister, we would really arrive at whether or not the Martensville case was conducted appropriately, and whether or not children may have even been the victimized, through the investigation versus what happened prior to.

And what I'm asking of you, Mr. Minister, is why couldn't we . . . as was done in the case when you stepped aside. At that time we had a private individual outside of the province do a review and the individual, as I understand it, was given the information. He didn't go and then talk to a lot of people. He was given the transcripts; was given all that information that was used at the time, and asked to come up with a recommendation.

Mr. Minister, would that not be appropriate? Would that not work? Would that not address a lot of these concerns by just having a totally independent group of individuals? And basically what you've done is removed the prosecutors' office, the police, from having any involvement whereby it might be perceived that they might sway the way a review is undertaken. Would that not be . . . be a valid argument, Mr. Minister?

(1715)

Hon. Mr. Mitchell: — Just a word on my own situation. That was referred to outside counsel of course, because I was the minister. I mean I was, in a notional sense at least, their boss. So that was referred outside because of that factor. And I know the member understands that, so I won't dwell on it.

Of course one could do something like the member is suggesting. Again you'd have to be very clear about what parts of this whole day-one-till-today scenario you want them to look at, because you have to direct their mind. And I am not at all clear what I would say to any person or any group of people that I retained for that purpose. But I just can't tell them to go in there and have a look around, and if they see anything come back and tell me about it. And I've got to focus their mind on some clear questions. And in that respect I have already taken too much of the member's time in my previous answer by going through the various things that could be looked at.

The other thing that I want to say is that everything — all of the interviews, all of the tapes, all the documents — everything was disclosed to the defence lawyers. They just came in and looked at our files. Looked at . . . you know, they saw everything.

So there was nothing hidden, you know; it was all up there on the top of the table. And there is . . . and all of those tapes were played at the trial, and everybody heard the inflections and heard the questions and heard the tone of voice and did it all, you know.

So while you could do what the member suggests, you'd have to be very clear about why you were doing it. If it was a question of how the prosecutors handled the case, we have just reviewed that ad nauseam in the department, to ensure that the

prosecutors did their job properly and we're satisfied of that. You know you don't always win.

The reason why you don't win is that while you make an assessment of the evidence and say that it meets the prosecutorial test, if that evidence, put before the court, has a reasonable probability of resulting in a conviction . . . But it doesn't take into . . . you can't know what sorts of things are going to develop during the cross-examination of the witnesses that are offered and in other evidence that may come from the defence. So those are the unknowns in any criminal prosecution. And it happens that you have acquittals.

But what was so very difficult about the Martensville case, is how would you expect a police officer or a prosecutor to make a judgement about whether that evidence would hold up in court? The kids give their evidence, make their statement, tell their story. Your obligation is to put it before a judge because you know that if that evidence is believed it will probably result in a conviction. And sometimes it does and sometimes it doesn't.

But it doesn't mean that the world has ended or that anything has gone wrong with the system just because convictions were not obtained in all cases.

Mr. Toth: — Well, Mr. Minister, I didn't have the privilege of sitting in on any of the trial regarding the Martensville case. But would it not be true that the prosecution and the police would bring into court what they felt was the relevant evidence that would indicate that they would have a case?

Hon. Mr. Mitchell: — Sure. And that's exactly right. Yes, that's the answer.

Mr. Toth: — I guess what I'm coming to, Mr. Minister, then is even the tapes and the taping that was used would have been selectively brought forward out of all of the debate that would've taken place at that time over the investigative period. And I'm not sure whether it's a child, whether it's an adult, whether it's a young offender, in an interrogation process I'm sure that there's a process whereby a prosecutor and a police officer would determine over a period of time . . .

I haven't heard of one yet where a decision is made based on maybe a 15-minute interview. It's a lengthy period of interviews. And how many interviews? How many tapings? How much time would've been taken and then selective information is removed and taken before a court of law to try and prove the case?

And that's why I'm suggesting, Mr. Minister, that if you had someone who was outside, had no real knowledge or information, and went through it from point one, day one, from every tape, from the moment it started until the moment it ended, would give a better idea whether or not we arrived at the proper procedure. And especially when we hear there's a hundred-page document that the police have in their hands that Mr. Popowich is calling for, where as I understand it — brought forward in the papers back in January — where there were even recommendations that charges should never have been laid.

One has to ask, why were charges laid if recommendations or suggestions were made that charges shouldn't be laid? As a result, the Crown is now facing a lawsuit and it's not just Mr. Popowich, but a number of other individuals.

And that's why I feel, Mr. Minister, it has to be removed from the individuals who were involved, having access to all the information right through the trial process, to see what went wrong so that we do not have the same scenario arise in the future.

Hon. Mr. Mitchell: — The reality is, as I mentioned, that all of our evidence that had been accumulated by the police was disclosed. All that was made available to the defence counsel, and that includes the criminal prosecution of Popowich; all that stuff was made public, all the things that we had.

And putting the evidence in, the Crown put the kids on the stand and let them tell their story, give their evidence, and then the counsel for the accused could conduct their case as they wished. And the way that they chose to do it was to put in all of the previous interviews and the tapes of the interviews. And that's how that got before the court. We could have done it that way, but we put the kids up there instead — tell your story.

But we had made available to the accused all of that material and they were entitled, quite properly, to use it in the defence of the accused people.

Now with respect to the Popowich matter, I am very seriously constrained about what I can say because he has a civil action going against the Saskatoon city police and against the department in respect to this prosecution.

I can say, though, that there was full disclosure of all the material that we had on the criminal trial and all that information is available to him on his civil trial. I believe that the reports, or whatever it is that he's trying to get now, are in the hands of someone else, not the Crown. So we're not able . . . or at least don't take any position on that. That will be determined by the court in the ordinary course. But I don't want to say anything more about that.

Mr. Toth: — I guess, Mr. Minister, that question arises — if all that information was available prior to, then one would have to ask why Mr. Popowich is now having to go to court to receive more information in his suit. And I can appreciate the restraints that you may have, but I think at the end of the day when it comes to a situation like this, Mr. Minister, or any other circumstance, whether it was a Martensville or whether it's another community at the . . . (inaudible) . . . I guess, if you will.

What we have to date is, I believe, one conviction that was upheld by the court the other day — one conviction of nine individuals.

And someone made a comment to me the other day about another circumstance that had arisen that was very close to one of my colleagues, and it had to do with sexual assault as well. And after the court case there was . . . in fact the complainants

actually confessed to the fact that they had made up the allegations because they had been mad at a teacher and the case was thrown out.

But unfortunately, Mr. Minister, while we are supposedly living in a society that says you're innocent until proven guilty . . . and we have just a case out in Lumsden of an individual who's already been on the front pages as having been charged with having . . . sexual assault.

Now whenever that individual may end up before the courts and whatever transpires is irrelevant because the public in general have basically made up their mind as to the guilt or innocence. Because when it comes to whether it's wife-battery or accusations against women, of assault, or whether it's child accusations, Mr. Minister, society does not — will not — accept that that is a common, or a practice that is acceptable.

And I guess the concern I have, Mr. Minister — and I feel very strongly — that whatever the circumstance was, whatever the case . . . And it's obvious through the Martensville case. As you're suggesting, all that evidence was presented to the defence.

At the end of the day, they obviously felt . . . and I can't remember if it was the judge specifically or the jury . . . a lot of recommendations, decisions, came down as to guilt or innocence and a number of appeals arose out of it.

But it would seem to me that if there is any shred of evidence that might show to a prosecutor or policeman that their evidence is very slim and that it may not really stand in court, then it would appear that charges should not be forthcoming until you've got all the evidence that you would need that would certainly affirm that there is indeed a charge; that there is indeed evidence to show that this charge would stand for the simple reason that as soon as it comes before the floor, it hits the front pages. And I'm afraid, Mr. Minister that many people in our society, even tomorrow, are going to be affected by this.

And I don't know how we do it — whether you just hold everything back until court date or what, if you will. Even that's not good enough because the court process takes a period of time and the guilt or innocence is not revealed until a decision is made by either a judge or a jury and the case is closed.

And so how do we address these, how do we address these concerns? And how do we make people feel comfortable in coming forward with complaints? And how do we leave prosecutors, or even policemen, in a position of feeling comfortable and addressing, as the one case I raised a little earlier, coming before them with a request to investigate the possibility of a child abuse case and make sure that we are indeed investigating legitimate complaints.

And at the same time, basically prosecuting individuals who should indeed be prosecuted without dragging a lot of people through the mill. And as I indicated earlier, having them to seek legal counsel, expending enormous amounts of money to prove their innocence.

How do we address that?

(1730)

Hon. Mr. Mitchell: — The question is a very good one. I just want to say, on the way to answering that question, that I've mentioned earlier this afternoon that the test applied by the prosecutors in making a decision as to whether to proceed with the prosecution is a reasonable likelihood of conviction. And that this is a test that's applied in almost all jurisdictions in Canada, and it's applied by independent prosecutors whose profession it is to make these kind of judgements.

And we have an obligation by virtue of law that has come from the Supreme Court to disclose the evidence on which . . . well we disclose everything we have, in effect, practically everything we have . . . (inaudible interjection) . . . Yes, there are some exceptions, but they're not relevant for our discussion this afternoon. So you have to lay out all you've got.

The defence does not have to lay out their case; they don't have to lay out any evidence that they have. Sometimes they do, sometimes they don't.

Now, the broader question though raised by the member is a very interesting one, and that is that all of the publicity that goes with some of the crimes that occur and how this results in people being almost found guilty in the public mind before they can get to a trial. And I have no answer.

I personally believe that the public has a right to know all sorts of things, as much as possible, and that we, for example, in government should not keep from the public anything except where there is a compelling reason for keeping it from them.

And so it is in the way in which the whole society works. The media is active everywhere, inquiring; the courthouse is an open place, people can go in and look at records -- the media routinely goes in and looks at records to see what's new. These charges are a matter of public record and I think that's appropriate; I think it has to be that way. So the media picks up on that. Then eventually the police get to the point where they announce, they issue a press release that such and such a charge has been laid.

And I realize that that can create problems in some cases. But it seems to me that in a democratic society that that's just one of those things. What I think is required and necessary is that the public be reminded over and over again that the fact that a charge is laid doesn't mean that the person is guilty. It means only that the Crown intends to attempt to prove that person guilty. But until they're proven guilty, they are not guilty. They are innocent until proven guilty beyond a reasonable doubt.

And a lot of people seem to forget that; they lose track of that in their day-to-day lives and tend to jump to conclusions. And I think it's unfortunate. I agree with the member in that respect.

Mr. Toth: — Well, Mr. Minister, I can only add then, we've had numerous calls regarding circumstances that have affected our caucus, and there's a number of individuals who feel that as

soon as names hit the media, you're held accountable. And the unfortunate part is, when you see a comment at the bottom of the page that further charges may be pending, you know, people let themselves . . . have to ask themselves, where are we going and where are we heading in situations like this?

And the other thing I bring up is — I had it here — it bothers me when on the *Star-Phoenix*, and I just can't picture the date up here . . . but there's an individual who admitted after a trial had proceeded that he also indicated . . . told Saskatoon police and an Inuvik RCMP (Royal Canadian Mounted Police) officer that he lied at a case. He said, the RCMP officer said it was better to have an innocent man in jail than a guilty one go free.

I think that's very unfortunate, Mr. Minister, and I guess what that does, is certainly . . . there again, it brings forward the doubt in people's minds as to whether or not justice is enforced and administered fairly and equitably to all individuals. And I'm not exactly sure whether this was said in spite, or the reasons for it by the individual, in suggesting that he had lied, and then the comment by the RCMP officer.

But indeed if we have any innocent individual end up . . . because of the evidence and it's revealed later on, that person has been victimized. And I find that it . . . I really find that somewhat offensive, to have a comment that an innocent man in jail is better than a guilty one free, because the guilty person is still on the street, obviously, from that type of a comment.

So I think what we have here is a number of questions that continually rise about our whole judicial system. And I just want to bring another one to your attention. Saturday, March 18: "Four-year-old given subpoena". The father was really annoyed — I believe it's right here in Regina — when police came and handed a subpoena, and his comment was: "It's ridiculous; she can't even read this".

It seems to me, Mr. Minister, there are insensitivities, I guess if you will, and I'm not sure how we handle situations like this as well. How do you subpoena a four-year-old who can't even read? There's got to be some accountability and some reasonableness that enters into our judicial system, rather than running into incidents like this. And I don't know, how do we respond to this?

Hon. Mr. Mitchell: — The member raised a number of points. I want to . . . the first one I want to address was the idea that better that the innocent person be jailed, than a guilty person go free. I disagree with that just totally.

I think that the opposite is true. I believe that far better that a guilty person go free than that an innocent person be jailed. And I think that's one that always impressed me as being one of the logical underpinnings of our justice system, is that the presumption of innocence and the requirement that a person be proved guilty beyond a reasonable doubt is sound, even though it may result in guilty people being acquitted.

It is, day after day, year after year, decade after decade, as good a certainty as we can possibly have that no innocent person will be convicted. It happens, but very rarely, and usually only in whether it's some perjury or something like that around that

results in a conviction of an innocent person. So I'm glad that the member raised that. It gave me the opportunity to say that I disagree. And I think I agree with the member.

The bigger your case . . . (inaudible) . . . with respect to which that comment was made, it's still before the Court of Appeal, so I couldn't get into any of the details of that.

I am very displeased with the remarks in newspaper columns indicating that further charges will be laid in any situation, including the one that the member mentions. I know nothing of that. But I remember the comment and I think that is inappropriate.

Finally I just want to deal with the question of the four-year-old witness. Certainly the situation was not sensitively handled. The other side of the story, however, is this: that the four-year-old was a witness who was required to give evidence in a criminal proceeding.

In those circumstances, the prosecution has very little choice but to issue a subpoena, because if the witness doesn't show up and you haven't subpoenaed the witness, then you're likely to lose right there. The court's likely to dismiss the case right out of hand.

If you've subpoenaed the witness and the witness doesn't show, then you can handle it in other ways. You know, the court can authorize that the person be arrested and brought into court or you might be able to obtain an adjournment on the basis of the failure to appear. But you have to have subpoenaed. So it is almost automatic that all witnesses are served with a subpoena.

Now you get into the absurd where someone who is four years old and can't read the subpoena is subpoenaed, but that is the other side of the story. But I acknowledge that there is an element of insensitivity here that just rises up and hits you in the eye.

Mr. Toth: — Thank you, Mr. Minister. And I guess that's kind of what hit the parent of this child in the eye. And it's something that comes back to even what we alluded to much earlier, about how you conduct and how you handle circumstances such as this so that the appearance isn't a high or a heavy hand coming down, but dealing with . . . In this case too, when you're someone that young, it can almost . . . it's traumatic enough for an adult, I would think, let alone a child, to have to face a situation like that, where you're handed a piece of paper and you're trying to figure what . . . coming from an individual who you're taught from very young to respect as being a person that you can trust.

Mr. Minister, a number of questions were raised regarding the Martensville case by an individual. And I need to get these questions brought to your attention.

The town of Martensville just received 75,000 allotment from the government to assist with costs incurred by the sexual abuse trial in that community. Where's the money coming from and could you provide us with any details on that?

Hon. Mr. Mitchell: — The town of Martensville is in dire financial straits as a result of some of the problems that have occurred with their police department — while they had one — and the Martensville situation was . . . the case we've been discussing is certainly a part of that. And they've got some settlements to deal with as a result of former employees taking action against them. These are a local responsibility and so fall on the town, but we have some sympathy with them.

The small police force . . . and they really couldn't cope with the volume of the case that we've been discussing. So we have made an *ex gratia* grant of \$75,000 to the town which represents about half of their current outstanding debt and we advanced that to them. We paid for that out of the Department of Justice, out of the policing allocation, policing vote or subvote, whatever it is in the budget. So it came from the department.

(1745)

Mr. Toth: — Mr. Minister, have all cases surrounding this unfortunate incident concluded? I'm referring especially to any that the government is involved in. What do you provide any . . . provide us with information on any that may be pending and in addition can you provide details on how much this entire case has cost the people of Saskatchewan.

Hon. Mr. Mitchell: — The question is complex, Mr. Chairman, and so we undertake to provide the answer to the member as soon as we can.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, a further question. The young offender convicted in this case appealed and the initial conviction was overturned. I understand that this individual is represented by Clayton Ruby of Toronto. Is this correct? Is this individual being represented . . . Is this correct or is this individual being represented by Legal Aid in Saskatchewan, and if yes, how can this individual be represented by someone outside of the province?

Hon. Mr. Mitchell: — We are, of course, aware that the lawyer is Clayton Ruby, but we have no idea under what circumstances Mr. Ruby has been retained or who is paying for him.

Mr. Toth: — I'm also aware of the fact that Travis Sterling is represented by an attorney that practices outside of Saskatchewan. Is Mr. Sterling . . . I should say, are Mr. Sterling's legal fees being covered through Legal Aid? Are you aware of this and how those are being covered?

Hon. Mr. Mitchell: — We don't know that either. If it's being covered by Legal Aid, we're not aware of it. The member will know that Legal Aid is in the Department of Social Services, and we just don't know.

Mr. Toth: — So then you wouldn't be really aware then of any . . . of the individuals who may be retaining the services of Legal Aid in this case at the present time. Okay.

Would you be able to provide us, or would you provide us, with a detailed list of all the costs incurred by the government,

province of Saskatchewan, regarding the abuse case, including travel costs for lawyers outside of the province, all other legal fees for each individual case, and the estimated total cost overall? This comes back to part of the question that I'd raised earlier, and this might take some time.

Hon. Mr. Mitchell: — Yes. As I indicated earlier, we undertake to provide the member with the costs that we have incurred in the case, and I mean that. With respect, for example, to Mr. Ruby, we haven't incurred any of those costs so we can't provide any of that.

Mr. Toth: — Mr. Minister, it was also brought to our attention that one of the victims had moved to B.C. and the government moved the entire family back to Saskatoon and provided housing. In addition, the family was moved after their first address was revealed.

What kind of costs were incurred by this entire exercise, and did this situation happen to any other Martensville victims?

Hon. Mr. Mitchell: — We're not aware of any situation such as I heard the member raise. We did bring some parents back from B.C. for the trial — whether it's B.C. or . . . it's outside the province anyway. Some parents of the children came back for the trial and we paid for them to make the trip, of course. And that information we will provide to you, as I indicated earlier.

Mr. Toth: — As a result of the outcome of the case, and complaints from both sides, Mr. Minister, maybe you could kind of . . . or give us an idea of what you as a minister, your department, and the government, has learned from this case. And has . . . (inaudible) . . . department been looking at new plans, new programing, or training for officials dealing in such circumstances that could deal with . . . that could better handle similar circumstances down the road? I'm wondering if you could tell us where we're at today.

Hon. Mr. Mitchell: — If the member will excuse me, Mr. Chairman, for taking a few moments to collect different pieces of information in order to answer that question properly. In no particular order, let me answer the member's question as to some of the things that we've learned and what we've done in response to what we have learned.

At the root of it is an understanding that our system is . . .

The Chair: — Order, order. I will ask members to come to order. We're having a little difficulty functioning in the review of estimates. And if you can just calm down a tad. Minister.

Hon. Mr. Mitchell: — Thank you, Mr. Chairman. At the root of it we learned that the system, whether it's in Saskatchewan or anywhere else in Canada or the United States or the United Kingdom or Australia or where have you, isn't very good at handling the evidence of very young children. And the reason for that is, until just recently, nobody paid very much attention to them.

It was the rule in all of these jurisdictions that it was dangerous to convict on the uncorroborated evidence of a child. And the

requirements for corroboration's pretty high, you know. You've practically got to have . . . well it's got to be evidence independent of the child that indicates that the child is telling the truth and that it happened the way the child says. So you almost have to have an eye witness — not necessarily, but in practice what other kinds of corroborative evidence is there? There is some but it's difficult to obtain.

So it's only recently that we have decided that these kids have a tendency to tell the truth and that we should believe them when they tell us a story. And that's resulted in a whole new set of problems for the system in how to deal with, gather, and maintain the evidence of young children. So that's been at the root of what we have learned from Martensville. We have learned that we don't do it very well and that we have to do it better. That's very much what the task force idea that Carol Dalton raised was about.

We have to this point done the following. We are providing a great deal of training to police and to prosecutors and to other professionals on this subject — investigating, gathering evidence, and preparing that evidence for prosecution.

The victims' program has been very fundamentally affected by the Martensville experience, as far as intervention is concerned and support for witnesses and that sort of program that you will know about, that the member will know about, that we sponsor under the victims' program.

We have established a unit, an investigation unit in Regina, that has received some publicity, involving the city police and social workers employed by the Department of Social Services. And they are cooperating in the handling of these cases. And I know the member is aware of that experience from the publicity that's been given to it.

In Saskatoon we are in the process of establishing a house, a child-friendly house, which will bring together a variety of professionals to better deal with the evidence of young children. The children will be taken to these houses and there they will . . . their evidence will be gathered and safeguarded, I think I can use that term, although we're still learning how to do that, you know, to ensure that their story does not get off the rails by improper questioning or any such thing.

Then finally, I mentioned that . . . just mentioned that there is a new child investigation protocol that has just been finalized. We don't have a copy with us, but I'll send a copy to the member so he will be able to see that.

The committee reported progress.

The Assembly adjourned at 6 p.m.