

EVENING SITTING  
ADJOURNED DEBATES

SECOND READINGS

Bill No. 88

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Nilson that **Bill No. 88 — An Act to amend The Queen's Bench Act** be now read a second time.

**Mr. Osika:** — Thank you, Mr. Deputy Speaker. I thought it only appropriate that I join in this debate on Bill 88 since my constituency is one that will be greatly affected by this piece of legislation.

You know, Mr. Deputy Speaker, when I first heard rumours about this government's intention to begin shutting down court-houses outside our major cities, I began to wonder, what's next. What's the next vital service this government plans to rip away from our smaller cities, our towns, and our villages.

What's next on this government's rural Saskatchewan chopping block, because since taking power in 1991, the NDP (New Democratic Party) has not stopped thumbing its nose at our rural residents. Since taking power in 1991, the NDP has treated people outside of our larger cities with ever-growing contempt. Since taking power in 1991 the NDP has done everything in its power to treat residents from smaller communities like second-class citizens and it doesn't seem it's going to stop any time soon.

This latest move to close court-houses is only the latest slap in the face for these people. Some of the more cynical in our province might even suggest the court-houses in Melville and Kerrobert are the first on the chopping block because those areas had the unmitigated gall to elect MLAs (Member of the Legislative Assembly) that were not NDP. How dare they. In fact many are suggesting that very thing, Mr. Deputy Speaker.

That kind of sentiment is just a taste of the cynicism that exists in many areas of our province — cynicism not bred out of the misdeeds of past governments. No, this is a brand-new form of cynicism, cynicism that has come about only in recent times as this government's game plan has become more and more obvious.

There is no more hiding for the members across the floor. For cynical, political purposes they have written off much of rural Saskatchewan because they see most of it as useless for their political needs. They can hoot and holler all they want from over there but the people can now see right through them. They can see through the charade portrayed by this cynical crew opposite.

You know, Mr. Deputy Speaker, the people out there have become numb. The terrible part about all this is that they've come to expect this kind of treatment from this government.

Mr. Deputy Speaker, I think the May 15 edition of the Melville

*Advance* really bears this out. In an article on the closure of the Melville court-house, Mayor Mike Fisher is quoted as saying, and I quote:

What you've got is people saying, we can't do anything one way or the other. The government has made up its mind and you aren't going to get anywhere arguing. People will reach a point that they're sick of the government.

Mr. Deputy Speaker, statements like Mayor Fisher's make us wonder why we're here at all. Because you know what? I can't argue with Mayor Fisher's point. The government opposite isn't willing to listen. They aren't going to change their minds. Their arrogance simply will not allow them to do that.

Yes, arrogance, Mr. Deputy Speaker. That arrogance is no better portrayed than in Melville's treatment at the hands of this government, in particular how the whole closure came about. And I'm sure that the people in Kerrobert experienced much the same treatment. We'll find out when the member from Kindersley speaks to this Bill, as I'm sure he wants to very badly. But I've seen firsthand this government's treatment of the city of Melville.

Again I quote from Mayor Mike Fisher in the letter he wrote to the Minister of Justice seven weeks ago — a letter that, as of a few days ago, had not received a response. In that letter, Mayor Fisher says:

Your cold, faxed letter of March 28 is indicative of your style of government. You wrote us March 8 saying no final decision had been made with respect to Melville. Clearly that was intentionally misleading or naively so.

And Mayor Fisher goes on to state in his letter to the minister:

I reject the lack of consultation, this cold-blooded approach, and pure disregard for our community. This community, for no reason, is being battered by your government.

Cold-blooded approach and pure disregard for our community, Mr. Deputy Speaker. I think Mayor Fisher's words strike right at the heart of the matter, because this government has little regard for the people outside of its political bastions of Regina and Saskatoon.

Mr. Deputy Speaker, this decision to close the Melville court-house was made without even the courtesy of talking to those affected by such a move. No one from this government had the courtesy to consult with the local community, not even with Mayor Fisher, who also happens to be the president of the local bar association, Mr. Deputy Speaker.

But is that really surprising? I would suggest, no. It's something we've come to expect. Sadly this is what we've come to expect from this government. Act now, talk later. Like I said, Mr. Deputy Speaker, no one from this government had the courtesy to meet with Melville leaders. For seven weeks Mayor Fisher's letter went unanswered. When the mayor finally did receive a response, the government offered to set up a meeting with the

NDP member from Yorkton — the Minister of SPMC (Saskatchewan Property Management Corporation). I really don't know what they thought that this would accomplish, Mr. Deputy Speaker, unless they wanted to figure out what to do with the abandoned court-house in Melville.

Mr. Deputy Speaker, the member from Yorkton of course represents an area that will benefit from the court-house closure in Melville. I'm really sure he's going to see Mayor Fisher's point real soon.

It's ludicrous, Mr. Deputy Speaker. This government treats the people with such contempt. This is just the latest charade they pull — trying to appear like they give a darn about what people in Melville think.

They don't give a darn in their first term when Melville actually had an NDP member, and they certainly don't give a darn now that the member has been turfed by the electorate.

Mr. Deputy Speaker, let's not kid ourselves. These court-house closures are only the beginning. Nobody honestly believes that it's going to stop there. But I'm curious to see what'll happen if the government goes after a court-house in an NDP-held riding. It's possible I suppose, but not probable. It's possible.

But if it ever does happen, I'm willing to predict what the NDP member from that area will do. Nothing. Like we've seen over and over again. The back-benchers opposite are content to sit there and try to look important. They're willing to cash their pay cheques. They're willing to applaud and cheer on command; but are they willing to stand up for their communities?

Are you kidding me? As we've seen, this is the last thing that they are willing to do. I hate to do this, but I'm going to use just one such example. The member from Swift Current has seen dozens of jobs ripped out of his community. He has now seen the closure of a very vital nursing home in his community and all we get from him in this House is continued silence.

He doesn't even have the courtesy to attend meetings in his own riding to discuss these very urgent matters. Does that member really believe he's serving his constituents well with his continued silence? Is that what his constituents want and expect of him? For him to sit there like a trained seal unable to find his own voice, unwilling to speak in this House on anything that's not prepared and vetted by the NDP caucus staff, is that what he thinks being an MLA is all about?

But, Mr. Deputy Speaker, it's unfair for me to pick on this specific member because he's certainly not alone. Day after day we see the members on the back bench sit there. Except for the odd member's statement they are told to read, we hear nothing but silence.

It's truly sad, Mr. Deputy Speaker, but I suppose it's not surprising.

**The Deputy Speaker:** — Order, order. Order. Why is the member on his feet?

**Mr. Van Mulligen:** — A point of order, Mr. Speaker. Mr. Speaker, my point of order is the language that's being used by

the speaker, the Leader of the Opposition, in referring to one of the other members of the House in animal terms. I find this objectionable and I think it's objectionable to all members of the House.

**The Deputy Speaker:** — I would caution the member from Melville and the Leader of the Opposition not to use terms that are derogatory to people, person's names.

**Mr. Osika:** — I thank you, Mr. Deputy Speaker, and I do apologize. But under these kind of circumstances it's difficult to control oneself when it is in fact the truth about things not being said on behalf of constituents, when disasters are occurring. And I hate to repeat myself in this House but it really is not very hard not to, when we see such a pattern developing, Mr. Deputy Speaker.

This is a government that's contemptuous of rural Saskatchewan and it doesn't want to hear from the people that they are cutting loose. Again, I quote Mayor Fisher since that seems to be the only way his words — that seems to be the only way that his particular words — will reach this cabinet. Mayor Fisher says, and I quote: "Why would you mislead us. Why would you not have the courtesy to meet with us to hear our proposals." And Mayor Fisher adds, Mr. Deputy Speaker: "I have lost respect for your government."

I have lost respect for your government. Mr. Deputy Speaker, if only these were words isolated to Melville. But they aren't, Mr. Deputy Speaker. People throughout this province are quickly losing respect for this government — a government that puts politics first and people second at every turn.

Mr. Deputy Speaker, I fear these two court-house closures are only the beginning. This piece of legislation paves the way for many more closures down the line. I urge the minister to think long and hard about these moves because they are at the end of a very long chain of lost services in many, many of our small rural communities. I urge the minister to meet with citizens in all affected communities in the long run as these closures move closer. And, Mr. Deputy Speaker, I urge the minister to meet with the people in Melville.

I know he's taken a trip to Kerrobert. I've had some indication the minister is at least now considering going to Melville, though obviously that will remain to be seen. I want him to continue thinking about going to meet the people affected by this legislation, and in the short term I do urge him to take that trip to Melville.

And I want to give him time to think about that, Mr. Deputy Speaker, before we pass this Bill on. So at this time, Mr. Deputy Speaker, I move we adjourn debate on Bill 88. Thank you.

Debate adjourned.  
(1915)

## COMMITTEE OF THE WHOLE

### Bill No. 90 — An Act to amend The Provincial Mediation Board Act

**Hon. Mr. Nilson:** — I'm pleased to have with me Madeleine Robertson to deal with the Provincial Mediation Board.

#### Clause 1

**Mr. Osika:** — Thank you, Mr. Chairman. Mr. Minister, I welcome your assistant. Thank you for coming to discuss some of these aspects with us. I just have a few questions on this particular Bill. Clause 3 of the Bill sets out a new subsection 6(3) of The Provincial Mediation Board Act. And the key text here reads:

... the board may request the creditor to pay to the board a fee in the amount prescribed in the regulations made pursuant to section 6.1.

Mr. Minister, do you interpret this as creating a legal obligation on the part of the creditors to pay such fees?

**Hon. Mr. Nilson:** — The way the legislation is worded allows the creditor to enter into an arrangement with the debtor who has ... the debtor works with the Provincial Mediation Board and then signs a contract saying that he would ... he or she will pay, you know, \$200 a month to the Provincial Mediation Board and then that money would be paid out to the creditors. In that contract it would be set up so that the creditor would agree that a portion of whatever is paid goes to the Provincial Mediation Board to help pay for their fees.

I think, as I explained in the speech that I gave before, the purpose of this is to have it mirror the quarterly payment of debts arrangement that comes under the federal bankruptcy law.

**Mr. Osika:** — Thank you, Mr. Minister. I apologize if I'm reiterating or repeating or being repetitive on some of these. The words you use is "may request." I just wondered why you used that rather than "shall require" if in fact that's what is meant or the intent is.

**Hon. Mr. Nilson:** — I think there are some practical reasons for this. One of them is that if we're in a situation where there are 10 creditors and one of them refuses to participate in the whole orderly payment of debts arrangement because they don't want to pay a fee, this will allow the person who's running this whole program to, in his or her discretion, agree that one person maybe wouldn't pay the fee. So it's basically to allow it to be a discretionary power as opposed to a required power.

**Mr. Osika:** — Thank you. Mr. Minister, clause 4 of that Bill creates a new section 6.1 of the Act. That new section of the Act will give your provincial cabinet the power to set the amount of fees ... or the amounts, pardon me, of fees that are collected from creditors by regulation. When you mentioned in your speech about this Bill at second reading, Mr. Minister, you said that it was your intention to make the regulations so that they provide for a 10 per cent levy.

This question I have is, why not put that clearly in the Act? Why not come right out and say that what you want all the creditors to do is participate in the program, to pay that levy of 10 per cent?

**Hon. Mr. Nilson:** — It's the present legislative policy to try to have all fees in regulations so that if it is necessary to change them we don't have to go through the whole legislative process to adjust the fees. And that's true, I think, in all legislation that has been passed in recent years because it makes more sense to have the ability to make adjustments on fees outside of the process of the whole legislative session.

**Mr. Osika:** — Thank you again. Clause 5 of the Bill provides that the Provincial Mediation Board now file and table both an annual report and a financial statement. Again referring back to your speech on second reading, you pointed out that the board is already doing these things even though it is not under a legislated mandate to do so. My question, sir, is: what guarantees can you give us that these new legislative requirements will be achieved at little or no cost to the taxpayers?

**Hon. Mr. Nilson:** — There is no additional costs because we're already doing it. This is, I think, following the advice of the Provincial Auditor to actually have some requirement that these reports be filed. So it's part of the overall attempt by the government to be accountable in all ways and have it set out clearly how the accountability flows.

**Mr. Osika:** — Thank you, Mr. Minister. I very much appreciate your responding to the short questions that I had. I have nothing further. Thank you, Mr. Chair.

Clause 1 agreed to.

Clauses 2 to 6 inclusive agreed to.

The committee agreed to report the Bill.

### Bill No. 83 — An Act to amend The Limitation of Actions Act

**The Chair:** — Would the minister introduce officials.

**Hon. Mr. Nilson:** — Yes. I am pleased to introduce Susan Amrud, one of the solicitors in the department and somebody that you've met before.

#### Clause 1

**Mr. Osika:** — Thank you, Mr. Chairman, and welcome again.

I have a few questions dealing with this particular Bill. Mr. Minister, we'll start with clause 3 which would change the definition of owner in section 2(1)(p) of The Land Titles Act so that an Indian band can become the registered owner. I'm sorry ...

May I send my sincere apologies. I wish to retract my preamble but I still would like to stand by my warm welcome, Mr. Minister, to your official.

Mr. Chairman, Mr. Minister, we appreciate very much the fact that now the women who have suffered in an unfortunate situation will now have their day in court or will be eligible or allowed to with this type of legislation. And we have nothing further to inquire about that legislation.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

**Bill No. 93 — An Act respecting the Public Disclosure of Information related to Individuals who Pose a Significant Risk of Serious Harm to Other Persons**

**The Chair:** — I would ask the minister first to introduce the new officials.

**Hon. Mr. Nilson:** — Yes, I'm pleased to introduce Laura Bourassa, the Crown solicitor who will assist, along with Susan Amrud, on this legislation.

**Clause 1**

**Mr. Osika:** — Thank you, Mr. Chairman. Mr. Minister, could you perhaps give us just a capsule, a recap, of the Bill, the intent of it again, just an overview for our benefit.

**Hon. Mr. Nilson:** — I think practically this legislation is set up in a way that will allow us to work with the police and the community to deal with the situation where it may be necessary to notify the public about a dangerous offender within the community. This legislation has been developed with consultation with people in the community, with the police, with suggestions from your side of the House and from the third party.

And with all of these types of information, as well as carefully reviewing the rights of the community over and against the rights of the offender, we've come up with a piece of legislation which we think will assist the police in deciding if and when it's appropriate to release the names of dangerous offenders in the community.

(1930)

**Mr. Osika:** — Thank you, Mr. Minister. And as I said previously, that we were very pleased to see this type of legislation being introduced and I commend you and your officials with the consultation process and the manner in which the Bill was put together.

Just one or two, perhaps, questions from our side of the House. One that I had with respect to the committees — how will they be selected? You may have outlined that. I don't recall. But how will the committees be selected and will those committees be from the public at large on a voluntary basis or will they in fact be identified as perhaps even similar to paid board members that may be called on from time to time and receive remuneration for that type of responsibility?

**Hon. Mr. Nilson:** — The committee . . . we haven't set out all of the regulations and policies surrounding this legislation but we're in the process of working on it. But practically the committee will include people who are within government employ so that they would not receive remuneration. But there

would also be community members and they will receive pay that would be commensurate with this type of an advisory board.

And so they would fall within the range of many of the other advisory boards that work within our department.

**Mr. Osika:** — Thank you, Mr. Minister. It would then be for expenses that they would incur to act as committee members rather than an actual stipend for fee. Or has that not yet been decided?

**Hon. Mr. Nilson:** — I would suspect that they would get a per diem like a hospital board member, maybe probably not as much, but for the work that they do, and then if they do have any expenses those would be reimbursed.

But clearly the idea is not that this would be a full-time job or that it would fund anything. The idea is to have money paid in a way that acknowledges that they are performing a valuable public service.

**Mr. Osika:** — Thank you. I guess the reason I'm asking that is because, if I recall correctly, parole board members do receive some type of a salary or they receive a considerable stipend for their responsibilities and role. Is this then, I guess . . . I would suspect that there are probably a lot of people out there who are concerned about what we've been discussing that would be willing to come forward, and say as a member of the community, not unlike Block Parents or that like . . .

Forgive me if I'm thinking of dollars and cents here, and I don't want to impose any hardship on any individual who agrees to help the community. However, if perhaps that might be a consideration, you'd likely get all kinds of volunteers, Mr. Minister, I would suggest, to say I will help you with that. And they'd be credible people from the communities that would offer that kind of service.

**Hon. Mr. Nilson:** — I think that's clearly the intention, that they would be volunteers, and it's basically a token amount that they receive for this work. It's not any kind of remuneration such as the parole board people get, which basically is a full-time job for parole board people. And there's some concern about the amount that those people get paid, but that's more in the . . . well it's clearly in the federal government's responsibility. We have nothing to do with that on a provincial basis.

But, practically, the idea here would be that we would take people who are willing to participate and provide their expertise and their knowledge and their concern for the community, and they're not going to be paid what they might be paid on a contract basis if they were doing contract work.

**Mr. Osika:** — Thank you, Mr. Minister. And I'm sure that the communities and the public will be pleased that lay people and not necessarily folks that are appointed to these kinds of committees, but people — and perhaps not the same ones all the time — would there be then the opportunity for individuals other than those, or would it be someone on a long-term basis that would be . . .

**Hon. Mr. Nilson:** — I think in this particular area we will need people who have expertise and have knowledge about the area as well as the community involvement, as well as some people who would be in the category of lay people. But we're going to need ones that understand the system so that they can make the decisions and the assessments that we need.

So I'm assuming there'd be a police officer as a police representative. There's going to be some people that would represent our department; probably some people that are mental health professionals; people out of the correctional service; medical people. So it's that kind of a mix, but clearly with the sense of the community. But we clearly want people that will have the respect of the community as well.

**Mr. Osika:** — Thank you, Mr. Chairman. Mr. Minister, this Bill, once it goes into effect — and I suppose that it would have been noted; I didn't notice — will there be any retroactivity as far as those people that are now released in the communities? Or will this only go into effect once the legislation is passed?

**Hon. Mr. Nilson:** — I don't think that's really an issue because it'll relate to people who might be a problem at the time the legislation comes into effect, and so I don't think that's necessarily an issue.

I mean obviously for the Act to work in the most effective manner, there would be identification of people while they're still within the system. But it also includes people who are later identified to be in the community who may have been released earlier.

**Ms. Julé:** — Thank you, Mr. Chairman. Mr. Minister, I would like to pose a question in relation to this Bill being brought forward. I understand the Bill has been brought forward because of the concerns with, initially with, pedophiles and so on. As you well know, I have had some major concern about people that in fact have been doing a great deal of harm to our young children on the streets of our cities in this province.

I'm wondering whether or not this Act, this Bill, in fact will serve to be able to deal with people who have posed a significant risk to child prostitutes or prostitutes with sexual assault or anything of that nature, because in fact they are doing serious harm to other persons. And I want to know whether or not this Act will in fact be looking to deal with that problem in our society and whether or not it can be effective in that way.

**Hon. Mr. Nilson:** — Well I think there are two answers to your question. One is that if a person like you describe has been convicted of an offence against children and therefore meets this definition of high risk to re-offend, then that person would be covered by this after they were coming out of their correctional time. So that's one answer.

But I think the more effective answer to your question, and actually Chief Maguire talked about this when we were in Saskatoon at the press conference, and that's the amendments that Mr. Rock is proposing, and I think will come fairly quickly, to section 810.1 of the Criminal Code that relates to the abuse of, I guess . . . But anyway, they're basically peace bonds

whereby people have conditions placed on their release into the community that would keep these people away from young children.

So I guess there's two parts: if a person was convicted of an offence that was prescribed in the regulations, which would include the offences you're concerned about — sexual assault of anybody, but a sexual assault of children for sure — then they could be caught by this legislation.

Also the police have another part which says that if this person is identified by them as a possibility of being a danger to the community, they could go on their own initiative and apply to the court for a peace bond, which then sets conditions on that person's presence within the community. And some of the conditions could relate to keeping them completely away from certain areas of town, completely away from certain types of people, completely away from the whole area that you're concerned about.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I need some advice from you and clarification on what the law is right now and what kind of punishment is in effect now for people that solicit a child prostitute.

**Hon. Mr. Nilson:** — I think that there are offences . . . I don't have all of my documentation or Criminal Code with me right here, but I think I have some information that would answer your question. It's a little bit off the topic of this particular legislation, but that's fine.

There are some concerns and some initiatives that would look at a much clearer use of the Criminal Code to deal with child . . . basically saying that pimping is child sexual abuse, if I can put it that way. And I actually have some notes, if you want to just hold on a second.

I think what you're maybe wondering about is Bill C-119, was tabled in December of '95 by the federal Minister of Justice, and it's an amendment to the Criminal Code. And it would impose a mandatory, minimum jail sentence of five years for a new aggravated offence of living off the avails of a prostitute under age 18 where they aid or counsel prostitution or use threats of force to coerce into prostitution.

Then the current subsection (2) of that particular part of the code would leave the sentence, maximum sentences, of up to 14 years. But it also extends the offence for obtaining the services of a child prostitute to those who appear under 18, as well as those who are under 18. And this will facilitate law enforcement. A defence that has been used a couple of times is, well I thought they were over 18. This would make it clear that that's not a defence to this charge.

(1945)

It also amends the out-of-court testimony screen and videotape provisions of the Criminal Code which would make it easier for children to testify in proceedings. In other words, they don't have to have the person, the accused, sitting there and looking at them when they testify. They can be screened from the presence of the accused.

So there are some things that are being done within the Criminal Code amendment area to deal with some of the concerns that you have. We are also working on other areas within Social Services and Health and Education and our department to get at some of these questions.

The legislation that we're talking about tonight may be of some use in preventing further abuse if a person has been convicted, and then is coming out and is still identified as a high-risk offender. And there should be some publication about that person in the community. I think this legislation maybe have use in that area.

**Ms. Julé:** — Thank you, Mr. Minister. As I hear you speaking, I hear you talking about the pimps involved in this kind of a situation. My concern, and my question, is whether johns that have been using child prostitutes would be considered as posing a significant risk to other persons, and whether in fact then publication of their names and faces under this Bill or because of this Bill could in fact be done?

**Hon. Mr. Nilson:** — I think the answer is that in certain situations, yes, because people like that are being charged with sexual offences against children. And those can be very serious charges; well they are very serious charges, and often will end up with sentences and then assessments of these people which then would be . . . the information would be inserted back into this process to warn other young people about problem customers, I guess, if you could put it that way.

**Ms. Julé:** — Thank you, Mr. Minister. One last question. When we speak of public disclosure of, you know, regarding names and faces, to what extent does this public disclosure go? I mean how widespread would be public disclosure? I know that it's not enough that police forces have got the names and faces of these people within their police precincts.

I think that public disclosure means that we must disclose this information to inform the public in a much broader sense in order to really protect people and make them aware of who's out there that in fact can be a danger to our children.

**Hon. Mr. Nilson:** — What we've tried to set up in this legislation, and I think we have set it up, and will be set out in more detail within the policy as the committee develops, is that we have a range from very minimal disclosure — very specific disclosure — perhaps to two or three people, or one person, that this person would be a serious risk, to all the way to maximum exposure, which is front page of the paper, on television, so that everybody knows. And that there's a range.

And part of what the whole purpose of the legislation is that the police were stuck with that decision alone without any advice and also with concern about liability on their part for making the wrong decision on how much disclosure there should be.

The whole purpose of the legislation is to provide an advisory board and a sounding board and then the protection as the disclosure is done. There will be clear recommendations from the committee about how the disclosure should be done. And this would be done in consultation with the police force

involved.

**Mr. Osika:** — Thank you, Mr. Chairman. Mr. Minister, the questions that we've been asking . . . and as you're aware, we've been anxious to see this kind of legislation. And we want the assurance that you have given us that — you will diligently ensure that the legislation includes all the avenues and all the help that our police agencies need to keep our communities safe, to keep our communities informed of potential dangers in their midst, and as I believe, I've said that before.

I applaud you, Mr. Minister, for taking the incentive to proceed with this kind of legislation and I have no further questions.

Clause 1 agreed to.

Clauses 2 to 14 inclusive agreed to.

The committee agreed to report the Bill.

#### **Bill No. 58 — An Act to amend The Land Titles Act and to make a consequential amendment**

**The Chair:** — I would ask the minister to introduce his officials, please.

**Hon. Mr. Nilson:** — Yes, I'm pleased to have with me tonight Brent Prenevost, Crown solicitor, and Kathy Hillman-Weir, who's the Master of Titles, and Bev Bradshaw, who is the executive director of the property registration branch.

#### **Clause 1**

**Mr. Osika:** — Thank you, Mr. Chairman. Mr. Minister, I wish to extend a welcome to your officials and give you my assurance that on this occasion I will be on the right Bill.

Clause 3 of this particular Bill would change the definition of owner in section 2(1)(p) of The Land Titles Act so that an Indian band can become the registered owner of a piece of land or pieces of land throughout the province. As I understand it now, bands have not been allowed to become the registered owners of land and so in practice they have incorporated shell companies which own the land. Mr. Minister, it seems like a good idea to remove that particular requirement of the shell corporation and enable the bands to own the land in their own names directly. My only concern, Mr. Minister, is how the change will affect the property taxation policies or the base, pardon me, of the municipality.

**Hon. Mr. Nilson:** — It's very much the clear intent of this legislation that it would be tax neutral, that it wouldn't have any effect on taxation. That's the intent of the legislation. However, we do know that there are some concerns in some quarters about whether this will have any effect on taxation. It's not our intent that it would. We are in a position where we are planning to proceed with the legislation, but we are in consultation with municipalities, with the Federation of Saskatchewan Indian Nations, some of the bands, and we're wanting to make sure that there aren't any tax consequences, and that people aren't intending to use any of this, the basic sort of mechanical things and the changes that we intend in this legislation, to do

something else.

As is the case in this, we would be proceeding to pass the legislation but we wouldn't proclaim this part of the legislation until we ourselves were assured that it was not going to cause any complications in the taxation area. It's clearly not our intent that it would. When the question was raised by you in some of your discussions and also by some of the people from within the municipalities, then we've taken some other looks, you know, a hard look at this. And we will not proclaim this if it's going to cause some kind of problem.

But we would like to proceed with this because it does facilitate a number of issues relating to the purchase of business, businesses and land, by groups which are very important and I think part of the future of Saskatchewan. We want to encourage them to invest money here in some of the businesses that will benefit their people and we don't want to have it as a stumbling block in, you know, future business development throughout Saskatchewan.

**Mr. Osika:** — Thank you, Mr. Minister. So in other words, there is an assurance that Indian bands will be required by law to pay municipal property tax on lands which they own within a municipality. Is that what I understand you to say, that the assurance is there that there will be no implications in that respect?

**Hon. Mr. Nilson:** — I think that I want to give the assurance to the House that all the details of the legislation, as it affects the ability of Indian bands to own land directly, will be discussed with municipalities and with other interested parties before we proclaim it. We won't be proclaiming this legislation until we are satisfied that it will be neutral. I mean it will be tax neutral; it won't cause a problem.

And if in fact out of those consultations we see that there are still some concerns, then it would be our process that we would come back to the legislature next year with some consequential amendments before we actually proclaim the legislation to make sure it's absolutely clear that's the case.

It's our understanding, and our intent with this legislation, that it does not have any tax consequences. But because of the questions that have been raised, we are going into this process where we will not proclaim this legislation until we're assured that all the concerns have been answered.

(2000)

**Mr. Osika:** — Okay. Thank you, Mr. Minister. So for all intents and purposes, nothing will change for the time being. I appreciate that assurance.

Clause 4 of the Bill makes some significant changes to section 14 of The Land Titles Act. It completely does away with the statutory qualifications for employment as a registrar of a land titles office. That particular responsibility has the supervisory duty regarding the examination of documents that are submitted for registration and certification and so on. The decisions as to whether or not these documents are ultimately accepted or rejected are made at that point. And those decisions often

involve a fair bit of legal judgement and perhaps experience as well, which is best learned on the job over a long period of time.

I guess my question is, if the present, rather rigid employment qualifications for becoming a registrar of land titles offices are somewhat outdated, wouldn't it be better to make an honest attempt then at updating them rather than abolishing them altogether?

**Hon. Mr. Nilson:** — This change will make it so that the job of registrar would be based on experience and other attributes within the public service. The plan here is really that there are virtually no other jobs within the civil service that have their qualifications defined in them. The only ones we could really think of are Public Trustee and the Master of Titles. And those jobs have their, you know, the qualifications set out in them. The purpose here is to allow for a little more flexibility, a little more ease, in recruiting some of these people.

The other question that you had about some of the legal advice is that these people always will relate and work with the Master of Titles. That person always has to be a lawyer. And so that would be the person that supervises the whole land title system.

**Mr. Osika:** — So the selection would be by way of a competition rather than appointment, Mr. Minister, I take it?

**Hon. Mr. Nilson:** — That always has been the case, but it's just that with these qualifications embedded in the statute, we have quite a narrow group of people that we could select. And often people who had been in the system, had a lot of experience and should be encouraged to be part of the system, couldn't apply for some of the jobs. This gives us a little bit more flexibility in running this whole land titles system.

**Mr. Osika:** — Thank you. Clause 5 of your Bill, it completely abolishes section 16 of the Act. That will have the effect of completely eliminating the statutory qualifications for the positions of deputy registrar.

I just wondered what the justification was for doing that, if there was a specific reason, if it was redundant? Could you please clarify that.

**Hon. Mr. Nilson:** — The same rationale for this one as in the previous situation. The deputy registrars will still exist in the system. The jobs will be obtained by competition. But it gives us once again the flexibility to have non-lawyers do some of these jobs if they have the required experience within the system. And once again it goes to the fact that this is one of the few places where right in the legislation it sets out the qualifications for a job.

**Mr. Osika:** — May I ask then, sir, how many deputy registrars will be affected by this change?

**Hon. Mr. Nilson:** — The answer to that is none.

**Mr. Osika:** — Thank you. I appreciate that short answer.

Let's go on to clause 8 of the Bill. That will create a whole new

section of The Land Titles Act, no. 62.1, which will place restrictions on the registration of instruments which will be either executed by Indian bands or which will result in the ownership of land going to an Indian band or which will result in an interest in land going to a band.

I guess one of the questions that I have here, Mr. Minister, is the preparation of this list of bands and how that is to be accomplished. How do you intend that list to be prepared, as far as that particular section is concerned?

**Hon. Mr. Nilson:** — This whole area about how the land titles system would have proper evidence of who should sign documents is subject to negotiation. And we would be negotiating with the federal government and also with the FSIN (Federation of Saskatchewan Indian Nations) and the bands to figure out exactly how this procedure . . . There doesn't exist now a registry which would have all of this information, and we need to define something so that we would have the proper information.

Right now, if it's a corporation, well then corporations branch has a document which sets out who should sign documents, and that's a public record. And that allows us to have that information. We think we can set up a similar system which will meet the needs of the bands, meet our needs, and we're going to do that through negotiation.

That's one of the other reasons why some of the concerns you had about the taxation will fit in with this, because we're not going to proclaim these sections until we figure out how they're going to work. And we have to do that through negotiation.

**Mr. Osika:** — Thank you, sir. Just for clarification, and I apologize if I missed something, will you be using the already existing lists of bands — the federal one — or will you be creating your own in addition to that?

**Hon. Mr. Nilson:** — We would be using the existing lists because the definition of Indian band on the first page of the Bill means a band as defined in the Indian Act (Canada) that is located in Saskatchewan and includes the council of that band.

So practically, that's why we need to work with the federal government and their Department of Indian Affairs, which has the registration of bands there, as well as the people in Saskatchewan who would actually be the ones that would be signing the documents.

So it's a process of consultation that needs to take place as to how we set up this, I guess, registry of . . . if that's what's necessary. I mean obviously, if we have a system that's pretty clear that's right in the federal government system, well we would use that.

But we need to make sure that it meets our requirements. Just to give you a little example of why that might be necessary, if you know anything about U.S. (United States) history, they have registered and deregistered bands in the United States sort of on and off over the decades, and there are quite a number of bands that call themselves bands that aren't registered with the federal government in the States.

We don't have that same problem to that same extent in Canada but that's why the definition is set out as it is here because we would want to have some connection with the federal legislation.

**Mr. Osika:** — So in other words, Mr. Minister, you will have your own provincially certified list as well and keep that updated. Is that what you propose to do?

**Hon. Mr. Nilson:** — Yes. We would propose that that would be part of the regulations that we will develop through negotiations.

**Mr. Osika:** — I just wondered if there might be, under those circumstances, a danger of down the road for whatever reason, the opportunity for political interference and just a danger perhaps of an Indian band falling out of favour with the provincial government of the day — whatever that might be — and then finding itself suddenly left off the list by virtue of a change in the regulations. Would it be better to not have that in place to avoid that possibility?

**Hon. Mr. Nilson:** — I don't think that would be possible in that we've defined Indian band as defined by the federal government. And so I don't see how the provincial government could decide that a band that was in Saskatchewan and is a band as defined by the federal legislation, that they wouldn't have the same rights. I mean there would be many remedies both legal and political to deal with that kind of fooling around with the rules.

**Mr. Osika:** — Thank you, sir. Clause 10 of the Bill creates a new section again of The Land Titles Act called section 63.11 which will require the special affidavit must be sworn whenever an Indian band wants to register a document at the Land Titles Office. Now the affidavit will have to state, I understand, that a properly constituted meeting of the council of the band was held, a resolution was passed authorizing the signing of those particular documents along with its contents, and that a particular person was the individual authorized to sign.

These are some cumbersome and complicated provisions with considerably more detail than the usual requirements for either a business corporation or a non-profit corporation, Mr. Minister. I just wondered what prompted this complex and stringent requirement upon Indian bands when they wish to submit documents for registration at the Land Titles Office?

**Hon. Mr. Nilson:** — The provisions for signing a document, if you're a corporation, are set out in other legislation so it doesn't have to be in The Land Titles Act. When we're dealing with a band and we're dealing with a special situation, we needed to have it clear that the person who signs the document on behalf of the band has the authorization and that it later couldn't be challenged by some other member of the band or some other faction.

And so we have tried to be as specific as we can to make sure that there wouldn't be any subsequent challenge that, oh well that guy shouldn't have signed it because he didn't have any authority. If we have the authority that's set out according to



these rules, well then it would prevent any subsequent person coming along and saying that you didn't have the right to do that.

**Ms. Julé:** — Thank you, Mr. Chairman. Mr. Minister, clause 15 of your Bill completely repeals section 159 of The Land Titles Act and replaces it with a newly written section. I have a number of concerns about this new section.

Firstly, I want to state that we have had the benefit of lengthy and thorough discussions about the subject of lapsing of caveat since the delivery of our speeches on this subject during the second reading of the Bill, and our discussions were useful.

It appears that a great many members of the legal profession who carry on the practice of law in the field of land transactions, the granting of security on land, and the registration of interest in land, have much to say in favour of a return to the system whereby the lapsing of caveats is carried out by the staff of the Land Titles Office rather than by the legal profession.

Our views have accordingly evolved on the subject after fruitful and earnest consultation with those that are affected. None the less, we still have a number of concerns about the specifics of the proposal as set forth in this Bill.

Mr. Minister, subsection (2) of the new section 159 provides that, and here I quote:

The owner or other person claiming an interest in the land seeking to lapse a caveat registered against the land . . . may request, in the prescribed form, that the registrar send a notice to the caveator pursuant to subsection (4).

So my question, Mr. Minister, is, I would like to know what you intend the phrase, "other person claiming an interest in the land" to mean in the new section 159(2).

**Hon. Mr. Nilson:** — I think that there are a few examples that are quite simple and straightforward. One of them could be a lessee, somebody who wants to have the lease registered ahead of a caveat that has been filed. And so they would have an interest in having the caveat removed from the property so that their interest would take priority.

Another person could be a credit union that's lending money, and that this credit union wants to make sure that their interest in their mortgage precedes the interest that is there by the caveat. And neither one of those examples, those people are not owners but they do have an interest in the land.

**Ms. Julé:** — Well, Mr. Minister, the new section 159(4) also uses the real charming term "prescribed method" when it refers to a person making a request that the registrar begin the lapsing procedure. Mr. Minister, what will the prescribed form be?

(2015)

**Hon. Mr. Nilson:** — This is actually a suggestion of a new form and it meets the need of a number of people primarily within the legal profession who never quite knew what it was

that you were supposed to fill out to request that the registrar would lapse the caveat.

And I can recall from my own practice that sometimes you would see just a letter; other times people would try to do it by a telephone call. But it always at land titles has to be written down. But what they're doing here is they're setting out one form which would make it very clear that that's what being requested, is that the land titles system get involved in the lapsing of a caveat.

**Ms. Julé:** — Mr. Minister, your Bill at clause 15 changes the manner of delivery of what are commonly called "notices to lapse" so that personal service is eliminated entirely. Personal service of a document is a tried and true method of delivery which has been used for centuries in the context of important legal documents. It's one method that is virtually guaranteed to get the attention of the recipient. Why do you want to eliminate personal service?

**Hon. Mr. Nilson:** — The actual form of service would be set out in the regulations. When this system was in effect a number of years ago, the most common way of sending out notice was by registered mail, and it's assumed that that would be the method that would be used here. And one would have to file with the Land Titles Office, or the Land Titles Office themselves would have the acknowledgement of service which was basically a signature that's somebody's picked up the letter that sets out that the caveat is going to be lapsed.

**Ms. Julé:** — Mr. Minister, the other aspect of the new section 159(4) which disturbs me quite a great deal, is that it completely fails to set out any new, specific method of service of a notice of lapse. It simply says in here, I quote:

. . . the registrar, subject to the regulations, shall send a notice in writing in the prescribed form and by the prescribed method:

Mr. Minister, is the prescribed method going to be . . . like you know, you mentioned ordinary mail, certified mail, single registered mail, double registered mail, with a receipt card, acknowledgement of courier service — or some other method? What's it going to be, Mr. Minister?

**Hon. Mr. Nilson:** — The method is going to be an effective method. Now if 10 years from now an effective method, because everybody has their own e-mail address, and it's clear that people will get e-mail, well that's what it will be. Right now the effective methods include everything from personal service through to the most common form, which is the sort of double registered mail. And the prescribed form, we've set it out this way to deal with all the possible changes in methods of communication.

The other thing that we have to recognize, as I was explaining previously, if we go to a more automated land titles system, well then there may be other ways of giving notice in the system, especially to registered users. And for example, if there is a credit union that has a caveat that we want to lapse, and we knew that that credit union has its own number in the land titles system, we might be able to put in an e-mail to them and under

the regulations we would set out the rules how that's done.

**Ms. Julé:** — Mr. Minister, 30 days goes by rather quickly if you're a busy farmer, a businessman, or a busy professional person. And I'm concerned that your Bill does not give a person who receives one of the notices from the registrar sufficient time to obtain the court order that is required under the new section 159(5), as set out in clause 15 of the Bill.

So, Mr. Minister, what groups did you consult with in reaching your decision that 30 days was an appropriate period of time and what do the interest groups say was an appropriate period of time?

**Hon. Mr. Nilson:** — This time line is a carry-over from the previous legislation and it's been used for many, many years — that it was 30 days. Often what would happen is that somebody finds out about this on the 29th day, they go over and make an emergency application to the court, and get the time extended to prepare all the documents. Basically lawyers who work in this area know how to deal with the time limits and usually haven't had any problems figuring out how to get the time that they need to actually present all of the information.

**Ms. Julé:** — Okay, thank you, Mr. Minister. Mr. Minister, the new subsection (6) of the new section 159 of the Act is a bit disturbing. It suggests that a person who has a caveat registered against land, and who receives one of these notices from the registrar, and who goes out and obtains an order preserving his caveat under subsection (5) of the Act, will have to seek yet another court order before the expiration of his initial court order. In effect, you would be requiring caveators to seek multiple court orders in order to preserve what may be perfectly legitimate rights.

So my question, Mr. Minister, is that in this context, is this: why should a person who has a perfectly legitimate interest in a piece of land, protected by the registration of a perfectly legitimate caveat, be put to the inconvenience and expense of multiple court applications for the purpose of preserving the registration of his caveat?

**Hon. Mr. Nilson:** — The procedure that takes place when one applies to the court to have certain time to basically take a lawsuit to prove your interest that is shown in the caveat . . . Well basically the order that you would get is you have six months to do this or you have two months to do this. If in fact in the two months or the six months or a year or however long the judge decided that you needed to prove your interest in the land, if you hadn't taken the steps to prove that interest and the six months expired, then the caveat's lapsed automatically.

What this does is makes sure that the person who has applied to have the caveat lapsed has the benefit at that end if you haven't taken any steps to prove your interest.

**Ms. Julé:** — Thank you, Mr. Minister. Clause 15 of your Bill also includes a new section for the Act, to be numbered 159.1, which deals with the subject of notices to lapse for caveats where the caveator is either dead or has no legal representative.

The new subsection (1) of the new section 159.1 directs the

registrar to send the notice to lapse to official administrator for the judicial centre nearest to the location of the affected land, together with a fee of \$10.

So my question is: what is the official administrator supposed to do with a notice to lapse and the \$10 fee?

**Hon. Mr. Nilson:** — The official administrator is the Public Trustee in a situation where that person has no legal representative, and so practically what this does is, this is giving notice to the official that would be in charge of the property of that person who has deceased.

And so this is just setting out the procedure in a situation where the caveator is deceased and they haven't for some reason obtained letters probate or letters of administration setting out a legal representative. In that case, the official representative, or official administrator, takes over. The official administrator for Saskatchewan is the Public Trustee.

A number of years ago the official administrator would be different in different parts of the province. For example, it used to be Guarantee Trust, and then Guarantee Trust did that for the whole province. Now the Public Trustee fulfils that function.

The \$10 fee is the traditional fee that had been there for many years. Basically it was just left at \$10. It's really a nominal amount that . . . It doesn't have any great significance that way.

**Mr. Osika:** — Thank you, Mr. Chairman. In subsection (2) of the new section 159.1, you state that upon the request of a person wishing to have a caveat lapsed, the registrar may also send a notice to lapse to either the surviving spouse of the deceased or any named member of the deceased's family, or both of the above.

What possible motivation, Mr. Minister, would there be upon a person seeking to have a caveat lapsed to call upon the registrar to serve these additional notices?

**Hon. Mr. Nilson:** — The surviving spouse of the deceased or any member of that family may have an interest in the estate. Because obviously — we're dealing with land — it may have some value but it may not have sufficient value that a person, the surviving spouse or one of the children, has applied for letters probate or letters of administration. And so that we're in a situation where there are some people that technically have an interest in some land that maybe does not have very much value, and it's important that these other people receive notice of that in addition to the official administrator.

And so you may . . . in this situation, the official administrator would notify these people. That's most likely the case. But this is just a double protection to make sure for the person who wants to lapse the caveat that all interested parties receive notice on something. They don't show up later and claim they didn't know about it.

**Mr. Osika:** — Thank you, sir. Mr. Minister, clause 22 of the Bill effectively repeals all the forms which used to be found at the back of The Land Titles Act and replaces them with the charming term, "the form prescribed in the regulations."

These were the forms which went by the designations, form A, form B, form C, form D, etc. Mr. Minister, these forms were convenient, easy to find, easy to access, and for the most part served their intended purpose very well indeed. I would just wonder if you could tell me why you've decided to repeal all these forms from the Act itself and put them into the regulations.

**Hon. Mr. Nilson:** — The present situation is that some of the forms that are in the Act are slightly outdated — not very much, but slightly — so that there have been some changes or corrections that are set out in regulations. And so you end up with a bit of a confusion sometimes, whether you use the forms that are in the Act or forms that are in the regulations.

But I think a more important reason that we're doing it this way is that it allows for the changes that will most likely be necessary to forms when we go into an automated system or some other systems that we may end up with. If we don't have all of those forms within the legislation, well then it's easier to adjust them to deal with whatever new technology that we have.

I think it's fair to say that we're hoping at some point that the land titles system will operate in a similar fashion to the personal property registry system as far as ease of access and also the ease of the use of the forms.

**Mr. Osika:** — Thank you, Mr. Minister. I would like to sincerely express appreciation to yourself and to your officials for responding to us about some of the complexities of this particular Bill, complexities that you have explained very well to us.

And we appreciate your efforts in trying to not only streamline but to ensure that there is parity and equity in this type of legislation for all the people that will be involved in dealing with these various types of processes. I want to thank you and your officials. Thank you, Mr. Chairman.  
(2030)

Clause 1 agreed to.

Clauses 2 to 26 inclusive agreed to.

Schedule agreed to.

The committee agreed to report the Bill.

### THIRD READINGS

#### **Bill No. 90 — An Act to amend The Provincial Mediation Board Act**

**Hon. Mr. Nilson:** — Mr. Speaker, I move that this Bill be now read a third time and passed under its title.

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

#### **Bill No. 83 — An Act to amend The Limitation of Actions Act**

**Hon. Mr. Nilson:** — Mr. Speaker, I move that this Bill be now read a third time and passed under its title.

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

#### **Bill No. 93 — An Act respecting the Public Disclosure of Information related to Individuals who Pose a Significant Risk of Serious Harm to Other Persons**

**Hon. Mr. Nilson:** — Mr. Speaker, I move that this Bill be now read a third time and passed under its title.

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

#### **Bill No. 58 — An Act to amend The Land Titles Act and to make a consequential amendment**

**Hon. Mr. Nilson:** — Mr. Speaker, I move that this Bill be now read a third time and passed under its title.

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

### COMMITTEE OF FINANCE

#### **General Revenue Fund Justice Vote 3**

**The Chair:** — I would ask the minister to introduce his officials, please.

**Hon. Mr. Nilson:** — Yes, I have all the same officials that I had earlier, and I can read their names again because they're very good names. I have Brent Cotter, the deputy minister. I have Doug Moen, who's the executive director of the public law and policy branch; Tammy Pryznyk, who is the executive assistant to the deputy; Elizabeth Smith, who is the director of administrative services; and Richard Quinney, who is the executive director of public prosecutions, as well as others who will assist as we need them.

#### **Item 1**

**Mr. Osika:** — Thank you, Mr. Chairman. Welcome back to your officials and yourself, Mr. Minister. We just have some questions here continuing on with the legal services aspect. I'd just like to ask a question about the aboriginal courtworkers' program and the positions. Could you tell us the number of positions that are available in those positions? And what funding . . . is there any additional funding for that particular aboriginal courtworkers' program? And do you anticipate increasing the positions in that particular service area?

**Hon. Mr. Nilson:** — The number of courtworkers is 28 full-time equivalent positions, and that actually involves 35 people because of the part-time nature of some of the work. The funding for this is 500,000 from the provincial government and 500,000 from the federal government.

**Mr. Osika:** — Thank you, Mr. Minister. My next question is with respect to the number of judges. Would there be an increase in the number of court judges? Are you able to tell us that? The replacement of judges that have retired, and do you have any indication of additional judges that will be appointed within the justice system?

**Hon. Mr. Nilson:** — There are 45 Provincial Court judges positions, including the chief judge. At the present time, there is one vacancy.

**Mr. Osika:** — Okay, thank you, Mr. Minister. Just going back to the question I had asked previously with respect to aboriginal courtworkers, along those lines. Do you have any funding in place to assist communities, aboriginal communities, for sentencing circles? What type of support, funding, and/or otherwise is available or is in place for helping those people?

**Hon. Mr. Nilson:** — There isn't a separate base of funding for sentencing circles, but the present arrangement is that in some communities there are community justice workers and committees that will work with it. Probation officers are involved with it. Also the aboriginal courtworkers get involved with sentencing circles, as well as the police, and sometimes the prosecutors and defence counsel as well.

**Mr. Osika:** — Thank you, Mr. Minister. Just moving on to another item, one that's kind of near and dear to my heart, and that's the provincial policing services area. I wonder, Mr. Minister, if you could in fact identify for me the reasons . . . perhaps explaining the fairly significant increase this year in the provincial policing services cost?

(2045)

**Hon. Mr. Nilson:** — Perhaps you could clarify what you're referring to? Are you talking about the heading called, police administration? Or provincial policing? Because I'm not quite certain what the question is.

**Mr. Osika:** — Under the police administration, Mr. Minister, there is a fair increase and I was just wondering if you could clarify what that's for.

**Hon. Mr. Nilson:** — Are you talking about an increase from 552,000 to 645,000?

Yes, okay, well then that relates to the police administration and the biggest amount relates to firearms, and we need another clerical position to deal with the Firearms Act. And then also we've budgeted for money that is reimbursement to the municipalities relating to firearms registration and that . . . there'll be also some cost relating to the driving while impaired forms that have to be printed.

So with those three items, that adds up to about \$90,000, which is the increase.

**Mr. Osika:** — Thank you. The issue of the RCMP (Royal Canadian Mounted Police) and the bills attached to that particular service has become a bit of a sticking point to some

municipalities — the increased costs of policing services in rural municipalities and in communities.

I just wondered, Mr. Minister, how much say, does the provincial government in fact have over those policing services? What I'm asking is, is it a case of the RCMP telling you how much they need and you writing the cheque, or how much actual discussion is there related to the budgeting of policing services?

**Hon. Mr. Nilson:** — The answer to this is not as simple as it might appear. There are arrangements for those communities over 500 that they would negotiate their own policing arrangements with the RCMP. And I'm not sure if that's what your questions relate to; those municipalities which choose to contract with the RCMP to provide policing services to their communities.

And those are the ones that often end up with the higher bills than the RMs (rural municipalities) around them which are included in an overall policing arrangement through our department negotiating with the RCMP to provide the overall policing. There are clearly some disparities in how much it costs in a community of 450 versus a community of 550. And we are very extensively involved with SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities) to look at an overall policy for the province that would somehow balance out the fair cost of policing over the whole of Saskatchewan.

It's not a very simple thing to do when we have so many different organizations that are involved in the discussion, but clearly there's a cooperative effort to try to resolve this, and that's about all we can say at this point.

**Mr. Osika:** — Thank you. You pretty much answered, Mr. Minister, the next question I was going to ask — if there was a move afoot to attempt to alleviate the disparity that does in fact exist in some of those areas. In this *Supplementary Estimates*, getting back to the Royal Canadian Mounted Police, an additional \$400,000. Under provincial policing services, subvote JU05 — Royal Canadian Mounted Police — \$400,000. What would that entail, please?

**Hon. Mr. Nilson:** — The *Supplementary Estimates*, that \$400,000 figure, is comprised of a number of items — I think three items. The first, the RCMP costs are above the approved budget due to a \$150,000 carry-over from 1994-95. In other words, the costs were a little higher in that term. Also Grey Cup policing expenses of \$100,000. And also there was an inability to achieve the level of savings that we anticipated in the subdivision reorganization, which then makes up for a total \$400,000.

**Mr. Osika:** — On that note, Mr. Minister, how much input did you have on the recently announced move to centralize the RCMP communications divisions; and would that be part of any of this costs; and will that in fact save the government money, that particular move?

**Hon. Mr. Nilson:** — Any savings that are part of that proposal will be used to offset the telecommunication costs of the new

system. The proposal was brought forward to us by the RCMP, as a suggestion by them, to allow them to do the policing for Saskatchewan within the budgeted amount that we had set with them.

Basically what happened, as with all government departments, we said there's no possibility of an increase. In fact we're looking for you to try to save money because we have all these other amounts that we need to have for health, education, and social services. They said, well look, policing's important. We agree with that very clearly. So we then . . . they came to us with some suggestions about how they might organize things in a different way.

The other big factor for them, and I think you've probably heard this from them directly, was that much of their equipment was so outdated that they were going to have to buy something new anyway just to deal with the fact that their equipment was outdated. Doing all of these things at the same time was a way that some savings could be achieved. They could have a much more effective communication system and it serves the needs of government to do things more efficiently and effectively.

**Mr. Osika:** — Thank you, Mr. Minister. And again, the concern over budgetary processes and dollars and cents, the potential for a move to centralization in rural areas. I'm wondering if the government has done any studies on centralization of detachments, or other forms of downsizing, and what effects that might have on the service for people in rural Saskatchewan. What can they expect from their police force in the rural areas — a concern that people do have now, about perhaps, the distances from their local police forces, the inability to contact them directly because of some of the changes that have taken place. Has there been any kind of study done to determine what effects that these types of moves will have on policing services in rural areas?

**Hon. Mr. Nilson:** — The questions that you raise come directly out of the kinds of proposals that the RCMP have made to us. I have to say that I've been very impressed with how forward-looking they are in their organization and their planning for their force.

And what happens in this particular reorganization that they are discussing in their models of policing for Saskatchewan is that it's the intention that it will increase the actual policing on the street, because they are taking jobs out of sort of office jobs and putting them out into the force or onto the roads and into the communities. There's no plan to reduce the number of detachments but it will reduce the number of administrative positions.

The other thing is that it ties in very clearly with the new telecommunications system, with the goal over the longer term to have very quick, interactive response from a police vehicle to a telephone call. A policeman in a car will be able to answer the telephone, possibly we hope at some point have computer screen facts, whatever, right in the car, and so that there will not be the necessity of going out, investigating, then going back into the office, doing up a report, or whatever's done. It can be done right on the spot.

What is happening, and I think this is changing every six months even as far as the RCMP are concerned, there's new ideas, new plans, about how one can police more effectively and more cost-efficiently as well as providing greater, sort of police service throughout Saskatchewan. And with the concerns that we have coming through SUMA and SARM, that directly affects, we hope, over the longer term, how much policing is actually going to cost the province.

**Mr. Osika:** — The potential for centralizing some of the detachments into one larger operation, from the smaller detachments into one larger one — centralization of detachments — is that in fact perhaps a possibility in the not too distant future? I believe it is. And I wonder if you agree with that type of consolidation. With the dollars being so few and the costs of policing services increasing, the sparsity, if you wish, of individual policemen in communities becomes a concern.

(2100)

**Hon. Mr. Nilson:** — I don't think it's the intention of the models of policing that we're working on with the RCMP that there would be fewer detachments. In fact there may be more detachments. Because some of the communication jobs that are required in all of the different regions now, wouldn't be required there because we'd have a centralized system for the telecommunications, the dispatching, those things.

And what it would actually mean is that a person who was in, they call it sort of . . . there's the full service detachments and — what's the term that's used? — community detachments, which will be all tied together and will actually provide more policemen out in the communities than we have now because there won't be the same requirement to have the people in the office, in the regional office, doing all of these administrative things.

And it's something that the police tried over a number of years in the west-central part of Saskatchewan as a model. And they ended up realizing that there were many things that they were doing in other areas, after using this experiment, that they didn't quite require.

One of the really positive things that I've heard from some of the officers is that the person who is out in the field is given more discretion, more responsibility, but also the full expectation of backup of experienced people in a way that allows that local person to do much more of the policing on their own initiative as opposed to waiting for orders to do this or to do that. And I think it recognizes the professionalism of the police officer as a member of the community who understands and knows what policing services are required.

**Mr. Osika:** — Mr. Minister, what percentage of the cost of the RCMP for service in our communities, what percentage does the province pay? What share of the costs, please?

**Hon. Mr. Nilson:** — There are three sort of categories of payment for policing services involving the RCMP. If you are a community under 500 people, in that situation the province pays 70 per cent and the federal government pays 30 per cent. If

you're a community over 500 and your community decides to contract with the RCMP, the community pays 70 per cent, the federal government pays 30 per cent, and the province is not involved in the funding at all.

If it's a tripartite aboriginal policing agreement, much like the one at Standing Buffalo, that's funded 52 per cent by the federal government, 48 per cent by the province. And so those are the funding thing, but practically, the province does not contribute anything for those communities where the population is over 500.

**Mr. Osika:** — Thank you. Could you just indicate perhaps, has that changed significantly since 1991, over the last four or five years?

**Hon. Mr. Nilson:** — In 1991 we signed a 20-year deal with the RCMP, which is the 70/30 deal. That's the basic part of it.

The other thing to remember or recognize is that there are certain situations where a community has a contract with the RCMP to service their policing needs. For example, it may be in Yorkton. The positions that are designated as city positions for within the city of Yorkton, those would be paid for by the city of Yorkton, 70 percent, and the federal government, 30 per cent. But there are also positions that cover the rural areas around Yorkton. Those would be funded by the province, 70 per cent, and the federal government, 30 per cent. But they're all in the same office.

**Mr. Osika:** — Thank you. Can I just jump back to that federal-provincial agreement with aboriginal policing? The 52 per cent that the federal government pays, is that included in your budget here?

**Hon. Mr. Nilson:** — No, just the 48 per cent is included in our budget. The 52 per cent would be in the federal budget.

**Mr. Osika:** — Thank you. Just one final question from myself before I defer to my colleague from Humboldt.

Overrun costs, Mr. Minister. I know that it's difficult and there's no way you can project or anticipate a disaster, if you wish. In those instances where something occurs, where now we're into a situation where essential services like our police services are not on a straight salary, but if they're called back to work are paid additional monies for having to return to carry out certain responsibilities, where does that money, in the event of a significant problem, if you wish, requiring a number of police people to be moved around the province to certain locations . . . those overrun costs, how are they budgeted for and where would that money now be sought or obtained to pay for all those additional costs? Not unlike . . . I believe earlier we talked about the additional costs for police services for the Grey Cup, I believe it was, was somewhere in the \$100,000 mark. Those are significant costs, and how do you project . . . and where would you get the money to pay for those costs?

**Hon. Mr. Nilson:** — The situation as it relates to some exceptional expenses that might come under policing is that presently in the RCMP budgeted contract that we have with them, or that they manage, they have a certain amount set aside

for contingencies, for what they estimate might be within that year exceptional expenses. And they would use those funds.

If those funds aren't sufficient to cover the particular problem or disaster, then we ask that the RCMP try to manage within their total budget to try to come up with some funds to cover that. If that doesn't work, well then they would come to the Department of Justice and we would try to work within our total budget to come up with the funds to meet that extra need.

If we weren't able to do that within the Department of Justice, then we would go to the Minister of Finance and request that there be funds used for this out of the general funds of the province, much in the same way, I suppose, as the forest fire costs last year had to come out of the general funds because it was much beyond the ability of the Department of Environment to cover.

The other thing is that over the last three or four years, the RCMP have done very well at predicting what kinds of amounts they might need in a contingency, and that we have not had to go into all of the extra expense monies that might have been caused because of some kind of disaster.

So really I guess what I can say is that there's been a very careful planning and budgeting both within the RCMP and within our department, and this has not been a problem.

**Mr. Osika:** — Thank you. I do take comfort in the fact that your explanation indicates that if it comes to the point where money is desperately needed, it would be made available. So I take note of that. Thank you.

Again, under provincial policing services, one more question about Complaints Investigator. Is that something new, and could you just give us an idea what that's all about?

**Hon. Mr. Nilson:** — The provision for a complaints commissioner for police was part of The Police Act which was passed in 1990, but it only relates to those police officers that are employed by municipalities.

In other words, it doesn't cover the RCMP. The RCMP have their own complaints commissioner. And I'm not sure if you were asking about the RCMP complaints commissioner or about the provincial police one, but the one that's in the budget is the provincial police complaints commissioner and it only relates to those people who are not in the RCMP.

**Mr. Osika:** — Thank you, Mr. Minister. I see the budget has gone down in that so I'm happy to see that perhaps we need fewer of those than more, and hopefully that's the trend.

**Hon. Mr. Nilson:** — There's only one person who does this job. It's Mr. Elton Gritzfeld, and he is the Complaints Investigator.

**Ms. Julé:** — Thank you, Mr. Chairman. Mr. Minister, I have some questions in reference to the Ombudsman and the Office of the Ombudsman.

The Ombudsman and Children's Advocate Act gives the legislature the responsibility to oversee the Office of the

Ombudsman. But as it is right now, there are no workable mechanisms in place to allow it to do so.

The Ombudsman, in her 1995 annual report, calls on the government to consider the establishment of an all-party committee to oversee administrative matters related to the Office of the Ombudsman. This committee would have responsibilities to make recommendations to the legislature with respect to the appointment of the Ombudsman, and the committee would also receive, consider, and approve the budget for the office of the provincial Ombudsman, and would receive reports by the Ombudsman. The committee would be able to consult with the Ombudsman on questions of administration, and this committee would also have the authority to receive complaints from citizens against the Office of the Ombudsman.

Now the Ombudsman would like to present her budget to an all-party committee in a similar way as is done by the Provincial Auditor, whose budget is determined by the all-party Board of Internal Economy. The Human Rights Commission has made a similar argument for independence from government influence.

The Ombudsman has requested on several occasions that her office be more autonomous from government because she reports to the entire Legislative Assembly and not just the government, and feels that it should be the entire Legislative Assembly that approves her budget. Ombudsmen in the past have made similar requests but to no avail. I would imagine, Mr. Minister, that there is some resistance to the Ombudsman by the government and it . . . I mean because sometimes there are complaints against the government to the Ombudsman, and that may appear to be the government . . . to the government rather, as a sort of a thorn in their side.

Nonetheless, it is important that this office be totally independent from government. As it is, there are no accessible links for her to the Legislative Assembly and that causes some problems for the Ombudsman when she is attempting to relate concerns.

(2115)

Just a couple more points. The Office of the Ombudsman exists primarily to ensure the protection of the rights of citizens. There is a great need to ensure that there is an elimination of government influence over the department and that cannot be overstated. It is extremely important.

So I would ask the minister, do you agree that the Ombudsman's concerns are valid and that an all-party committee should be established in order to deal with these problems and in order to ensure that the Office of the Ombudsman is very effective in its autonomous and independent nature?

**Hon. Mr. Nilson:** — The government is looking at the report of the Ombudsman and is reviewing that carefully. I've met at length with the Ombudsman and discussed this whole issue with her at length myself, as well as hearing her perspective on some of the kinds of issues that she's been dealing with.

I think it's very fair to say that she's been doing a very good job

within the budgetary restraints that all government departments and areas have been constrained by, I guess, in the last while. And that with the concerns that she's raised in her report, we're taking those very seriously and we're going to look at them and see whether that does make sense as far as how government's organized.

But I think that's as far as I can go right now. I'll just say again though that the work that the Ombudsman does is very important for the overall functioning of government and that I'm personally very supportive of the kind of work that she does.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I understand that the budget of the Ombudsman's office, I mean as it appears in the budget, has remained the same but the very fact is some of the money has been, I think, relayed to a move of the office. In fact the funding for the matters at hand and for her to do her work has probably gone down a little bit. The fact is that the office would like to focus more on public education — that that office of the Ombudsman is there for their service. And you know it's there for seniors and also there could be, I guess, more information given on the services of the Ombudsman's office to high schools and so on and other interested parties.

Right now, as it is, when I ask anybody in the province whether they understand there's an Ombudsman's office there for their service, they hardly even know what I'm talking about. And so I think that we have to ensure that people have a knowledge and access of the Ombudsman's office and that they understand that, you know, that it can be accessed and that there'll be some public education in that regard. It's non-effective to have an office there if people don't know really very well that it's there.

I guess that's really all I'd like to say and I understand too that there may be more and more requests going to the Ombudsman's office, in fact, if people know about it and that they can access the service. So I would really call on the government to look into this matter more deeply. The government really needs to take some action with regards to this matter because it has been called for by past ombudsmen also and there's a reason for it.

Now it matters not who is in government, what party is in government at all. It matters simply that this office is able to act in a way that it is very independent of all government influence of any kind. This isn't a new concern and so I believe it's really time to listen and to move on the concerns of the people of this province and for government to move on the matter, and I would encourage you to do so and do so quickly. Thank you very much.

**Mr. Toth:** — Thank you, Mr. Chairman. Mr. Minister, welcome to you and to your officials. There's a certain incident regarding . . . I'm going to do some questions regarding maintenance enforcement. I'm bringing one right to the floor of this Assembly and soon as I mention the name you'll probably recognize it because it's been one I've been dealing with for the last little while.

I just got off the phone talking to the lady and she'll be

following the discussion we've got here tonight. It's regarding an Alice Herold in the city of Regina, a lady who has worked very hard to build a new life for herself, a lady who left a situation, a farming situation, and basically walked away and agreed to the fact that she wouldn't demand a lot of her husband. She would look after her family. She would raise her children. A lady who didn't get the opportunity of continuing to raise her elder children. They're now graduated. They've got jobs of their own. Her two younger boys that she had in her custody and helping along and came to the city, bought a home, got a job, and ended up asking her husband for some help after the older girls left the home that he was looking after, because she's got two young boys in their early teens who are looking at many things that other children would like to do, but she wasn't able to offer them any of these fun things — like being on a ball team or being on the hockey team or doing the extra functions at school — because she didn't have the finances and the resources.

And unfortunately, to make the long story short, Mr. Minister — I think you'll be aware of it — they ended up back in court. And in this case, whereas most of the maintenance orders tend to be the husband being forced to pay, in this case the wife was asked to pay maintenance of some \$800. They went and did a review, or an appeal, and dropped it down to \$500.

Mr. Minister, I find it very absurd that we have a system that seems to allow this to take place. And I think what happened here, when you look at it . . . In most cases that come to us, it appears that the person who happens to have the better, more knowledgeable lawyer probably gets the best out of the legal system.

You gave Ms. Herold a couple of options to look at, mentioned the appeal process. Well quite frankly, I don't really believe in the appeal process, for the simple reason that the appeal process is made up of individuals out of the legal community. And in many cases, do they take the time to really look at the situation? Or are they there more to protect what has taken place, rather than listen to what has happened to the innocent victim and maybe make some recommendations that may address the concerns?

And the reason I raise this one, Mr. Minister, is because in this case, Ms. Herold just recently was released from her job, basically down to living off social assistance, trying to maintain a house that she's worked so hard to try and pay for, and make sure she keeps it as well as the other ongoing operations, and has this fund to pay and no money to do it. She was released because her employer felt she wasn't giving her all because of the trauma and the emotional stress she was facing because of the circumstance.

What I'm asking, Mr. Minister, is what do we do to address circumstances such as this?

And the farmer from south-east Saskatchewan, in the Wawota area, who's basically got the Department of Justice sending out ACS (Agricultural Credit Corporation of Saskatchewan) to collect cattle to enforce some of the maintenance enforcement.

Some of the circumstances . . . I know people get into some

difficult circumstances themselves. But, Mr. Minister, there doesn't seem to be a specific liaison, if you will, that people can go to, to really have an issue like this addressed where some fairness may be resolved in the circumstance.

So I'm wondering, Mr. Minister, what do people like Alice Herold do to try and protect their dignity and to try and maintain a level of existence for themselves, especially when she basically lost everything? Her family was taken from her, in fact. And then she's asked all of a sudden to put out the support when she had been supporting the two younger boys right from day one with no help from her spouse.

Mr. Minister, what do people like this do?

**Hon. Mr. Nilson:** — Well there are clearly unfortunate situations that arise and the difficulty that I have as Minister of Justice addressing this particular situation relates to a couple of things. One is that she's not involved at all with any of our maintenance enforcement procedures. So that is clear.

What we're talking about is the courts. And the remedies within the courts are, as they always have been, if there is a change of circumstance, which it appears that maybe there would be, the appropriate place is to apply to the court to vary whatever previous order was made.

Now I was very surprised, and I think I heard you correctly, make some very disparaging remarks about one of the other branches of government. We're here now in the legislative branch; I'm one of the members of the executive branch; and some of the comments that you made tonight are extremely unparliamentary as it relates to members of the judicial branch. And you may wish to consider whether you want to withdraw those remarks now or whether you would reconsider what you've said. Because it's entirely inappropriate to make the kinds of remarks that you did here. What we're talking about is a matter that's within the court structure and involves an individual. And the policy of the department is clearly that I cannot, as Minister of Justice, make any comment about that.

That doesn't mean that I'm not sympathetic to some of the concerns that people have when they get into these problems, but in this particular case I can't say more than that.

**Mr. Toth:** — So basically what you're saying, Mr. Minister, there's just nothing you can do — nothing you're interested . . . or your department is willing to do — to raise an issue or maybe to open up the door to offer an alternative.

You mentioned that the opportunity there is to go back to the courts. Well that's fine if you've got a major salary and a lot of money because the courts cost money. If you don't have the funds to do it, Mr. Minister, how does a person get back to the court system when you do not have the money to put up the funds to go back and address this issue?

Now you mentioned maintenance enforcement . . . Enforcement of Maintenance Orders Act, and I would like to know exactly what you mean by the maintenance of enforcement orders Act. If I read your letter correctly, all that does if you register with it, that office then is responsible to collect the maintenance and to pass it to the person that's been required to . . . or that the order



or the funding has been given to. And if I've got that wrong then I'd like to be cleared on that.

But I'd also like to know . . . what I'm asking, Mr. Minister, is what avenues . . . or is there an avenue that can be pursued and maybe, if you will, another mediation . . . The former minister and myself have had an ongoing series of debates on this issue and we have, back in the last session of this Legislative Assembly, instituted a mediation process. However I don't think that mediation process takes place once a matter has been into the court system.

And as I said earlier, the thing is if a person happens to find a lawyer . . . one party happens to choose a lawyer who is very well versed in maintenance enforcement orders, they may have an advantage in the court system. I don't know about that, but what I'm asking, Mr. Minister, are there other avenues that could be pursued or could be looked at to address concerns that people have in situations such as this?

**Hon. Mr. Nilson:** — Well the most obvious answer is, if a person cannot afford the lawyer that they've used to this point — which sounds to be the case — but if that's the situation, then a person can apply for legal aid. And as the minister responsible for legal aid, I would say that we have some very capable, able people dealing with these kinds of issues, and they can provide advice and help them deal with the problem.

Now if that option's not available it is possible for a person to be a litigate on their own, and that what can happen is that the person can try to argue their own case. Now most of the time that would not be recommended.

So what we end up having though is a situation where, if there is a change in circumstances in any situation, the remedy is always to go back to the court with the information about the change and an order will be made. That order can wipe out any arrears. It can adjust a payment if that's necessary. And that's been the law for a long time, and that would be a remedy for somebody who is in a situation where they can't pay the amount that a court has ordered.

(2130)

**Mr. Toth:** — Well, Mr. Minister, you mention legal aid. And I guess the problem we have here with legal aid . . . because I've had a couple other circumstances that have been brought to my attention where people have gone to legal aid. One circumstance, Mr. Minister, and fortunately we were able to, in consultation with legal aid, finally got legal aid moving, and this was a very simple matter.

This matter goes back almost two and a half years where a couple had decided that they could no longer live together and they sat down, between the two of them, and they decided what would be agreeable in a separation. They didn't have a lot and they went to legal aid. And basically every time they called the legal aid lawyer they weren't getting anywhere. And all the lawyer needed to do, as I understand it, was to sign . . . I don't know whether it's a specific sign-off order or an agreement to sign the fact that they had agreed to certain details of their separation. And, Mr. Minister, that took two and half years.

And I just don't remember in this case if . . . I believe in this case as well, where Alice Herold did look at legal aid as an option but didn't seem to be getting anywhere.

And I think the problem there, Mr. Minister, is whether or not the legal aid lawyers have the time or just aren't getting the job done. My understanding is they're so overworked that the process gets dragged out and so a lot of people end up for such a long period of time trying to get a simple matter taken care of.

And I guess that's the concern, the concerns, that have been raised with us regarding legal aid. While you would suggest legal aid as an option, it might be an indication that the legal aid system is not getting the funding that is needed to address the number of cases that end on their doorstep and how they are addressed. So I'm wondering if you could respond to that, Mr. Minister.

**Hon. Mr. Nilson:** — Yes, I'm not sure if you're aware that I'm a mediator and have been for . . . well actually there were two mediators in Saskatchewan in 1985: one in Saskatoon and one in Regina. I was the one in Regina. I've practised mediation for many years and I am very much in favour of that method of resolving these kinds of disputes, always though assessing and making sure that it's an appropriate matter to be dealt with that way.

What I would say in response to your question is that legal aid also has some money budgeted for mediation and they in fact do use some of the mediators, either in private practice or in mediation services, to resolve cases when that's appropriate.

And so that is always an option. The process of mediation as practised as it relates to these kinds of cases would go something like this: a person would come to see a lawyer and say, I want to get this resolved. Now maybe that if the person came to the mediator they would say, well look, clearly both parties need legal advice in this process and the mediator does that. When I personally practised, I usually only took cases where I was referred cases by other lawyers and so that I always knew very clearly that the parties had legal advice in whatever the process was.

Under the law society rules, the parties must, if they're using a lawyer as a mediator, enter into a contract that sets out the parameters of the mediation, but also protects the confidentiality of whatever discussions take place in the mediation, which is a very important part of that.

When agreement is reached, the arrangement, such as it may be, as it relates to property, custody and access, child support, spousal support, all of that is set out in a contract which would then be signed by the individuals with independent legal advice.

Then what would most likely happen is that the terms of that contract are incorporated into a divorce judgement or an order under The Family Maintenance Act which then becomes a court order. And that could be then registered in the maintenance enforcement system which is administered by the Department of Justice.

Now what happens is, if the parties cannot agree that mediation

makes sense, you can't force somebody to mediate. And it seems to me that some of the questions that you've raised involve situations where there is not the appropriate communication or agreement between the parties so that they can use the mediation to solve the problem. And that's extremely unfortunate because mediation can work very well.

I guess the whole point in many of the changes that we are making in the justice system relates to the fact that people want problems solved; they don't want problems created by the justice system. And it's very clear that any time a problem is created within the justice system, it costs the taxpayers lots of money because it costs the system lots of money; it costs the individuals lots of money. And all of those things are not goals of any minister of Justice or any department of Justice if they're doing their job.

So it's a bit of a long answer, but I thought you would appreciate understanding that mediation and all of those aspects of resolving disputes are very much a part of our total justice system, but they need to be used in the appropriate places.

**Mr. Toth:** — Mr. Minister, coming back to the case I just mentioned a minute ago about the couple that had resolved how they were going to separate, and two and a half years later . . . How do you explain why it took two and a half years just to get a legal aid lawyer to fill out whatever papers are needed to finalize the settlement when it was already agreed to?

**Hon. Mr. Nilson:** — I have no idea why that would take that long. I mean it may be . . . I mean there's all kinds of possibilities but that's not the normal process.

**Mr. Toth:** — I did ask a question a minute ago — and I still haven't received an answer — regarding The Enforcement of Maintenance Orders Act a person could file under. What does that really mean? And this is to do with the Alice Herold. . . It's in a letter you sent to . . . you actually you sent it to me on March 14 — and mentioned about Alice Herold not being . . . filing with the maintenance order office. And I'm exactly wondering why she would file if she was a person that is ordered to pay a maintenance. Why would . . . or what's the process? Why would she be asked to be filing if she's been asked to make a payment?

**Hon. Mr. Nilson:** — Well one of the reasons that she might file it — and if she could come to me when I was a lawyer I might have said something about this — is that there are some processes within the maintenance enforcement office that allow for the communication and the arrangement for payment that takes into account the situation that a person might be in. They obviously can't bury the court orders but they can, through various methods, make sure that the payments are made in a way that is affordable by the respondent, by the person that has to pay.

And that is done through the director of the maintenance enforcement office. Now that person cannot get involved in the case if it's not an order that's registered with that office. That's what that point would be.

**Mr. Toth:** — So basically are you saying to an individual like

an Alice Herold, in this circumstance, that if she would register with the maintenance enforcement office, and this maintenance order that has been ordered by the courts which she finds impossible in order . . . while she's trying to have enough money to make payments on her . . . plus insurance on her car, make payments on her house, and live, that the maintenance enforcement office could actually look at it.

If I understand it correctly, the maintenance enforcement office can't really change that court order. So I guess that's what I'm trying to understand. Her problem is, how does she meet this goal of every time she does finally get a job, and if it's not a high paying job, she's stuck with not a lot left in order . . . if she's forced to try and maintain this maintenance enforcement order. And I guess I just don't understand how applying to this enforcement of maintenance orders really would help a person like Ms. Herold, and I'd like your response, please.

**Hon. Mr. Nilson:** — Well I think the answer to your question is that if the order is being enforced through the maintenance enforcement office, then the director of maintenance enforcement and the staff take over the enforcement of the order, and therefore the other lawyer who seems to be particularly persistent has to wait and enforce the order through the office. And I mean, it's especially important in situations where a person does not have a large income and the income that the person does have might be fully garnisheed so they have nothing to live on. Well the director of maintenance enforcement has some discretion to figure out how much of that person's income might be appropriate to pay towards the maintenance order, and the guidelines that are set up for that office make it so that people can live as well as meet their obligations.

So there is a bit of a protection there. And I think that was clearly the intent of the suggestion, which is that if you get the maintenance enforcement office involved, they're not there to help you avoid making the payments, but they are there to help you deal with your own, personal finance problems and deal with the obvious obligations that you would have for child support.

**Mr. Toth:** — So what you're saying is that office, if Alice would have registered with it, with the office, they would have . . . I believe the lawyer for her spouse, if I'm not mistaken, did garnishee all the wages. Now if she would have registered with this office, the maintenance enforcement office could have saved her the problem of the garnishee on those wages. Is that what you're saying?

**Hon. Mr. Nilson:** — That's right. The maintenance enforcement office would have the management of the enforcement and would replace the lawyer that, in this case or any case, that the parent with the children would have. They would replace that lawyer, take over the management. It's very rare, if ever, that a maintenance enforcement office enforcement would take a whole pay cheque from somebody, because it just doesn't make sense. You have to end up managing the obligation for the children over and against the obligations of the person who's trying to survive. And if the person can't live, can't work, then they can't pay the future payments.

**Mr. Toth:** — So what happens if a person hasn't registered and their wages have been garnisheed? And the fortunate part for Ms. Herold — I just talked to her a few moments ago — she was quite pleased about the fact she'd found another job. But the realities are she's probably still got a garnishee on any wages she makes. If she were to register with maintenance enforcement, would that remove the present garnishee that is there?

**Hon. Mr. Nilson:** — That would possibly be the result. The director of maintenance enforcement would look at the whole case and make an assessment of what's the best way to assure some payment, maybe not the full payment if that's not possible given the financial circumstances, but some payment and then the management of the debt. And in a situation where there is an existing garnishee that names a particular employer and the person doesn't work there any more, that garnishee wouldn't have any validity. It's most likely that a person wouldn't go back to the same job but to a different job, so they'd have to get a new garnishee anyway.

**Mr. Toth:** — So for anyone who would actually end up in similar circumstances coming to my office, it would be appropriate to suggest that this would be the first avenue, since they've already been through the court, they've already been through the appeal system, and they're just in a position where they're tied financially. And as well, even to go to legal aid and when there might be another review, or going back to the court system, this might be a means of giving them, if you will, some breathing room so that they don't have everything . . . lose everything while they're trying to at least get themselves on their feet.

And I guess, Mr. Minister, very seldom do we end up actually standing up and defending women in a circumstance like this. It's usually the man that's on the losing end when it comes to maintenance of enforcement or settlement, or at least the feeling is there.

But I think it's something we need to be aware of. It's something we need to take a serious look at and I raise it because of the frustration that was felt in this case and a couple of other cases that have come to my attention over the last few years regarding maintenance of enforcement orders. And the interesting thing is, no one has really come to me looking for the fact that they want to get away without anything. But they have found, to be quite candid with you, they have found that going through the process of the courts has cost them big megabucks. It's cost them . . . in some cases individuals have lost their livelihood, whether it be a farm or a business, just through the process, because of the time it takes.

(2145)

And I guess maybe here's a time we talked about . . . the former minister suggested the mediation process so we don't get this drawn-out court system. Maybe the other avenue is to set a level of whatever fee could be struck so that there's, if you will, if there's a level . . . and in dealing with lawyers, every time you make a phone call there's a 50-minute charge on your bill. It starts to add up. Another 50. And if it takes two or three years, who knows what you're going to end up with. Maybe if we had some limits. And I'm not sure the legal system is . . . or the

legal community would like to hear the fact that there maybe should be some limits or some guidelines.

Mr. Minister, we just brought . . . or your government just brought in no-fault insurance in SGI (Saskatchewan Government Insurance) to protect the company from the outlandish settlements that were being offered. And yet individuals on many cases end up in situations where they are going through the legal system, have hired a lawyer, and depending on the level of lawyer they've hired, their bill can grow immensely until they finally get through and finalize the court system.

And sometimes I think that's what many people feel in the case of maintenance enforcement orders, that by the time they're through with the system, they should have sat down I guess and gone through mediation because they've given up everything they tried to work towards, at least dividing with each other.

So those are some of the circumstances, I think, Mr. Minister, we need to address and look at.

**Hon. Mr. Nilson:** — Well I think in response to some of those things, I would have many things that I would agree with you in. And it fits right in with an overall concern of this government and this minister, which is access to justice, and how do people get their problem solved when they need it solved.

One of the things that will be of great assistance specifically in the kinds of cases we've been discussing tonight is the introduction of child support guidelines. It'll be very clear what the amount of child support should be. And the argument will be, well why shouldn't it be what's on the guidelines as opposed to a present system which involves a lot of work to try to set the amount of support.

The child support guidelines will be in effect next year. I'm not sure — is it May 1 of '97? But I'm pleased to report that it appears that in Saskatchewan many of our judges have adopted the use of the child support guidelines in making their orders now. There are some proposed guidelines and so that the practice of law in this area has changed and has been simplified in setting the amounts.

Now I think there are still many places for looking at how we get to the particular solution that is needed in any particular case. And there's a place for mediation; there's a place for, in some cases, clearly a full-blown system. And there may be some places for more education, which we are already doing in the department, where people can go to a class and hear about all the different kinds of options about how their problem can be solved.

Some of these kinds of courses, which are taught through the family law division, actually provide enough information so that people can get legal advice based on some knowledge of how the whole system works. And that really cuts down on legal costs as well. It also allows people to work through some of their problems on their own.

But the whole question I think, is access to justice, and that's

very much a concern of this minister.

**Ms. Julé:** — Thank you, Mr. Deputy Chair. Mr. Minister, I would like to pose a couple of questions to you that I omitted the last time we were here and speaking on legal aid. Legal aid, I understand, is paid by the government. Is that correct? For the lawyers.

**Hon. Mr. Nilson:** — In Saskatchewan we have a system whereby the Legal Aid Commission receives money from the government and they then have staff lawyers who work for them and they are paid salaries. And there are a few very specific situations where private lawyers are retained to defend individuals, and one example of that would be murder.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, what is the salary that a lawyer would get that is being paid through the legal aid process? Are they paid . . . Well I'll ask you that question first.

**Hon. Mr. Nilson:** — There's a salary range probably between 30 and 70,000, depending on the years of experience.

**Ms. Julé:** — Thank you, Mr. Minister. So, Mr. Minister, it doesn't really matter then, according to that response you gave me, on how extensive the case is or how much time is incurred by the lawyer in dealing with a case?

**Hon. Mr. Nilson:** — Perhaps I'm not understanding your question. But there are a few very specific situations where a lawyer in private practice would be hired to handle a case. And if you're asking about how much those people are paid, then that's another question. I think I can get the answer for you. But, for example, if it's a murder case and it takes 100 hours or 200 hours to do that case, then there's a standard hourly rate that is paid to the lawyer for that case.

They may also be able to apply to get some special money if they need an expert witness or if they require some special information. But I think the hourly rate is still . . .

I think . . . I mean if your question is specifically on the private lawyers and how much they get paid, I can find out the exact hourly rate. But I do know that it is substantially less than the normal hourly rate that a lawyer would charge, and that some lawyers will take these cases out of a commitment as a member of the bar. But there are people who need assistance even if they don't make the same amount of money on that case as they might on another one.

**Ms. Julé:** — Thank you, Mr. Minister. In the case of a couple who are vying, I guess, for custody of their children as such, and if they have a legal aid lawyer and they're not happy with the lawyer, and you know something is not working out; and the lawyer in fact maybe works on this situation for let's say two weeks, three weeks, and so he is no longer the lawyer for this person or couple, and another legal aid lawyer is appointed, is the initial lawyer paid just to serve a lump sum for any case that is not criminal, or how does the pay to them vary? And it has to be determined, it seems to me, by the amount of work or success that they get for these people. And I'm not sure; I'm just trying to find out how we can determine or understand what

the payment is to the lawyer.

Because it seems to me that if there's a salary that's given to a lawyer for each case, then really if they're not successful in the case, they may care less and they may end up just sort of, you know, if they're frustrated and they can't get anywhere and people are unhappy with him, they will just simply say, well you know this is not successful; I can't represent you. And in that case really we're paying them for not accomplishing what they were set out to do. So I'm just wondering how that works in the case where it's not necessarily a criminal situation and it's a short-term sort of employment for the lawyer.

**Hon. Mr. Nilson:** — Well I don't know of a situation like you're describing in Saskatchewan. I mean it sounds to me that you maybe have some information from Ontario which had a system whereby private lawyers would get legal aid certificates and then take cases and deal with them.

In Saskatchewan the system is — especially as it relates to civil cases — I would say 99.9 per cent of all cases are handled by staff lawyers who are paid a monthly salary to handle all the cases. They don't get paid by the case at all. And the net effect is that you have somebody working on your case who isn't affected by the length of the case in how they're paid, if that's one of your concerns. But you do have a person who will have specialized in that area of the law and is very good at providing advice and doing court work.

I know from my own personal experience that some of the lawyers in the civil area that had the most court experience were the legal aid lawyers. And that was obvious when you were in court and dealt with them, that they were doing a very good job for their clients.

But practically, if you're a person who's only been a lawyer for one year, you might be at the lower end of the scale and receive 30, 35, \$40,000 a year. If you've been somebody who's there that's 25 years, you're probably at the top end of the scale and be making approximately \$70,000.

**Ms. Julé:** — Thank you, Mr. Minister. Mr. Minister, I feel compelled to make a comment, and I really have every respect for the person of lawyers, legal aid lawyers, or any lawyers.

But I have had certainly a number of phone calls with problems of the duration of settlements of . . . just great problems with legal aid lawyers and great dissatisfaction and frustration by people. And that's just in the short term that I have been here. And I'm not sure exactly what . . . you know, there's two sides to every story with everything. And so I haven't certainly heard from any lawyer's perspective, but on behalf of some of the clients there has been a great deal of frustration. And I guess in time we'll probably be able to find out.

And I sometimes think it may be attributed to the great number of cases as opposed to the number of lawyers we have in legal aid. And it becomes overwhelming for them and very difficult for them to deal with a case properly. And so I guess we have to look into that and we have to see what we can do about it. But I would just appreciate your attention on that matter, and that we be astute and alert to that and see what transpires in the future.

**Hon. Mr. Nilson:** — I would just respond by saying that I would encourage you to have any people that have concerns to contact or correspond with the director of the Legal Aid Commission because I know that they are very concerned within the Legal Aid Commission and the legal aid clinic system that they are responding properly to people. And the director of the Legal Aid Commission is, I think, very pleased to receive concerns and has done a very effective job of responding to concerns.

Another role that she does have is also responding to appeals where people aren't qualified for legal aid, and she deals with those matters as well. So I would just encourage you to do that.

**Ms. Julé:** — Thank you, Mr. Minister. And, Mr. Minister, I'll turn it over to my colleague here I think that has. . .

**Mr. Toth:** — Thank you, Mr. Deputy Chair. I'm not quite prepared to relinquish the floor totally yet. But, Mr. Minister, we were discussing the maintenance of enforcement. I think we've come to an understanding.

You made a comment about accessibility to justice or accessibility to the courts or whatever. And as I'd indicated earlier, I mentioned this even with the SGI situation where legislation was brought in, the no-fault insurance program, and the fact that there are definitely individuals, especially younger people, who are getting caught in the squeeze and are probably losing because of the limitations on that no-fault. And I'd mentioned at that time when that legislation came in that you maybe could have set some limits as to how high a judgement could be made.

(2200)

You talked about the fact that now we've got a process whereby maintenance, there are going to be some guidelines and limitations for child maintenance or whatever the . . . I just don't remember the specific term. And I'd mentioned that in SGI. You could have set that too. I realize that legal suits and awards were getting just outrageous and I don't think anyone disputes that fact. But most people would feel that there should be something that would be fair and appropriate.

And I guess what I'm suggesting as well, when we look at the courts and the cost of going to court, making it accessible, I'm not exactly sure what all you're looking at, but there may be some areas where we need to address a person's ability to get to court fairly without having to worry about surrendering everything they own just to get a free and fair trial. And I'm not sure how far you're going or what proposals or what ideas you're looking at, but I would suggest that this is something we need to take a serious look at, Mr. Minister. And I'd like your response.

**Hon. Mr. Nilson:** — Well I appreciate the question because it allows me to talk about some things that are really quite interesting. I think it should be clear that access to justice doesn't equal access to court because people don't always see going to court as the only way that they can have their problems solved. And so we're looking at a number of options which

include mediation and some other possible community mediation situations.

The other thing is, we're looking now at small claims court, and the jurisdiction of small claims court, and how one can enter that court because often there are disputes that aren't receiving the whole process of the court because of the size of the amount involved. And so people avoid going anywhere near the court to get those matters resolved.

We're looking at some changes to the rules, in consultation with the judges and lawyers, and individuals who are concerned about this, and people within the department, that may address and open up the process of small claims. Most likely included in that would be a mediation aspect or even some other kinds of arbitration that are governed by rules other than the court system.

But I think it's important to recognize that we're not alone in Saskatchewan in trying to deal with some of the concerns that you've raised about how much . . . or how can we afford to resolve problems in a system that is set up to be very expensive. And obviously we need to figure out some other ways to do it.

**Mr. Toth:** — Getting back to the appeal process, Mr. Minister. How does the appeal process work? If a person feels that they haven't been treated fairly in the court system, and make an appeal, or go through . . . I believe there's an appeal process that they go to. How does that work and who are part . . . Who makes up the appeal process and what are the guidelines?

If I understand correctly, in most cases appeals look at whether or not due diligence was followed. And in many cases that can be specifically related to: were the aspects of the law followed in the court case. But they don't really get at whether or not the case, and scenario for the victim or the individuals, whether or not they felt they were dealt with fairly. Is it strictly looking at the technicalities of a case as it's brought before the courts and whether those are followed properly, or does the appeal process even review some of the court mechanism to see whether or not that person is, can, was, or feels that they were treated fairly in the court system?

**Hon. Mr. Nilson:** — Well I think what I would say is that the appeal process is usually set out in whatever legislation is involved. But if it's an appeal of a court decision from Court of Queen's Bench where most matters dealing with family law issues — which is what we've been talking about tonight — the appeal from a decision there is an appeal to the Saskatchewan Court of Appeal. And the appeal can be appealed on facts, law, mixture, and it can deal with just some of the questions that you've raised about how the matter was dealt with, the overall part of it.

But practically, I would have to say that the Court of Appeal over the years has had the role of sorting out problems that might have arisen in a trial situation by making some corrections and suggestions. They also have a role of setting some policy in some tricky areas that aren't clearly laid out in the legislation.

But we've had a system of courts with appeals, and then the

ultimate appeal to the Supreme Court of Canada is possible as well. We've had that system for, well in Saskatchewan I suppose, a hundred years, but in our Canadian . . . or in our British background system for hundreds of years. And it has proved to be quite effective in dealing with issues.

I'm not sure if that totally answers your question, but that is the process that we as a society have set up.

**Mr. Toth:** — So what you're basically saying is the appeal mechanism, the individuals of an appeal group are basically from the legal community and would address an appeal raised by an individual based on whether or not the technical details of the law were followed versus whether that person may have felt that they were represented fairly in a court of law.

And the other option, the other thing I was going to suggest, for the fact that people sometimes feel that under the appeal mechanism they may not have received, in their minds, a fair appeal, would there be room for a person outside of the legal community to be involved and part of an appeal process? I would take it that the appeal process all centres around the legal community.

**Hon. Mr. Nilson:** — I'm not entirely certain. If the concern is about a complaint about a lawyer, then the process can be to file a complaint with the law society. And the law society has a system of assessing and dealing with complaints against lawyers which includes a hearing. There are, at present, two lay members of the law society, and those people are involved in some of the discipline processes. And it's . . . with some of the legislative changes this session, we have the opportunity to appoint up to four lay people on that particular one. So that would deal with complaints against the lawyers.

If there's a complaint about a judge, it is also possible to file a complaint with the Saskatchewan Judicial Council or the Canadian Judicial Council in certain circumstances. And then there is a process of review of the conduct of the judge.

You may have seen some of those in the paper, not about Saskatchewan judges, but I think there was one involving some of the comments made by a judge in Quebec that were . . . the person received a fairly severe reprimand.

**Mr. Toth:** — Well, Mr. Minister, I think what happens is the fact that an individual may not feel that they had been represented fairly. And I'm not exactly sure if it's a matter of the particular person representing them had indeed presented the case properly or even probably had done the best that that individual had, just may have come up against a . . . whether it's a prosecutor or lawyer on the other side who did a better job of presenting it.

And that's what I guess . . . what I'm raising, the concerns that have been raised with me — is how do you address it if you feel that you were let . . . and I guess what most people have talked about, if you feel that you were let down in court, not that your particular legal representative didn't do their job well but may not have done it as well as the other presenter.

And so I think what . . . I think, Mr. Minister, what we need to

do in addressing and raising that . . . and that's why I tossed out the idea of looking at a system where you had someone outside of the legal community that may be involved that you could go to.

But as I understand it, under our system today, if a person isn't satisfied then you go back through the courts. But I would think you would probably have to have some kind of particular reason to get back into the courts to address certain circumstances. And so I'll leave that with you for one comment before I move on to another issue.

**Hon. Mr. Nilson:** — Okay. I think that we all have to remember, is that the judges are outside the legal profession. I mean they were lawyers, but they're no longer lawyers and they end up making some of these kinds of judgements.

The other point is about a person who doesn't quite meet the expectations that the client has in a particular case. I think the best judge of that is the market-place, which I think is very much a tenet of your party and some of the things that they do.

And it's pretty clear that if a lawyer does not live up to the expectations of one or two or three clients in a row, that the word spreads fairly quickly that, hey, maybe that's not the guy that you want to hire if you've got a problem. And I have to say that that's how the system works, and that within Saskatchewan there are certain lawyers that will end up charging higher fees because of how they handle cases and others that will charge some other fee because that's what the market-place deems them to be worth.

And so I guess the answer to your question has many complicated facets to it. But I don't think you're advocating some kind of *TV Guide* with assessment of lawyers that says this is how the situation is. But even though, that it is possible to get some of those assessments within the community.

**Mr. Toth:** — Well thank you, Mr. Minister. I know we can't address all of these concerns, and we're not going to get all the questions answered that people have and the fact of whether or not they felt they were dealt with fairly, whether it was through the court system or what have you. But some of these circumstances certainly are still available to them.

Another question I'd like to raise with you before I turn it back to the member from Kelvington-Wadena and allow some questions — and I've got questions on other issues that I'll be bringing up another day — but we got a letter from an individual who mentions that, I think . . . I'm not sure if it was last summer or fall, this person understood that the former minister had suggested that there would be no photo radar in this province. And I'm not sure, I'd like to know whether or not there is a particular policy in regards to that. If there is, the reason I raise the question, apparently there's . . . CBC (Canadian Broadcasting Corporation) a.m. reported that Rosetown has been using COPCAM to enforce traffic violations for the last month.

And I'm wondering what the policy of the department is, whether or not there was an initial or original statement that photo radar would not be allowed in this province. It seems to

me there were some suggestions about that almost a year ago or even last fall, and I'm wondering what, in regards to the circumstance in Rosetown, what the details are and the particulars around it.

**Hon. Mr. Nilson:** — Well my understanding — and it's very sketchy about the situation in Rosetown because I haven't received much of a briefing about that at all — is that the Camcorder was used to assist in providing evidence, but there was actually a police officer there with the camera and it was just confirming what the police officers also saw when they were filming some of these things. And so it's a situation where it's like a police officer taking notes and then, when they go to court, they can say, well in my notes I saw this car do this at that time, or I saw this person do this at that time, and so that's my understanding. That's about all I know about that situation.

**Mr. Toth:** — What is the policy at the present time in the province of Saskatchewan regarding photo radar or do we have a policy?

(2215)

**Hon. Mr. Nilson:** — The policy at the present time is that photo radar is not used in Saskatchewan.

**Ms. Draude:** — Thank you, Mr. Deputy Chairman, and welcome to your officials, Mr. Minister. Under the adult corrections subvote, could the minister explain the correctional facilities revolving fund subsidy. Is that for the correctional institutions?

**Hon. Mr. Nilson:** — The answer to your question is that within the prison system — all four correctional centres — there's Prism Industries, which is basically work for people that are in the correctional centre. For example, in Saskatoon they make pallets for companies on a contract basis. They also, I think, make some parts of buildings. Another part . . . they do steel work and machine work and make different kinds of, I guess equipment would be the best way to say it, for some of the farm machinery businesses in Saskatoon. And the people that are in the correctional system that work in these jobs get paid a certain amount for working, but they also generate some money for the cost of doing the business.

But the amount that we pay as a government to sort of subsidize the work and provide the training — because of some of the people are learning job skills as well — is I think about 2 or \$300,000. And so that's what shows up in the budget as a cost to us. So it's . . . what they produce provides income of 2 to \$300,000 less than what the total program costs in the correctional centres.

**Ms. Draude:** — Mr. Minister, this part of the budget then actually is something that in some cases is a concern to many businesses because in some cases some of the work is done in the prisons by people that are, I guess, being trained, in effect takes work away from businesses.

And I know of cases where there's actually been tenders where the corrections workers have gotten jobs and it is actually a problem for businesses, because they don't have the same

overhead as a business may have, and we end up competing against somebody who doesn't have overhead plus paying their wage. I'm wondering if you can give me your thoughts on that.

**Hon. Mr. Nilson:** — I think I can say that based on the Prism Industries program, is designed to provide meaningful work opportunities and basic job skill training for the inmates in a practical work environment. So some people have never, ever had a job and end up in the correctional centre.

And most of the projects are completed for government agencies or some private sector firms, and it produces revenues which then contribute to the cost there. The policy of this whole program is to not take away jobs from the private sector where possible.

And the other side of it is that all people who might make use of some of the products from Prism Industries, within the correctional system, everybody's given equal access to that. So we don't allow somebody in the private business to have an exclusive market on some of these products.

But the policy is that we are trying not to be in fields where somebody else would be losing business. And I guess if you end up hearing about something, or there are some concerns that way, well then you should let us know because we'll try to address that.

**Ms. Draude:** — Mr. Minister, I do know where there are cases when this happens, and I know it's not done intentionally. But I know that an example would be barbecues that can be built in prisons, and there will maybe be a tender by Parks and there is no way that an individual company can build that particular piece of equipment for the same amount of money that it can be tendered for by the inmates.

And it is a concern to a lot of businesses, not just that one item, but I know there are a number of items that are a concern for businesses. And I'm wondering if there's any route that businesses can get to yourself or to whoever is responsible for it to let them know what product lines are causing concerns within industry for this. Because we end up competing against ourselves in a way.

**Hon. Mr. Nilson:** — Well I think there are a few very narrow areas where the Prism Industries do compete for Saskatchewan Property Management Corporation work. And that's where I was talking about a lot of this stuff they produce goes to other parts of government.

But if there are concerns, you know, please let us know and we'll take a look at them. But I know there are a few specific things that they have sort of traditionally made that they've been involved with. I don't know for sure about the barbecues, but that sounds to me like something that they might have been working at over a number of years.

**Ms. Draude:** — Has there ever been a time when individual companies have been able to go to the prison system and order a supply of, let's say barbecues, for lack of a different piece of equipment at this time, to be able resell them — purchase them from the prison system and resell them?

**Hon. Mr. Nilson:** — Yes, I think that's possible. And often what happens is the type of work that Prism Industries does is sort of job work for another business. So perhaps a business has a product and there's a specific component of that product that could be made by the people in Prism Industries. That particular component is made and then the other company would then take that piece and fit it into their overall product. So I suppose that could be barbecues. It could be houses if they're getting, you know, pre-framed walls or something; or, for example, with the pallets or crates or something like that, the other company may have a product that they need to put on a pallet or put in a crate. And they would then get the job work done through Prism Industries.

**Ms. Draude:** — Thank you, Mr. Minister. I know it'll be reassuring to know that we're not going to compete against somebody with our own dollars type of thing.

Can you give me an idea of how many employees are hired in the provincial corrections in the facilities in Saskatoon and in North Battleford and Regina?

**Hon. Mr. Nilson:** — I think your question is how many people work within the correctional system in Saskatchewan? The total number is about 850. And in, for example, Saskatoon area, there'd be about 160 employees.

**Ms. Draude:** — Has the number of workers that are full-time equivalents, has that gone up? From what I understand, there's a lot more part-time people working and the ones that were full time are actually . . . Once they go out of the system, or they're laid off, or retired, they're more apt to be just . . . their positions are going to be filled by part-time workers or people that are brought in on a more casual basis.

So that's my question: is there the same number of full-time employees as there was, say four years ago?

**Hon. Mr. Nilson:** — Over the last four years it would be about the same. From this year, I mean this year as compared to last year, it's possibly down 7 jobs but in the last two years there were a number of . . . about 20 non-permanent jobs that were made permanent jobs. And so it fluctuates a bit but it's basically been about the same over the last four years.

**Ms. Draude:** — My question, Mr. Minister, then is there more money spent on overtime for correctional workers because there are a lot of people that are on call in some of the systems and when there isn't the permanent workers there there's more people having to stay on to work overtime? I'm wondering if the overtime dollars has risen.

**Hon. Mr. Nilson:** — Over the last year the amount of money spent on overtime has gone down between 2 and \$300,000. And that's been managed, the overtime's been managed, by creating a larger pool around each correctional centre of part-time employees or non-permanent employees. Often they work sort of full shifts, but they're not given permanent status.

**Ms. Draude:** — Mr. Minister, does the corrections system keep track of money spent to guard or supervise inmates that are under medical care within the hospital or having to go to receive medical treatments of some sort?

**Hon. Mr. Nilson:** — Those figures aren't kept separately. It's basically just part of the correctional system. If somebody ends up in the hospital and somebody has to accompany them, that would be part of their job for that day or that couple of days.

**Ms. Draude:** — In the supplementary estimates, there was an additional \$1.2 million put into the system. Can you tell me what that additional money was required for?

**Hon. Mr. Nilson:** — Almost all of that money related to increased prison counts last year. On average over the year, the prison counts were about 50 to 60 inmates over what had been budgeted and planned for.

**Mr. Toth:** — Thank you, Mr. Deputy Chairman. Mr. Minister, for the last 3, 4, 5 years now I think it is, we've raised this question about a public inquiry into the Martensville situation. Now I believe there are some ongoing court challenges now that are boiling out as a result of that circumstance and situation. For the longest time your government has continued to refuse any kind of public inquiry into what happened here, Mr. Minister. And I have a feeling that my question tonight is just going to fall on deaf ears, that that's going to be refused again as well.

But many people have many concerns with regards to the whole process and the individuals whose lives have just been thrown in turmoil as a result of that case. And one has to wonder, Mr. Minister, what real reasons would the department have for not conducting a public inquiry into the way the whole Martensville case was handled, and why we wouldn't allow a totally independent review of the circumstances so that something like this would not happen again.

**Hon. Mr. Nilson:** — Well I think the situation is that out of the Martensville situation and out of a number of cases that have been dealt with over the last number of years, people have learned many things, and there have been some changes made within the administration of justice.

Now to actually assess what's happened in particular parts of the Martensville case, there are a number of court cases under way right now, and the nature of the court case is that it becomes a public inquiry or revealing of what's happened, and I think that the courts have served our society well over centuries in doing that job. And I think practically, we should allow the courts to do their work, such as it is, and that at this point we don't see any need for any additional inquiry on top of that.

**Mr. Toth:** — Well I guess, Mr. Minister, that depending on what happens when these cases finally get to court, the unfortunate part is . . . and the former minister, your colleague, did acknowledge that yes, in situations like this when charges have been laid and then at the end of the day all the charges are dropped, the court finds that, as we've seen in Martensville, all but one of the charges was actually held . . . you can't turn back the clock.



And a number of individuals' names were splashed before the public. I'm not exactly sure how you would feel, Mr. Minister, if you happened to end up in a situation like that where your name came up over something that you felt very . . . that you were totally innocent of, and at the end of the day where the courts threw it out and your innocence was proven. But the realities are, you would have to live with that for the rest of your life.

These people have to live with it. It becomes almost a smear on your name no matter how much we would like to suggest our court system does its job and does it properly. And I think the questions that are asked and the questions that continually arise . . . and while I appreciate the fact that as we do now have a number of ongoing lawsuits, it probably wouldn't be appropriate to try and do a review right now, but had we done a review earlier, it may have stayed, and possibly wouldn't have neither.

But I think, Mr. Minister, what it points out is that we definitely need to look at how justice is carried out and how circumstances evolve so that at the end of the day, when charges are actually being laid, or when a person faces a charge, that there is — I don't know if you can use it — substantial evidence. It would seem to me that probably that's the reasons why. And yet there's certainly a lot of questions about the whole investigative process and why the charges were laid.

And I guess, if you will, Mr. Minister, if it would've been one or two individuals, people would say, well you can see when you've got a group, a number of individuals being charged, it's possible that maybe there was a mistake made in one or two cases. But when you see . . . I forget the number now, but you're down to one out of about seven or eight; there certainly are a lot of questions in the public's mind about the whole due process.

And I can appreciate the fact that while we do now have some lawsuits pending, when they're done — and they may bring out some other information — the facts are, as we see in the case of Mr. Popowich and what he's gone through in his life, I don't think there's anyone would like to have to go through what some of these individuals have faced.

And while we're sitting in this building, Mr. Minister, we're fairly well protected. And the fact that I think people — well I'm not sure, they may not think that well of politicians at the best of times or even lawyers — I think we understand we're at the lowest level of the respect in this province. But the fact is none of us in this building have had to actually face that, to my knowledge. And so you live here and you feel good about the fact you've never really come across, or abreast of, the law. You may feel a little sheepish if you're pulled over for speeding some day or other, but you haven't really been charged with a particular offence such as that.

And I think in some ways, Mr. Minister, I'm not sure how we do it, but we need something that basically addresses the problems that may arise to make sure that we are indeed, when investigations such as this, as large as the Martensville case was, and especially with the type of allegations that were being

made, that every effort is made to make sure that before charges of any kind are laid against a person, that there is sufficient evidence to back it up so you don't destroy a person's character.

I think, Mr. Minister, what you need to do is we don't just say the courts work so we'll lay the charge, and if the court finds that we didn't have the evidence and you're innocent, well I guess you're innocent and we shouldn't have laid the charge. I think we need to be careful that we aren't laying charges and letting the courts do the job. I think the whole department, the whole investigative procedure, needs to be handled in such a way so that, if you will, we are sitting down with what are very basic, realistic charges so that innocent individuals don't get dragged into court. And then at the end of the day, what's it going to cost the province if some of these defendants actually win their case in their lawsuits against the province?

**Hon. Mr. Nilson:** — There are a number of issues that you've raised but I think the most important one relates to how our system works. And I think we all appreciate being part of a justice system like we have in Canada, which means that if you're accused of something, you end up having to have that accusation proved beyond a reasonable doubt before you are convicted. And that's a part of our law that has been there for centuries and I don't think we would want to change that.

We are looking at many aspects of the justice system. As you know, we are looking at the department of public prosecutions and looking at a number of the issues that may be related to some of the things that we've learned in some of the difficult cases that have happened over the last number of years in Saskatchewan.

I think that the way our system works, is that we're learning things all the time and that when something is not perceived to have been dealt with in a fair fashion and it is something that is wrong with the system of how we do things, that we then look at making some changes.

One of the things that people all over North America, in fact I would say all over the world, have learned over the last 10 years is that it is extremely difficult to be involved in criminal matters, criminal charges, where the evidence that is needed in the case involves children or other people who are not fully competent.

And we have learned many things; we are going to learn many more things. I think what we need to recognize is that the system evolves but that we have, I think, one of the best systems in Canada, in the world, and we should be proud of it.

**Mr. Toth:** — Well thank you, Mr. Minister. Mr. Minister, I think it's very important that we certainly do respect the rights of individuals and the fact that at any time, regardless of what circumstances we're facing, that before . . . and I realize the public in most cases demand . . . basically put a lot of pressure on policemen and on prosecutors to lay charges. They're looking for a guilty person.

But I think that it's very imperative that we're also mindful of the fact that we make sure that we do have information that basically says at the end of the day that this is most likely the

possible individual involved, rather than laying some charges and maybe finding out that we didn't have exactly all the evidence that was needed.

We have a case in Saskatoon right now where . . . unfortunately it's a situation where a person has said no, they lied in court over circumstances and that creates a problem even for policemen. You're bringing evidence, all of a sudden your key witness is now saying they really didn't . . . they maybe were coerced into giving that kind of testimony and it certainly makes it difficult for the courts. But I think you need to really be careful, and you mentioned that you ordered or put in place a review process, a public prosecutions office, in this office.

I'm wondering, Mr. Minister, when do you expect this report brought back to your office and when do you think you may be able to present it to this Assembly?

**Hon. Mr. Nilson:** — Well as I announced when we entered into this process, we anticipated that it would be in the fall. September is when we would hope to have our report and it may be that it will take a little bit longer than that. We don't know for sure, but that's the intention.

**Mr. Toth:** — Mr. Minister, we recently found out that there was a report conducted last spring into a law firm of Woloshyn Mattison over a number of . . . over the negligence of processing bad mortgages — the SaskTrust affair, I guess is what you would say. And as of May 1 of this year we find out that actually that report was available, interestingly enough, just before the last election, just really came to play.

And I'm going to quote from the *Star-Phoenix*, Wednesday, May 1: "Report clears former Romanow law partner in SaskTrust affair."

The Justice Department has quietly decided not to charge a former law partner of Premier Roy Romanow and cabinet minister Bob Mitchell in the SaskTrust affair.

Deputy Justice Minister Brent Cotter said the decision not to press charges against Saskatoon lawyer Dean Mattison was made last year by an out-of-province lawyer.

The interesting thing is a lot of this information apparently did . . . and was available. It's interesting to note that the Deputy Minister Cotter said:

He said his decision to keep the matter quiet had nothing to do with the fact a provincial election was being held around that time.

I'm not sure, I think a lot of people in this province are fairly political and astute in their politics, but it certainly wouldn't have been appropriate for this report to have come out. And I do have a concern though, Mr. Minister, about the fact that you have refused to release the details of this report.

I wonder why you're refusing to release the details of that report, Mr. Minister. Is it because it may have some of the same information that the report regarding Mr. Mitchell . . . and the investigation into the young offender's breach, where Mr.

McIntyre states that he accepts that an offence under section 38(1) of the Young Offenders' Act was committed by the former minister of Justice. But then goes on to say in his report:

It is clear in all the circumstances that no public interest would be served by a prosecution of Mr. Mitchell at this time.

Mr. Minister, and this report was released in that investigation. Why is your department, or why are you, refusing to release the report that your department had commissioned in regards to the SaskTrust affair?

**Hon. Mr. Nilson:** — I think I should clarify that this was an investigation into one person — not a law firm — to a Mr. Dean Mattison. So that's the first point.

The second point is that the report from the independent prosecutor was received on . . . well the report's dated June 28 and arrived on June 29, in Saskatchewan, of 1995. The situation is that . . .

It's quite interesting actually that you would ask the questions that you did five minutes ago and then ask these questions. Because you strongly encouraged the department of public prosecutions to be very careful in laying charges where you did not think . . . or they did not think that there was any chance of success, of a conviction. And now you are saying, well no, let's reverse that process and analyse every time or analyse sometimes when those decisions are made the other way.

It's very clear policy within the department, when a decision is made not to prosecute, that this does not become a public matter when it involves a private citizen.

(2245)

**Mr. Toth:** — Well, Mr. Minister, I guess what . . . and certainly this whole SaskTrust affair was brought to my attention . . . Even four and five years ago people were asking questions in the Saskatoon area. I didn't know what avenues to follow. So it isn't something that's just happened overnight, and then there was a review done of the circumstances.

But you mention about not releasing . . . it's not in the public interest, I guess is what you're saying, to release that information. If a review is completed, if that review has nothing that can be damning whatsoever, if the review is basically saying that everything is in order, then what is the problem with releasing it?

I guess people in Saskatoon will be asking, what is the problem with releasing a report in a review regarding a circumstance that many people had and have asked many questions over the years. I just mentioned to you the one regarding Mr. Mitchell was released. Got it right here. And we've got three other ones just in the last two years. So our reports were done.

The circumstances regarding Mr. Koskie and Phoenix Advertising. That information was released. So I guess I have a hard time trying to understand why one is released and why the other isn't.

And it's obvious, if what the papers are saying and if what you're saying and what the deputy minister has said, that there was nothing wrong, then obviously a report that basically clears an individual being released should probably bring all that information to the point that that individual is certainly vindicated totally.

And when a report is being withheld, in most people's minds the view is, if you're withholding something, then there's a reason for withholding that information.

**Hon. Mr. Nilson:** — Well I think I can reiterate the policy is, that when people aren't charged, we don't talk about it, we don't make it public. Another factor here is that this was an investigation into one individual, Mr. Mattison. There is a lawsuit involving the SaskTrust situation that's going to court this fall. There also were specific charges against some other individuals that are proceeding and will be dealt with or have been dealt with publicly already.

And so this is not the only case; it involved one individual. It was assessed that no charges should be laid, and that's it.

**Mr. Toth:** — So basically what you're saying then is that this is one circumstance in what is actually a broader picture where there's still some ongoing work going on. So that's fair. I don't think many people realize that. Many people, I think, the way the comments were coming to me . . . there seemed to be a lot more going on. And I have no idea because I'm almost going on hearsay too. The comments are coming and all of a sudden this report is out; it won't be released; this person has been cleared. And that's where it ends up.

So I think it's important, Mr. Minister, that the public are even aware of that. So when questions come, well there's still ongoing circumstances that even release of this type of information, you must appreciate, may have an effect. And I can certainly accept that.

Mr. Minister, I do have one other question, and you may wonder why it would be coming from a member from this side of the Assembly. But my question, Mr. Minister, to you, is to your department, and I'm wondering: to date, what has the Department of Justice spent . . . And I look at the *Star-Phoenix* — and this goes back to May 3, 1995 — political bias in Justice, former NDP candidate, regarding the whole ongoing investigation into former Conservative members.

What has been spent to date in that investigation and in all the court cases?

**Hon. Mr. Nilson:** — This situation puts me personally in a conflict because one of my former partners is a defence counsel for one of the individuals involved, or maybe more than one. And so I'm not in a position to answer this question. The information is not available right here to answer that question, and I would suggest that the best way to do that would be to provide the information later through Mr. Cline, who would be the Acting Attorney General and Minister of Justice on this issue.

**Mr. Toth:** — So what you're basically saying, you do not have at your fingertips today what would have accrued as far as expenses to the department in the ongoing investigation to date. And I guess while I can appreciate the fact that you may have a law partner who may be acting as counsel for some members and you may feel at the same time just releasing information with regards to the costs that have been associated . . . I guess I don't know how that might be a conflict.

All we're asking for is what has accrued as far as costs that have occurred to date. But I do know that many people across this province, including the former NDP candidate, has some real grave concerns. His comment is very hard to believe.

Somebody has to be . . . it's an unbelievable coincidence that charges should be laid against so many in the run-up to a provincial election campaign. It's very hard to believe; somebody has to be in charge, he says. This is one of your own candidates who basically wasn't allowed to run.

Plus questions that are coming from individuals about the whole process and questioning it. So I would appreciate, Mr. Minister, if you will, at your leisure or time, through your officials, just assess to this date, because I can't ask you to suggest where it may be down the road or what the costs are going to be.

But I think there should be enough information that would indicate what it basically has cost the legal system and the Justice department to date to process . . . where they have gotten to date from the time they started. And I certainly do get a lot of people inquiring and asking what kind of money have we put into this particular case.

With that, Mr. Minister, I believe those are most of the questions that I was taking the time to ask tonight. However, I would suggest to you that I'm not prepared to vote off Justice tonight until we receive the global questions. I think I've got to the point of the overall questions. And if the global questions, when we receive them and if I can have your assurance that would be next week, we can certainly, unless there's some major questions come out of those globals, we'd certainly be willing to vote off, if the official opposition is in agreement, without having to bring your officials back. But I've got most of the other questions raised tonight and I look forward to a response to the last question I just asked you.

**Hon. Mr. Nilson:** — I will undertake to provide that information through the Acting Attorney General.

**Mr. Osika:** — Thank you, Mr. Chairman. I just have a few questions that I want some clarification on, perhaps on what the member from Moosomin just asked. Do you have a figure on what the lawsuit brought by the judges against the former minister of Justice has accrued to this point in time? Or if that in fact is ongoing, you can't release that, the cost itself up to this point. Do you have those available? Thank you.

**Hon. Mr. Nilson:** — Up until April 30 of 1996, which is our last account, we've paid out in legal fees, \$76,728.46.

**Mr. Osika:** — Thank you, Mr. Minister. I just want to go on

briefly to the boards and commissions, and I notice that five out of the six sub-programs under boards and commissions have been cut. How do you see this affecting services to the public with those kind of cuts under those particular votes?

**Hon. Mr. Nilson:** — Well I think the simple answer to that is the answer that I provided previously when we were talking about some of the other budget areas. That we were requested to go through all of the kinds of work that we did in the Department of Justice, and all the boards and commissions that work with us, to look if there was anywhere where we could get some dollars to deal with the money that we had to pay in the health, education, and social services area. And we asked that all of the boards and commissions also participate in this process. And we've figured out some ways of doing things that allow us to work within the budgets that we have. There are some places where we maybe will have to re-examine how we're doing that.

But I guess the important point is that all of the different government expenditures within my area of responsibility, they've all come together and tried to recognize that we don't have as much money as we used to to do all the things we want to do.

**Mr. Osika:** — The reason for my question was a concern that those boards and commissions that were a service to the public were not affected to any great extent. And I would hope that it does not lessen the opportunity for people to have access to those types of services.

And going into that, under the farm protection program, for example, can you please tell me what type of programs this covers?

**Hon. Mr. Nilson:** — If your question is what's incorporated in that particular budget item, it includes the Farm Land Security Board, the Farm Ownership Board, the Homestead Protection and the Farm Tenure Board. Those are all different statutory boards that deal with different aspects of farm ownership and protection of farmers.

**Mr. Osika:** — Thank you. As a result now, is there less need for these farm protection programs than there were in the last year or five years ago?

**Hon. Mr. Nilson:** — I think it's a positive sign about the improvements in the economy and that there are fewer farmers who need the protection of some of these boards in their dealings with financial institutions. And also we have looked at some sharing of some of the administrative costs of some of these things so that we are doing things a little bit differently as well.

**Mr. Osika:** — Thank you, Mr. Minister. Under the Human Rights Commission, how many people are employed in that particular area, please?

(2300)

**Hon. Mr. Nilson:** — There are 18.3 full-time equivalent jobs. So there are 18-plus that work at the Human Rights

Commission in Saskatoon and Regina. And some of them obviously travel all over the province to deal with complaints or issues.

**Mr. Osika:** — Thank you. I should have asked this at the same time. At what cost? And the other question then would be: how many cases do they handle on the average in a year?

**Hon. Mr. Nilson:** — The cost for the total budget for the department is 925,000 for this upcoming year, and the . . . I guess the question is, how much work they have done, is that correct?

Well it's a bit hard to actually explain how this works, but as of March 31, 1996 there were 197 active files. During the year '95-96 there were 221 files opened and 232 files closed. I have quite a few other statistics but I think that gives you a bit of an idea of the numbers of files.

There have at various points been some backlogs and there has been implementation of some changes in the procedure which allows for some of the disputes to be mediated. And that has changed the nature of how some of the problems have been dealt with and that has reduced the backlog somewhat. And I think it's also identified that there may be some other changes in the procedure in the Human Rights Commission that would make some sense in resolving problems.

**Mr. Osika:** — Thank you, Mr. Minister. Could you just clarify for us please, the duties and responsibilities of the Rentalsman.

**Hon. Mr. Nilson:** — The Rentalsman's job is created under The Residential Tenancies Act. And the main activity involves dealing with complaints by landlords about tenants and by tenants about landlords. There used to be an element of rent control but in 1992 all controls on rent were changed. The Rentalsman also is involved in dealing with the issues surrounding security deposits. As well, the same person, the Rentalsman, administers the Provincial Mediation Board.

And so the things that we talked about earlier, about orderly payments of debts, and working between creditors and debtors, that's another job that is fulfilled by the person who is hired to do the Rentalsman's job. So they have some other aspects that way as well.

**Mr. Osika:** — What are the number of staff in that office, Mr. Minister, please? And while you're at it, the costs, or the budget for that office.

**Hon. Mr. Nilson:** — The number of staff, full-time equivalents, is 12.9. The total cost for the salary part is, I think, 550,000. The numbers of applications for hearings in the Office of the Rentalsman in '95-96 was 1,750. Under the Provincial Mediation Board side there were . . . new debt repayment proposals, there were 182. Those were new ones. They had a hold-over of ones that they had been dealing with from the previous years of 348.

The amount of monies that were collected and paid to creditors through the debt repayment proposals was one and a quarter million dollars. And the fees that were received by the

Provincial Mediation Board through the debt mediation was \$66,370. There were also some property tax enforcement applications, 910 of those. And there were in that area of property tax — I guess that's an area I didn't mention before — there were also some ongoing repayment plans under property tax arrangements, so there were 963 cases there.

**Mr. Osika:** — Thank you, Mr. Minister. I, if it would be possible to share that with us, would very much appreciate it. That seems like an awful lot of cases that are referred to that small a number of people in that particular department. Are they adequately enough staffed? I guess the reason I ask that question is it has been asked of me where the decisions . . . if a decision is arbitrarily made by a Rentalsman in a dispute between a tenant and a landlord, the next step then would be for the landlord to . . . if it was the landlord who was asking for some mediation, would it be then the landlord's responsibility to approach the Mediation Board to request assistance? How would the appeal process from one side or the other be initiated, please?

**Hon. Mr. Nilson:** — The process of appeal from a Rentalsman's decision is to the Court of Queen's Bench, a judge of the Court of Queen's Bench.

**Mr. Osika:** — So in other words, if there is a dispute between the landlord and a tenant over the refusal of a tenant to pay the amount of rent that was originally or initially agreed to, the landlord would then have to go to the Court of Queen's Bench to . . . if the Rentalsman said, well tough, that's between you two to sort out, and the landlord was not happy, it seems like that might turn into a costly process for the landlord.

**Hon. Mr. Nilson:** — Because the Rentalsman's no longer involved in rent controls and that issue, any issues around the payment of rent, it's dealt with like any other civil matter, probably in small claims court. But if it's an issue around the security deposit, and whether that security deposit should be paid back to the tenant when they were moving on to some other place, then that's an issue that the Rentalsman would have a hearing about. And if after that decision was made, there was some disagreement, well then there could be an appeal from that decision to the Court of Queen's Bench. That would be extremely rare, I would think.

**Mr. Osika:** — Thank you. It still appears to make it a little difficult to recover or recoup some monies that perhaps a person, an individual, rightfully feels they have coming to them. A couple of things here on these different boards. You have a Surface Rights Arbitration Board. Can you just tell me a little bit about what that is?

**Hon. Mr. Nilson:** — The Surface Rights Arbitration Board is the board that assists in resolving disputes between landowners, primarily farmers, and oil companies — or sometimes mining companies but usually it would be oil companies — over the drilling of oil wells, placement of pipelines, oil pipelines; and if there's a dispute between a farmer and an oil company, that's where it goes.

**Mr. Osika:** — Would that involve the payment for certain

rights and damages to properties or access to properties?

**Hon. Mr. Nilson:** — That's correct.

**Mr. Osika:** — It would be not unlike something that the Rentalsman does with respect to damage deposits.

On one other final note here, with all these boards involved here within your department, within your purview, how are the members to these boards appointed? And how are they paid?

**Hon. Mr. Nilson:** — The members to the various boards are appointed in many different ways. There are usually recommendations of names made, and ultimately they're appointed by order in council, by cabinet. And so that's the final.

But practically, some of the boards need some special expertise. And we would then seek people, for example, on the Surface Rights Arbitration Board, who know something about environmental issues and knows something about the oil and gas industry and know something about farming. And so suggestions are made and selections are made through a process of . . . I guess within the department and the areas where they're administered within the Department of Justice.

**Mr. Osika:** — Thank you. One final question, one that I overlooked earlier and it has to do with capital projects, I guess. And I just wondered if — getting back to corrections just for one last question — are there any plans for expanding and/or building additional correctional facilities within the near future or the not-too-distant future?

**Hon. Mr. Nilson:** — No.

**Mr. Osika:** — Thank you. A short, final answer to a final question. Mr. Minister, I would like to express appreciation to yourself; to your officials for assisting us in this process this evening. Thank you.

**Mr. Toth:** — Thank you, Mr. Chairman. As well, I would extend my thanks and appreciation to the minister and his officials just in case the global questions all meet our expectations and we don't have to really bring the officials back to the Chamber. Thank you.

**Hon. Mr. Shillington:** — Before moving we rise and report progress, I want to first of all thank the officials for coming. It's a late night. One of the officials indeed was at a banquet and his — two of them were at banquets — their meals were within sight and they got a call from the legislature to come back, and I think they've been here without eating.

**An Hon. Member:** — Oh, no.

**Hon. Mr. Shillington:** — I want to thank you and apologize for all the sympathy you're getting.

**An Hon. Member:** — Why don't you take them out for a late night snack?

**Hon. Mr. Shillington:** — We should do that. The Minister of

Labour will pay.

I also, before I sit down, in addition to thanking the officials, I want to thank the member from Moosomin for placing our agreement on the record as he did. We agreed to stop the clock on the understanding that we would finish all questions but those that might arise out of the global undertakings. And questions, if the estimates were brought back, would obviously be limited to questions arising out of the global estimates.

I want to make a comment about when you're going to get the global questions before I take my seat, just because your comments are on the record, so I want mine to be as well. We got some global estimates. What I'm told by the officials who are struggling with these things is, it is a fair amount of work.

What I am told is that we got one set of globals from the official opposition. They are a lot less work. They're actually what we did last year and they're a lot less work. Those they hope to have ready next week. I don't give it as a formal undertaking because I'm not in charge of it, but I'm led to believe those will be ready next week.

The other globals which we got from the third party are new, and apparently they're considerably more work, big time. I'm not undertaking to have those ready next week. What we will have next week is the globals which were forwarded to us by the official opposition. Those, I'm told, will likely be ready next week. The ones from the third party may not be.

With those explanatory comments and just to confirm our understanding with respect to these estimates, I will move that we rise, report progress, and ask for leave to sit again.

The committee reported progress.

The Assembly adjourned at 11:15 p.m.