

The Assembly met at 1:30 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Bjornerud: — Thank you, Mr. Speaker. I once again would like to present petitions to do with the creation of a regional telephone exchange. The prayer reads:

Wherefore your petitioner humbly pray that your Hon. Assembly may be pleased to cause the government to support the creation of regional telephone exchanges in order to enhance economic and social development in rural Saskatchewan.

I so present. The community that this petition is from is Chociceland, Mr. Speaker.

READING AND RECEIVING PETITIONS

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

Of citizens of the province petitioning the Assembly to establish a task force to aid in the fight against youth crime; and

Of citizens petitioning the Assembly to support the creation of regional telephone exchanges.

NOTICES OF MOTIONS AND QUESTIONS

Mr. Belanger: — Thank you, Mr. Deputy Speaker. I give notice that I shall on day no. 47 ask the government the following question:

A question to the Minister of Health: (1) what was the average waiting time 10 years ago to receive test results for a biopsy on a potentially malignant sample after a test was performed; (2) what was the average waiting time five years ago to receive test results for a biopsy on a potentially malignant sample after the test was performed; (3) what is the average waiting time today to receive test results for a biopsy on a potentially malignant sample after the test was performed; (4) what is the average waiting time from the point where an individual is diagnosed with cancer and the point where they meet with a doctor to discuss treatment options; (5) has this average waiting time increased, decreased, or stayed the same in the last five years, the last 10 years, and by how much?

And I so present, Mr. Deputy Speaker.

Mr. D'Autremont: — Thank you, Mr. Deputy Speaker. I give notice that I shall on day no. 47 ask the government the following question:

To the Minister of Finance: (1) did any government-run

pension plans invest in Bre-X in the 1995-96 fiscal year; (1)(b) if the answer to question no. 1 is yes, list which pensions invested in Bre-X; how many shares were purchased and at what price; were the Bre-X shares sold and at what price; (2) did any government-run pension plans invest in Bre-X in 1996-97 fiscal year; if so, which pensions; how many shares were purchased and at what price; (2)(b) if the answer to question no. 2 is yes, list which pensions invested in Bre-X; how many shares were purchased and at what price; and were the Bre-X shares sold and at what selling price?

I so submit.

INTRODUCTION OF GUESTS

Ms. Hamilton: — Thank you, Mr. Deputy Speaker. It is my pleasure to introduce to you and through you to all members of the Assembly, 44 grade 7 and 8 students seated in your gallery. The students are here today from a school in my constituency, Wilfred Hunt School. I've had an opportunity to visit Wilfred Hunt in the past and I've always been greeted in a warm and friendly manner. I know students have participated in the war memorial dedication and recently Arbor Day; so they are a very active school.

The grade 7 and 8 students today are accompanied by their teachers, Bryan Hicks, Rochelle Anderson; and interpreter, whom you can see working in the gallery, Jodi Kerr.

I'm looking forward to meeting with the students after question period in room 218 to enjoy some refreshment and answer any questions they have following question period. So I'd encourage everyone to present their questions and answers in a decorous manner.

I'd ask everyone to join me in welcoming the grade 7 and 8 students from Wilfred Hunt School. Thank you.

Hon. Members: Hear, hear!

Mr. Krawetz: — Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, in your gallery I would like to introduce three individuals from the Saskatchewan Teachers' Federation. First Ms. Carol Moen. Carol is the recently re-elected president of the Saskatchewan Teachers' Federation; and also from the membership from the federation, Mr. Fred Herron, and Mr. Derwyn Crozier-Smith. Please welcome.

Hon. Members: Hear, hear!

Mr. Heppner: — Thank you, Mr. Speaker. On behalf of the third party I too would like to welcome to our legislature this afternoon, Carol Moen, president of the STF (Saskatchewan Teachers' Federation), and people from the executive, Fred Herron, and Derwyn Crozier-Smith.

I'm meeting with them later on this afternoon for what should be an enlightening conversation.

Hon. Members: Hear, hear!

Hon. Ms. Atkinson: — I want to join the official opposition critics in Education in welcoming Carol Moen, president of the Saskatchewan Teachers' Federation; general secretary, Fred Herron, and Derwyn Crozier-Smith to the legislature. I hope that they have an interesting afternoon.

Hon. Members: Hear, hear!

Hon. Mr. Scott: — Thank you very much, Mr. Deputy Speaker. I would like to introduce to you and through you to members of this Assembly, some guests in the west gallery, Mr. Speaker.

This is a very special day for Jayne Whyte, who has just come from the annual mayor's luncheon sponsored by the Regina chapter of the Canadian Mental Health Association.

This luncheon is held annually during Mental Health Week. And the luncheon . . . or at this luncheon Jayne was the recipient of the Canadian Mental Health Association National Consumers Participation Award. Jayne received the award for her leadership in the community. She is not only recognized in Saskatchewan but across Canada for her dedicated work and leadership in the mental health field.

Accompanying Jayne is Rev. Erin Shoemaker, United Church minister at Balcarres, and Brenda McLaughlin, a staff person with the senior education centres here in Regina. If they could stand and be recognized, and I would ask all members to welcome them here.

Hon. Members: Hear, hear!

STATEMENTS BY MEMBERS

Pangman Personal Care Home

Ms. Bradley: — Thank you, Mr. Speaker. This Sunday I was proud to take part in a sod-turning ceremony for the Deep South Personal Care Home in Pangman. A number of towns, villages, and RMs (rural municipality) in the vicinity have been working towards this day and it's good to see their work come to fruition. I congratulate them.

Mr. Speaker, this personal care home will be integrated with the health centre, which will be upgraded with an additional added integrated ambulance garage. This project is the first of its kind in Saskatchewan, but it is another model of the partnership and cooperation which make our province unique.

The health centre, funded by the South Central Health District, will be attached to the Deep South Personal Care Home, operated by a non-profit community board. The two administrative bodies will work closely together to ensure competent and caring service for its clients.

I wish to commend the Pangman advisory committee and the Deep South Personal Care Home Corporation for their commitment and leadership in this new venture. They have already raised over \$600,000 and the project will begin next week and be completed by October.

It is exciting to be the first to do something, but it's also

daunting because in many respects you're flying solo, with many obstacles to overcome. But this dream has become a reality because of the cooperation of many local communities, of governments at all levels, of the Department of Health, the Department of Municipal Government, and of many individuals who worked tirelessly to bring this new partnership about. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

DryAir 2000

Ms. Julé: — Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize a new St. Brieux industry, DryAir 2000, founded by Dr. Pierre Bourgault, a professional engineer. DryAir 2000 manufactures grain dryers, a project that has been 15 years in the making. The company recently completed its new manufacturing plant in the booming town of St. Brieux.

Dr. Bourgault credits the vision of local farmers who have an interest in the concept of grain drying efficiencies that far outperform anything else in the market-place. DryAir 2000 plans to manufacture between 30 and 50 units in its first year, and the first year's production soon will be sold out.

Among personnel involved in DryAir 2000 are Claude Bourgault, John Gallays, Maurice Boyer, Sean Steliga, Marcel Fagnou, Don Assié, and Jack and Kelly Stevenson.

Congratulations, DryAir 2000 — another success story in the community of St. Brieux.

Some Hon. Members: Hear, hear!

North-west Regional Victims Services Association

Mr. Sonntag: — Thank you, Mr. Deputy Speaker. Being a victim of crime can often be a very traumatic experience for many people. Having one's life threatened or having your possessions stolen from your home bring forward a multitude of emotions in people. Coping with these emotions is often very difficult. Having someone to turn to or having an organization dedicated to providing services for such victims can be a tremendous help to individuals.

Mr. Speaker, the Northwest Regional Victim Services Association, headquartered in Meadow Lake, is one such group. This organization relies on an entire community effort. Cooperation between the police, community members, and first nations people is essential to its successful operation.

Furthermore, Mr. Deputy Speaker, the countless hours and exhaustive efforts of the many volunteers who donate their time to the organization should also be acknowledged. It is the volunteers who make the Northwest Regional Victim Services such a success. This community program has proven itself since its inception a few years ago. Today it is being looked upon as being a model for other such groups throughout Saskatchewan.

I want to congratulate Northwest Regional Victim Services for its community focus and the success it has enjoyed. I'd also want to wish them continued success in the future. Thank you

very much.

Some Hon. Members: Hear, hear!

Young Business Entrepreneurs

Mr. Hillson: — Mr. Deputy Speaker, nothing can lift the spirits of those of us who are looking at the wrong side of, shall I say 39, as contact with bright, enthusiastic, and energetic young people.

Last Saturday night I was at the first banquet awards for the Young Business Entrepreneurs program for north-west Saskatchewan. This was put on by Northwest Community Futures. Eleven awards were given out to students from grade 8 to 12 for excellence in youth entrepreneurship. The awards were in areas such as best business plan, outstanding promotional material, and exceptional customer service.

The winners came from North Battleford Comprehensive, Spiritwood, Shell Lake, and St Walburg. I was especially impressed that in business plan after business plan given by these young people from our smaller communities, they began their work by saying: I came up with this idea because this isn't available in our community.

They are committed to Saskatchewan and committed to their future with us. I congratulate Pat Redl, general manager of Northwest Community Futures, Dennis Barnett, chairman of the board, and all of the young participants.

Some Hon. Members: Hear, hear!

Purple Ribbon Awareness Week

Mr. Wall: — Thank you, Mr. Deputy Speaker. This week, May 5 to 11, has been proclaimed Purple Ribbon Awareness Week in Saskatchewan. The purple ribbon campaign commemorates all Saskatchewan women who have died as a result of violence.

Violence against women is one of our society's serious problems. In Saskatchewan between 1991 and 1995, 35 women died as a result of domestic violence. One is too many; 35 is a disgrace.

Mr. Deputy Speaker, what protects the perpetrators of violence against women is silence. Victims of abuse need to realize that they are not alone and that there are services and resources that they can call upon. The purple ribbon campaign is intended to heighten public awareness of the fact that domestic violence will not be tolerated in this province.

This government unveiled trail-blazing victims of domestic violence legislation in 1995 as evidence of our commitment to women, but of course more needs to be done.

As members of this Assembly, we must do all we can to show our deep and personal commitment to ending this social tragedy. We can begin by wearing a purple ribbon, and we can continue by fighting for public policies that will help to keep the women of this province safe. Thank you.

Some Hon. Members: Hear, hear!

Prince Albert YWCA Women of Distinction Awards

Hon. Mr. Lautermilch: — Thank you very much, Mr. Deputy Speaker. This evening in Prince Albert the local YWCA will honour a number of local women whose contributions to the community really have made a difference.

The 1997 Women of Distinction awards ceremony will honour Linda Jensen for her contributions to art and culture. Linda, a water-colour painter, is a founding member of the Kyla Arts Group. She is also active in the music community in P.A. (Prince Albert). She was the first woman to chair the Prince Albert Co-operative Health Centre and has been active in decision making in the health community for over a decade.

In the health, sports, and fitness category, Louise MacDonald will receive the award. Louise is the youth ministry coordinator for the Prince Albert Roman Catholic Diocese. Before that, she worked for the city's parks and recreation department at the arts centre coordinating arts and playground programs. An avid cyclist, runner, and cross-country skier, she leads this category by her example to all of us.

And finally, Mr. Speaker, Gail Szaunter will receive honours for her work in the community enhancement category. Gail is the director of the Children's Choice Child Care Co-op, and has the particular honour of being nominated for this award by her staff.

Sandy Peterson will receive the award for business and professional category. Sandy opened her own shop, Esquire II, following The Bay's decision to leave Prince Albert.

Mr. Speaker, all of these women really do deserve our recognition for their contributions towards our community and towards our province. And I want to congratulate them all.

Some Hon. Members: Hear, hear!

On Living with Cerebral Palsy

Ms. Lorje: — Cerebral palsy is not a disease. It is not progressive nor life threatening. It is a physical disability which results in lack of control over movement and posture, and in impaired speech, sight, and/or hearing. We all probably know someone with CP (cerebral palsy).

We can only begin to appreciate the courage necessary for them to get through the day, to perform the most simple physical acts which we take for granted.

At Twenty-Fifth Street Theatre in Saskatoon, audiences will be given the opportunity until May 18 to enter the world of one individual who undertakes these basic, pedestrian acts of courage daily.

In the play *Scraping the Surface — A Life in Progress*, we are given a gritty and very funny look at what it is like to grow up with what society calls an affliction.

The play is written and performed by Lyle Victor Albert, who has cerebral palsy himself. In his play he uses shaving as a metaphor for the courage it takes for him and others like him to journey through life. Just imagine the bravery it takes to put a razor to your face if you're what he calls jumpy.

Mr. Speaker, yesterday in this Assembly we were privileged to host Rick Hansen, who has taught the world something about courage under adversity.

I encourage all who can to attend *Scraping the Surface*. You will be entertained, and you will see another example of the tenacity of the human spirit. Thank you.

Some Hon. Members: Hear, hear!

First Nations-Health Districts Partnership

Mr. Kowalsky: — Thank you, Mr. Speaker. Saskatchewan people have always understood the value of a partnership and cooperative problem solving. And we continue to build partnership, with first nations people of this province.

Our government has signed seven agreements with health districts and one with SAHO (Saskatchewan Association of Health Organizations) to encourage the hiring of aboriginal people in the health care sector. And there is evidence, Mr. Speaker, that these agreements are starting to work.

In the last five months, at least 14 aboriginal people have been hired for various positions in the Prince Albert Health District, including management and front-line work such as nursing and support such as maintenance.

Last year, Shawn Dagenais was hired as the new program coordinator for the Successful Mothers support program. Shawn's work demonstrates that a better relationship with health care clients means a better quality of health care — 95 per cent of her clients are first nations people. Shawn's clients feel comfortable dealing with her because they feel she understands them and their culture.

Saskatchewan is committed to a true partnership with the first nations communities of this province. Mr. Speaker. The success of this agreement proves we are making great strides towards that goal. I congratulate the Minister of Indian and Metis Affairs and I congratulate the Prince Albert Health Board.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Child Prostitution

Ms. Julé: — Thank you, Mr. Speaker. Mr. Speaker, the children of this province who are forced to sell their bodies have waited and waited and waited for some sign from this government that it cares and that it will forward legislation that will protect them. While the Minister of Social Services agrees that these children are the true victims, he refuses to make legislative changes.

Mr. Speaker, there are hundreds of Saskatchewan children working the streets of this province and falling victim to pedophiles. And this government has an obligation to do all it can to protect them from further abuse.

And so I ask: does the Minister of Social Services have reason to believe that children under his care are involved in prostitution?

Hon. Mr. Calvert: — Mr. Speaker, the member will know that she and I have had some discussions about these issues as late as just a very few moments ago. We are in full agreement, in full agreement that the issue of children on our streets and the abuse of those children by adults is a matter of child abuse. And there should be and there can be no misunderstanding about the will of this government, and I believe this legislature, in dealing with this very serious issue affecting children.

Mr. Speaker, there may be occasion of a child on the street in the cities of Saskatchewan who has had involvement with the Department of Social Services; indeed we are trying to reach out to those children. And as I've indicated to the member earlier today, there will be announcements tomorrow, Mr. Chair, to further show progress in addressing this very serious issue.

Some Hon. Members: Hear, hear!

Ms. Julé: — Thank you, Mr. Speaker. Mr. Speaker, the minister knows that many if not all children engaged in street prostitution, solvents, and drugs, are well-known to his department. Yet this government has done little to help them. Where are the safe houses?

My private members' Bill includes a measure that provides for the government to set up transitional safe houses for child prostitutes. These houses would offer appropriate treatment and counselling to these victims of child abuse. Experts know that foster homes alone aren't the answer for children who have been on the streets.

Will the minister admit that Social Services does not provide for a comprehensive treatment, protection, and recovery time that these children desperately need in order to leave the streets?

Hon. Mr. Calvert: — Mr. Speaker, I have shared some of the information, in fact a great deal of the information about understandings that we have and what we intend to do with the minister only yesterday . . . (inaudible interjection) . . . with the member, I'm sorry, only yesterday.

She recognizes — I believe that all members in this House recognize — that together this legislature wants to address this issue in the communities of Saskatchewan.

But let me just say this, Mr. Speaker. From one end of this country to the other end of this country . . . I have here a clipping from the *Vancouver Sun* talking about what this government is doing for the children of Saskatchewan. I have a copy here of an article from the *Charlottetown Guardian*, Prince Edward Island, talking about what the Government of

Saskatchewan and particularly the Premier of Saskatchewan is doing for families and children in this province. And coast to coast, Mr. Speaker, the nation is watching.

Some Hon. Members: Hear, hear!

Ms. Julé: — Thank you, Mr. Speaker. Mr. Speaker, in my deliberations with the minister I heard nothing of some concrete measures like safe houses, and so that is my concern. The children of this province cannot wait any longer.

Mr. Speaker, the continual delays by this government on the child prostitution problem translates into a lack of resources and protection for these children. Without concrete legislative changes, this government is failing to address the tragedy faced by hundreds of child prostitutes in Saskatchewan.

When will the minister assume his responsibility to offer these child victims the protection and the treatment they need and bring in changes to Saskatchewan's legislation?

Hon. Mr. Calvert: — Mr. Speaker, the member and I yesterday talked about some of the initiatives that this government is involved in — initiatives that are happening in the communities of Saskatchewan.

That member is fully aware that we have dedicated, in addition to the amount of resources, the array of resources through the child action plan, that member is aware we have dedicated specifically a quarter of a million dollars to projects in this city and Saskatoon and other cities affected in our province, Mr. Speaker.

Mr. Speaker, she knows that. And I'm disappointed again, sincerely disappointed, that she would use this question period to try and make a political issue out of what I thought was an issue, I thought was an issue that we would work together on.

Some Hon. Members: Hear, hear!

Mr. Hillson: — Mr. Deputy Speaker, I have to ask if the minister has ever visited our inner cities on a Friday or Saturday evening to see firsthand what's going on . . . (inaudible interjection) . . . Yes, I have. Yes, I have. And I would say that if he's done that, he would realize that foster care is not the solution. We need safe homes. Fostering will not work for these cases.

Mr. Speaker, the government proved earlier this session that prompt action is possible when they want it. The IPSCO Bill was introduced, given three readings and Royal Assent all within a few hours. And yet the minister won't accept my colleague's Bill. He won't introduce his own Bill. What is going to happen here?

Ottawa has acted on this issue. Manitoba has; Alberta has. This is not a partisan political issue. This is about restoring public confidence. This is about children under the care of the minister, who are working on the streets. We need some moral leadership from this government.

The Deputy Speaker: — Order, order. Does the member have

a question? And if he does, I would ask him to put it now.

Mr. Hillson: — Yes, I want to know from the minister what clear indication of commitment and caring can he give the people of Saskatchewan this day.

Hon. Mr. Calvert: — Mr. Speaker, the member may want to talk to his bench mate, with whom I have shared information about what this government intends to do and will announce tomorrow — in addition, in addition to the vast array of programs under the child action plan; in addition to \$250,000 committed in this budget.

That member stands in this House and says that we should pass legislation in a day. I ask that member, has he consulted with the chief of the Federation of Saskatchewan Indian Nations? Has he consulted with the various reserves in our province, which this legislation would have a direct impact on? Has he done that consultation?

Mr. Speaker, that's not the way you make public policy. You don't stand in this House attempting to get headlines for your political movement while trying to deal with a very significant issue.

Some Hon. Members: Hear, hear!

Mr. Hillson: — Mr. Speaker, yesterday Prime Minister Chrétien said in this city that government is about working to make a better country. And I can't possibly imagine anyone running for public office who doesn't passionately believe that.

When my colleague raised the issues of child poverty and child prostitution she was labelled a discredit to this institution by members opposite. Mr. Speaker, the discredit is not this member; the discredit is what is going on on our streets, the discredit is the abuse of our children.

The people of this province are looking for some moral leadership from their elected officials and all we hear from the Minister of Social Services is that he's come up with another quarter of a million dollars. We want something better than that. The people of Saskatchewan want some clear commitment from the minister.

Has he anything better to give us than say he's going to throw a quarter of a million dollars at the problem? Will he commit to safe houses? That's what's really needed.

Some Hon. Members: Hear, hear!

Hon. Mr. Calvert: — Mr. Speaker, day after day, time after time, I will work with the communities of this province before I would work with that caucus because, Mr. Speaker, the communities of this province and the people who are working on the streets of our communities know a whole lot more, a whole lot more about this issue, than the member from North Battleford.

Now he raises, he raises . . . I cannot believe it, Mr. Speaker. I cannot believe that he would stand in the House today and raise the issue of the Prime Minister's visit to Regina yesterday.

What a spectacle that was, Mr. Speaker. A Prime Minister of Canada who hid, who hid from the public, who refused to speak to the media, who refused to speak to the media, and didn't even have the courage to speak to university students at the University of Regina.

He would raise that as an example of national leadership? That's the kind of leadership we don't need, Mr. Speaker.

Some Hon. Members: Hear, hear!

SaskPower Proposed Project in Guyana

Mr. McLane: — Thank you, Mr. Speaker. Mr. Speaker, it appears today that SaskPower is one step closer to purchasing 50 per cent of Guyana's electrical utility company. Reports today indicate that SaskPower has inked the deal for \$30 million for this utility. Will the minister in charge of SaskPower confirm if these reports are correct?

Hon. Mr. Lautermilch: — Mr. Speaker, what I will confirm is what I have confirmed in this House previously: that discussions with respect to the Guyanese government and the purchase of their electrical utility have taken place — and have been taking place — over a number of weeks.

I can also confirm that a letter of intent has been signed.

I can also confirm that that will just further this process and clears the way for substantive negotiations and the completion of all due diligence reviews that will then be brought as a recommendation to the SaskPower Commercial board, that will from there be taken to the SaskPower board for scrutiny, and that will then come to Crown Investments Corporation.

I can also confirm that no decision has been made, and that all measure of due diligence will be made to ensure that if any investment is made, that it will be secure and will generate a reasonable return for the people of Saskatchewan. And that's what I can confirm for that member.

Some Hon. Members: Hear, hear!

Mr. McLane: — Thank you, Mr. Speaker. The Government of Guyana will not say how much its power utility loses each year. SaskPower officials are mum on the issue as well.

The credibility of this government is shot. They've blown \$16 million in the gigatel fiasco. They're charging Saskatchewan people \$14 million through a reconstruction charge, and they can't even keep the power on in Melfort. Now they're apparently prepared to sink about \$30 million of Canadian funds into this venture.

Mr. Speaker, this government has clearly demonstrated it has no business sense; this is a risky venture at its best. Will the minister table all documents relating to this event today which will justify SaskPower investing in the project? If not, will he get out of the project?

Hon. Mr. Lautermilch: — Well, Mr. Speaker, I want to say a few words about credibility. And let me begin by describing the

performance of members of the Liberal caucus in this legislature in the last few moments, and as a matter of fact, in this session of the government.

Mr. Speaker, this government has shown competence with respect to the management of Crown corporation assets, and we will continue to do that. Mr. Speaker, I want to say that we have been very good stewards, since our election in 1991, of the public purse. And I want to say, Mr. Speaker, as well, that the people of Saskatchewan recognize it.

I also want to say, Mr. Speaker, that if this opposition wants to develop some credibility with the people of Saskatchewan they should quit their political grandstanding and they should start dealing with the real, substantive issues in this province — and that's job creation for the people of this province; that's debt reduction on behalf of the people of this province; and developing a strong economy for the future on behalf of the young people, the young men and women in this province. And that's what they should be doing, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Thank you, Mr. Speaker. My question is also for the minister responsible for SaskPower. I'm glad to see that our Liberal colleagues have finally realized this is an issue.

Mr. Minister, on May 1, SaskPower signed a letter of intent to purchase half of the Guyana Electric Company for \$22.65 million U.S. (United States), or nearly 32 million Canadian. You must be very proud of this signing, Mr. Minister, since you didn't even bother to inform the people of Saskatchewan.

Now both you and the Government of Guyana are refusing to disclose how much money the Guyana power company is currently losing. Larry Christie of SaskPower says that will be disclosed after the deal is completed.

Mr. Minister, the people of Saskatchewan deserve the answers now while you're crossing the t's and dotting the i's, before you spend the money. How much money is the Guyana electrical company currently losing per year?

Hon. Mr. Lautermilch: — Mr. Speaker, let me say to this member that no money has been spent at this point. The people who are negotiating on behalf of SaskPower have been working with the Guyanese negotiators. They have come to a point where they can sign a letter of intent which describes an understanding of the circumstances that can lead to further discussions.

I want to say again, as I said to that member, no decision has been made, no money has been spent. There is a process by which the decision making will be made, which includes the board of SaskPower Commercial, which includes the board of SaskPower, and which includes Crown Investments Corporation.

Mr. Speaker, based on all of the information that will be brought to these boards and the scrutiny of professionals and people who will be able to assist us in making a decision, we will make a decision as to whether to proceed with the deal or

whether not to. At this point no decision has been made. I've described for you the process and I think . . .

The Deputy Speaker: — Order, order. Next question.

Some Hon. Members: Hear, hear!

Mr. D'Autremont: — Mr. Minister, you have signed a letter of intent. You're informing everyone except this legislature and the people of Saskatchewan. It's time you informed us.

Mr. Minister, last year you conducted a public review of Crown corporations and I doubt that there was a single person who said SaskTel should be risking taxpayers' money in third-world countries. Didn't the NST fiasco and losing the \$16 million teach you anything? Why are you gambling even more taxpayers' money on an even riskier venture?

Mr. Minister, it's pretty easy for you and Jack Messer to gamble with other people's money. You and Messer remind me of the officials of Bre-X, playing with other people's money. Mr. Minister, would you invest your own money in this deal? Would you take your MLA pension money and invest it in an ailing company in an unstable, third-world, South American country?

Hon. Mr. Lautermilch: — Well, Mr. Speaker, what I will say is that the management of all of our Crown corporations are doing what they need to be doing at this point. They're dealing with a deregulated environment that was proposed, put in place, by your federal counterparts and by the Liberals, who in fact put the deal together.

What we're doing is restructuring. We're reorganizing these corporations so that they can compete in a deregulated environment. Now the members opposite might want these Crowns to act as if they were in a monopoly situation that they were in in the 1970s and the 1960s, but the facts are not thus, Mr. Speaker.

The facts are that these corporations, if they're going to be a success in the future, need to prepare, need to restructure themselves, and need to look at their investment opportunities where they can diversify their income flow.

And I want to say to the member opposite, we aren't sticking our heads in the sand; we're moving into the next century along with these Crown corporations. And I think the people of Saskatchewan expect us to do just that.

Some Hon. Members: Hear, hear!

Security for the Prime Minister

Mr. Toth: — Thank you, Mr. Deputy Speaker. My question is for the Minister of Justice. Mr. Minister, it seems now that Jean Chrétien has borrowed your Premier's bubble, only now he is enlisting the services of the RCMP (Royal Canadian Mounted Police). While it is the job of the RCMP to protect the Prime Minister from harm, I don't believe it's the job of the RCMP to protect Jean Chrétien from an embarrassing photo op.

Mr. Minister, as minister responsible for funding the RCMP in this province, do you think it is the job of the RCMP to be setting up private meetings with Jean Chrétien just to avoid public criticism of his policies; and are the RCMP extending the same services to other party leaders who visit the province of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Nilson: — Thank you, Mr. Deputy Speaker. I'll answer the second question first, and the answer is yes. The role of the RCMP and their VIP security services is to provide security services when people need them. They're in the public life. And that includes all of the members of this legislature should that need arise.

What happened in this particular case, and it's not quite accurately set out in the media reports, is that the RCMP are required to do a pre-screening of what kinds of events the Prime Minister goes to. There was a question raised by some of the students that they would like to meet with the Prime Minister. The RCMP advised the students that the person to talk to was from the Prime Minister's office and that they should make an arrangement for a meeting with that person. The arrangements for the meeting were made with the staff from the Prime Minister's office, and when the arrangements were made, the RCMP were informed of what the arrangements were and they provided the security.

Some Hon. Members: Hear, hear!

Business Regulations Review

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, my questions are for the Minister of Economic Development. Mr. Minister, Saskatchewan continues to lag behind neighbouring Conservative provinces in job creation. One of the reasons for this, identified by small-business owners, is the tremendous amount of bureaucracy and red tape they face in starting and running a business in this province. In your *Partnership for Growth* document you promised a complete review of Saskatchewan's business climate, including business regulation, to be completed by March of this year.

Mr. Minister, it's May now. When will this review be completed and when will you be sharing it with the people of Saskatchewan?

Hon. Mr. Lingenfelter: — Mr. Speaker, the member talks about the review of the regulatory system in the province of Saskatchewan. We did make a commitment in *Partnership for Growth* to reduce the amount of regulation in the province by 25 per cent over the next 10 years. That review is under way, and the member will be pleased with the report and review when it's completed in due course.

Some Hon. Members: Hear, hear!

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Minister, last year I introduced a private members' Bill calling for a complete review of 800 sets of regulations on the books in Saskatchewan. Today I'll be re-introducing that Bill. But it only . . . there's one problem. We had to reword it because there are now 866 sets of

regulations on the books.

Mr. Minister, since you made the commitment to reduce the number of regulations, you've actually added 66 new sets of new regulations. Mr. Minister, in fact this binder represents the total . . . only the table of contents, the table of contents for the regulations on the books in the province.

Mr. Minister, when are you going to make good on your promise to cut red tape? Will you start today by supporting our Bill for a complete review of all business regulation in Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Lingenfelter: — Mr. Speaker, obviously when we made the commitment in *Partnership for Growth* to reduce the amount of regulation by 25 per cent, we agreed that governments of every political persuasion, and identifiably the Devine government during the 1980s, added hundreds of pieces of regulation — hundreds of pieces of regulation.

And I would say to you . . . and go through the book, go through the table of contents and the index, and find out how many your premier, Mr. Devine, put on the books. We're going to go through those as well.

We're going to fulfil the commitment to reduce the amount of regulation by 25 per cent. And whether it was the Thatcher government or the Devine government or the Blakeney government or our government, we are going to reduce the amount of regulatory pieces in the province.

So for the first time we agree on something. But I say we're going to do a good job of it and we're going to get rid of some of the useless regulation your government put in place.

Some Hon. Members: Hear, hear!

Information on Amusement Companies

Ms. Draude: — Thank you, Mr. Deputy Speaker. Like many other communities, people in Wadena are in the midst of making preparations for their annual summer fair. As part of this process, they have to look for an amusement company that does rides, that has a safe and reliable record.

When Elmer Hrynchysyn of the Wadena Fair Board contacted this government to get a list of licensed amusement companies, he was informed that his board would have to file a freedom of information request.

Will the Minister of Municipal Government explain why such important information is not readily and openly available to our communities and why they have to pay for it?

Some Hon. Members: Hear, hear!

Hon. Mrs. Teichrob: — Mr. Speaker, the involvement of the Department of Municipal Government is simply in the safety and the proper operation of amusement equipment that's available to the public. We're not an advertising source or a directory. This is a competitive business and our relationship

with those businesses is simply as a regulator of the safety features and not in the market-place, Mr. Speaker.

Some Hon. Members: Hear, hear!

Ms. Draude: — Mr. Deputy Speaker, hundreds of communities will be holding local fairs this summer and fall, and the safety of thousands of children in this province will be entrusted to these respective amusement companies. The fact that this government would force communities to cut through a bureaucratic red tape to determine which of these companies is properly licensed is ridiculous. The fact that they have to pay \$20 to get this information is unforgivable. Will the minister make a commitment that this information will be made immediately available to people, to the fair boards, and make it free?

Some Hon. Members: Hear, hear!

Hon. Mrs. Teichrob: — Mr. Speaker, there obviously, there is a cost to this regulation and particularly when these businesses are mobile and move from one community to another. It's a very complex business and seasonal and carries a cost. This is the role, is to have cost recovery, Mr. Speaker.

Some Hon. Members: Hear, hear!

INTRODUCTION OF BILLS

Bill No. 233 — The Saskatchewan Regulatory Reform Act

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, I move that The Saskatchewan Regulatory Reform Act be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

Bill No. 62 — The Psychologists Amendment Act, 1997

Hon. Mr. Cline: — Mr. Speaker, I move that Bill No. 62, The Psychologists Amendment Act, 1997 be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

Bill No. 65 — The Income Tax Amendment Act, 1997

Hon. Ms. MacKinnon: — Mr. Speaker, I move that Bill No. 65, The Income Tax Amendment Act, 1997 be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

Bill No. 234 — The Crown Construction Tendering Agreement Revocation Act (No. 2)

Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, I move that a Bill to revoke The Crown Construction Tendering

Agreement be now introduced and read the first time.

Motion agreed to, the Bill read a first time and ordered to be read a second time at the next sitting.

ANNOUNCEMENTS

Student Working as Guest Page

The Deputy Speaker: — Before orders of the day, some of the members may think we have a stranger in the House, but we do not have a stranger in the House. I want to introduce to the members Ms. Camille Marinier, who is working as a page today as part of the high school work placement program with Archbishop O'Neill High School. I would like to introduce her to the Assembly.

Hon. Members: Hear, hear!

The Deputy Speaker: — Why is the member on his feet?

Hon. Mr. Wiens: — With leave, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Wiens: — I'm pleased to introduce to you, Mr. Deputy Speaker, I'm pleased to introduce to you and through you to members of the House, a guest from my constituency, Brenda Slimmon, in your gallery. Brenda is my constituency assistant, looks after the business of the office in Rosetown and looks after the management of the business of both offices.

Additionally to that, she is one of Rosetown's solid citizens. She and her husband are partners in the Western Sales enterprise which, you'll remember, last week celebrated its 50th anniversary.

She and her choir just performed an Easter cantata, which she led, in the Rosetown community at Easter time. She spends her spare time driving her kids around to track and field events around the province.

We're honoured to have a citizen such as Brenda visit us today.

Hon. Members: Hear, hear!

ORDERS OF THE DAY

WRITTEN QUESTIONS

Mr. Kowalsky: — I respectfully request that this question be converted to notice of motion for return.

The Deputy Speaker: — The question has been returned to motion (debatable).

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 61 — The Corporation Capital Tax Amendment Act, 1997

Hon. Ms. MacKinnon: — Thank you, Mr. Speaker. Mr. Speaker, I rise today to move second reading of The Corporation Capital Tax Amendment Act, 1997.

Mr. Speaker, this Bill makes some minor changes to how corporation capital tax is calculated for financial institutions. It also expands the definition of financial institutions to include securities dealers. These changes apply to taxation years beginning after July 1, 1997.

Mr. Speaker, every province in Canada has a capital tax on financial institutions. But by working together we can simplify and streamline how taxes like these are collected. Over the past few years the provinces and the federal government have been discussing how to better integrate capital taxes with the federal large corporations tax.

The Canadian Bankers Association has, in principle, endorsed greater coordination of capital taxes. It means financial institutions could benefit from greater efficiency and long-term cost savings.

Mr. Speaker, these changes within this Bill will move Saskatchewan close to that goal. They are an important first step toward full integration. We will keep working with the federal government and banking institutions to bring further improvements to this part of the tax system.

Mr. Speaker, I move second reading of An Act to amend The Corporation Capital Tax Act.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

Bill No. 63 — The Meewasin Valley Authority Amendment Act, 1997

Hon. Mr. Mitchell: — Mr. Speaker, I rise today to move second reading of Bill No. 63, which is An Act to amend The Meewasin Valley Authority Act.

This Bill implements the budget decision to maintain the 1997-98 statutory funding for the Meewasin Valley Authority at the same level as last year. This is the fourth year that the province has maintained funding at this level, permitting the Authority to continue an excellent level of service in developing, conserving, and enhancing the river valley.

This Bill establishes the statutory funding contributions from the city of Saskatoon, the University of Saskatchewan, and the province. For 1997-98 this funding will be \$1,870,760 in total.

I take this opportunity to commend the Authority on a worthwhile year and look forward to their continued stewardship of the river valley. I move second reading of this Bill.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

**Bill No. 64 — The Wascana Centre
Amendment Act, 1997**

Hon. Ms. Crofford: — Thank you, Mr. Deputy Speaker. I rise today to move second reading of Bill No. 64, which is to amend The Wascana Centre Act.

This Bill implements the budget decision to maintain the 1997-98 statutory funding for the Wascana Centre at the same level as last year. This is the fourth year that the province has maintained funding at this level, permitting the Authority to continue an excellent level of service in developing, conserving, and enhancing the park, the lake, and the legislative grounds.

This Bill establishes the statutory funding contributions from the city of Regina, the University of Regina, and the province. For 1997-98 this funding will be 1.421 in total.

Mr. Speaker, I know that all members appreciate the importance of the Wascana Centre, not only to the residents of Regina but to all the people of the province. Thanks to the continued support of the partners, we enjoy the beautiful setting for the many facilities that benefit the people of this province.

Within Wascana's boundaries we find the Royal Saskatchewan Museum, the Science Centre, the Saskatchewan Centre, the Diefenbaker Homestead, the University of Regina, several government offices, and of course, the legislative buildings. A rich variety of uses indeed.

Furthermore, the Wascana Centre is a great attraction for naturalists and environmentalists, and a focal point for thousands of citizens, young and old, coming in winter and summer alike, to enjoy the park and its recreational facilities.

Wascana is unique among Canadian capitals and we should all be very proud of it. We should resolve to maintain its integrity and plan for its enjoyment by future generations, and this is achieved through the partnership of the participating parties — the province, the city, and the university.

Mr. Speaker, I now move second reading of this Bill.
Some Hon. Members: Hear, hear!

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

ADJOURNED DEBATES

SECOND READINGS

Bill No. 26

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Teichrob that **Bill No. 26 — The Planning and Development Amendment Act, 1997** be now read a second time.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

Bill No. 51

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Teichrob that **Bill No. 51 — The Arts Board Act, 1997** be now read a second time.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

Bill No. 42

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Scott that **Bill No. 42 — The Wildlife Act, 1997** be now read a second time.

Motion agreed to, the Bill read a second time and referred to a Committee of the Whole at the next sitting.

(1430)

COMMITTEE OF THE WHOLE

**Bill No. 21 — The Condominium Property
Amendment Act, 1997**

The Chair: — We'll start by having the minister introduce his officials.

Hon. Mr. Nilson: — Yes, I'm pleased to have with me today Madeleine Robertson from the Department of Justice.

Clause 1

Mr. Hillson: — Thank you, Mr. Chairman. I understand that . . . Mr. Minister, first of all, welcome to your official. I understand that the purpose is to set up a registry system, and I wonder if you would be good enough to talk for a minute about the registry system. Who will operate it? Will it link into some of the other registry systems presently in operation in this province? And how will it be financed? And what is the basic purpose for a registry system on condominiums?

Hon. Mr. Nilson: — Basically this registry we plan to run through the corporations branch. And it's primarily a request from the consumer protection, consumers' association groups, who want to have access on a fairly quick basis to who the boards of directors are of the condominium corporations. Plan for financing would be simply a cost recovery of the information.

Mr. Hillson: — I wonder if the minister would be good enough to talk a bit more about the financing of it and the cost recovery. The last time Justice estimates were up, the minister shared with the House that the Land Titles Office collects double the fees required to run our land titles system and the rest is just thrown into general revenue. And the same applies for the personal property registry, that again it collects double the fees necessary to operate and the rest of the money goes into general revenue. So these are actually huge hidden taxes, and I'm wondering if condominiums will also become another large hidden tax.

Hon. Mr. Nilson: — Well I guess we're starting off on some of these great big schemes and devious ideas that seem to be

generated once we start questioning. Practically, what we're talking about here is a simple business names registration adjunct to the corporate registry. It's a very simple thing, and we don't intend to have some huge fees, and practically, that's the simple answer.

Mr. Hillson: — Mr. Deputy Chair, I don't want to come across as peddling conspiracy theories, but I have to remind the minister that it was his word that land titles fees collect double what we need to run the land titles system, and personal property registry fees collect double what we need to run personal property registry. So I really would like to hear more from the minister as to what he intends to do to make sure the condominium fees don't also result in a large hidden tax. Because as I say, this is not a conspiracy theory on my part. I mean the minister has told us that the registries he presently operates are in fact large hidden taxes. And that's his words, not mine.

Hon. Mr. Nilson: — I would appreciate if this member would stop his daily practice of putting words into other members. It's very difficult to operate in this forum, where we try to share information and respond to the concerns of the public, when you have one person who continually puts words into other people's mouths and then uses them in ways that are inappropriate.

What we're doing here, very simply, is responding to a major concern in the public. We don't come forward with this kind of legislation from the Department of Justice without consultation with many groups.

One of the concerns that was consistent across the board of condominium owners, of businesses that dealt with condominiums, of the contractors and the developers who built condominiums, one of the issues was always, well who's on the board; how can we get the information about who's on the board; how can we contact these people?

We're doing a very simple thing. It's going to cost a fee but it'll be a very nominal fee. And I guess what I would reiterate for the member, the fees are not taxes. They're simply a way of financing the access to information for those people who are interested.

Mr. Hillson: — Well I certainly wholeheartedly agree with the minister that that's the way fees are supposed to work. But I'm not putting words in anyone's mouths when I say the information this House receives is that land titles fees collect double what we need for land titles. Personal property fees collect double what we need for personal property.

Will the minister commit to returning these fees to run the cost of the service? And if that's the purpose of the condominium Act and the new registry, I completely agree. But will the minister then give a commitment that fees for service will remain just that — fees for service — and will not build up a large surplus?

Hon. Mr. Nilson: — Well practically, I think the member knows my response on those other issues. They relate to the Torrens system which we have in Saskatchewan and how we

finance that. And there are some questions. But as we move into our next program we'll be looking at fees as it relates to that whole area.

But I think practically, what I would say is, as it relates to this Act, we're going to have a fee that reflects the nominal nature of some of the information that's required, and that's it.

Mr. Hillson: — Now I understand, Mr. Deputy Chair, that the requirement for developers to obtain bonds is being moved out of the statute and will become a matter of regulation. I'm wondering if the minister would discuss that, and if I'm correct on that, as to what the reason for that change is.

Hon. Mr. Nilson: — Well that's once again not accurate. The requirement for the bond will be in the Act but the details of how that requirement is to be met will be set out in the regulations to reflect the fact that the banking industry, the bond industry, will change. And there may be some things that we need to do that would not then require us to go back into the Act.

Mr. Hillson: — And, Mr. Deputy Chair, I understand that the Act is also to strengthen dealing with condominium units where common expense funds are not paid.

I'm wanting to ask the minister if this is in fact a problem; has this been an issue? And what new steps are proposed and why this is considered to be required?

Hon. Mr. Nilson: — I don't think it's been a major problem, but it has been a problem a couple of times. And so when during the consultation this arose and there was a simple solution, we put it in the Act.

Mr. Hillson: — Will the minister advise if this will be a paper registry system or a paper-free registration system? Is this basically . . . it's a computer registration we're talking about, or will it be a paper registry system?

Hon. Mr. Nilson: — I think practically, it will have both aspects, but for people who have access to the corporate registry system, they would be able to access it quite easily electronically.

Mr. Hillson: — Does the minister have an indication yet as to what effect, if any, that reassessment has had on the popularity of condominiums in this province? We hear projections that condominium living is the type of living of the future. Is the province expecting a large expansion in condominium living, and is that going to be affected by reassessment?

Hon. Mr. Nilson: — I have not heard anything about that.

Clause 1 agreed to.

Clauses 2 to 30 inclusive agreed to.

Hon. Mr. Nilson: — Yes, just before I do that I'd like to thank Madeleine Robertson and others in the Department of Justice for their extensive work on the amendments to this Act which have taken place over the last few years; and with that, thank you.

I'd like to move that we report this Bill without amendment.

The committee agreed to report the Bill.

(1445)

**Bill No. 30 — The Personal Property Security
Amendment Act, 1997**

The Chair: — As committee members start deliberations on Bill No. 30, we'll start by having the minister introduce his new officials.

Hon. Mr. Nilson: — Yes, I'm pleased to have with me this afternoon, Darcy McGovern, legislative services; and Kathy Hillman-Weir, who is the Master of Titles.

Clause 1

Mr. Hillson: — Thank you, Mr. Deputy Chair. I just wish to say that we have reviewed the points of this Bill and we are satisfied that these amendments are sensible and necessary, and we have no problem with any of the contents therein and no questions. So I won't have any questions for the minister and his officials today, but I would like to thank them for their attendance.

Clause 1 agreed to.

Clauses 2 to 15 inclusive agreed to.

Hon. Mr. Nilson: — Just before I make that motion, I'd like to thank the officials who've been with me, and also the officials and the people throughout the legal community in Saskatchewan who assisted us in dealing with the matter of the personal property registry last fall when the initial problem arose with the computer program at the registry. So with that, thank you. I would move that we report this Bill without amendment.

The committee agreed to report the Bill.

**Bill No. 22 — The Justices of the Peace
Amendment Act, 1997**

Loi de 1997 modifiant la Loi sur les juges de paix

The Chair: — I invite the minister to introduce his new set of officials.

Hon. Mr. Nilson: — Yes, I'm pleased to have with me this afternoon Susan Amrud, who's the director of legislative services, and Barb Hookenson, who is the executive director of court services.

Clause 1

Mr. Hillson: — Yes, Mr. Deputy Chair. Again I don't have a lot of problem with this Bill; I see most of the changes as being necessary updates. But I do have a couple of questions for the minister.

First of all I note that the list of persons who cannot act as justice of the peace has been expanded now to include municipal councillors. And it seems to me that in some of our smaller communities, you know, the leadership of those villages is very likely already serving in the capacity of mayor or councillor. And I'm just not sure why we would want to exclude those persons from serving in this capacity.

Hon. Mr. Nilson: — There's a simple answer there. The people who sit on local councils do have the power to make laws which then may be the subject of an application or hearing before a justice of the peace; so it's a conflict of interest.

And we practically have had situations where people who are justices of the peace that get elected to a local council, that we ask them to resign. And in fact if people want to be a justice of the peace and they are an elected member now, we say no, they shouldn't. But it's basically a conflict of interest.

Mr. Hillson: — Can the minister tell me how many justices of the peace we have presently who live on first nations reserves, and if that is part of the commitment of the department to having a justice of the peace on a first nations reserves?

Hon. Mr. Nilson: — I'm not able to answer the question with a specific number but we do have first nations justices of the peace and I think some of them would live on first nations land. Some live within communities where they serve as JPs (justice of the peace). But if you wish, I could get that number for you and provide it later.

Mr. Hillson: — Yes. I won't delay the Bill for that purpose but I'd appreciate receiving that information later, Mr. Minister.

And could you give us an indication generally of the number of justices of the peace then in the province serving, and those who are conducting hearings and those who are not.

Hon. Mr. Nilson: — Okay, I'll give you these numbers if you've got your pencil handy there. There are 189 regular presiding justices of the peace. There are 13 victims of domestic violence justices of the peace; there are 4 traffic court justices of the peace, which totals 206 who would be in the presiding category of justices of the peace. As well there are 41 court officials who are justices of the peace.

Mr. Hillson: — One of the issues addressed in this legislation is, of course, discipline. And so I have to ask the minister whether this has in fact been a problem for his department or is this simply addressed in the legislation out of an abundance of caution?

Hon. Mr. Nilson: — Well I think that the simple answer to that is, in consultation with the chief judge of the Provincial Court, who has a role in supervision in the whole area of justices of the peace, this was something that he identified that maybe needed some further clarity in the process. And when he raised the question and we looked at it we agreed that we could maybe do some things in a more straightforward manner and providing some further checks and balances for everybody. And so we agreed to go ahead with that.

Mr. Hillson: — Thank you, Mr. Minister. I'm content.

Clause 1 agreed to.

Clauses 2 to 10 inclusive agreed to.

Hon. Mr. Nilson: — Yes, I would propose a House amendment. I would like to move that we:

Add the following Clause after Clause 9 of the printed Bill:

“S.S. 1988-89, c.T-19.1, section 5 amended

10(1) *The Traffic Safety Court of Saskatchewan Act, 1988* is amended in the manner set forth in this section.

(2) Subsection 5(3) is amended by striking out ‘Section 12’ and substituting ‘Sections 12.1 to 12.9’.

(3) Subsection 5(4) is repealed and the following substituted:

‘(4) Without limiting the generality of subsection (3):

(a) the actions of a traffic justice may be reviewed pursuant to sections 12.1 to 12.9 of *The Justices of the Peace Act, 1988* in accordance with those sections; and

(b) the traffic justice may be removed from office in accordance with sections 12.1 to 12.9 of *The Justices of the Peace Act, 1988*’ ”.

I so move. And these are consequential amendments, obviously, to this Act.

Amendment agreed to.

(1500)

Hon. Mr. Nilson: — Yes, as a result of the last amendment, I propose another amendment to the long title of the printed Bill. And I move that we:

Amend the Long Title of the printed Bill by adding “and to make consequential amendments to another Act” after “*The Justices of the Peace Act, 1988*”.

I also do that in the French version.

Amendment agreed to.

The Chair: — Now I invite the minister to move that the committee report the Bill with amendment.

Hon. Mr. Nilson: — Yes, just before I do that, I’d like to thank my officials for their assistance. And I therefore move that we report this Bill with amendment.

The committee agreed to report the Bill as amended.

**Bill No. 7 — The Cancer Foundation
Amendment Act, 1997**

The Chair: — We’ll start by ... I’ll invite the minister to introduce his officials.

Hon. Mr. Cline: — Thank you, Mr. Chair. With me is Lawrence Krahn, who is the executive director of the medical services and health registration branch of the Department of Health; and behind Mr. Krahn is Ms. Lauren Donnelly, who is with the acute and emergency service branch of the Department of Health.

Clauses 1 to 3 inclusive agreed to.

Hon. Mr. Cline: — Mr. Chair, I’d like to thank the officials for all their assistance today. I really don’t know how I could have moved this Bill through third reading without their assistance. And I do now move that we report this Bill without amendment.

The committee agreed to report the Bill.

THIRD READINGS

**Bill No. 21 — The Condominium Property
Amendment Act, 1997**

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

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

**Bill No. 30 — The Personal Property Security
Amendment Act, 1997**

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

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

**Bill No. 22 — The Justices of the Peace
Amendment Act, 1997**

Loi de 1997 modifiant la Loi sur les juges de paix

Hon. Mr. Nilson: — I move that the amendments be now read the first and second time.

Motion agreed to.

Hon. Mr. Nilson: — Mr. Speaker, by leave of the Assembly, I move that Bill No. 22 be now read the third time and passed under its title.

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

**Bill No. 7 — The Cancer Foundation
Amendment Act, 1997**

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

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

(1515)

The Deputy Speaker: — Why is the member on his feet?

Mr. Koenker: — With leave, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Koenker: — Thank you, Mr. Speaker. We have with us this afternoon in the Speaker's gallery, two guests from Regina, Mr. Allan Appleby and his daughter, Lindsey. Members will know Allan as the representative of the World Wildlife Fund here in Saskatchewan, and that we appreciate the efforts that he's doing in protecting our natural environment here in the province. And we also want to wish Lindsey best wishes on her studies as a third-year geography student at the University of Regina.

I'd ask all members to welcome them.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

General Revenue Fund Saskatchewan Water Corporation Vote 50

Hon. Mr. Lautermilch: — Thank you, Mr. Chairman. I have today with me Harvey Fjeld, who is the vice-president of irrigation and agricultural services. As members will know, the Water Corporation is headquartered in Moose Jaw. And the estimates are a little earlier than we had expected, so Mr. Fjeld and I will attempt to ask all of the questions as our officials are in transit from Moose Jaw.

Item 1

Ms. Draude: — And welcome, Mr. Minister, and to your officials. And I'm sure that we won't be so hard on you that you'll feel like you can't do it.

I had a number of calls lately about the water . . . Buffalo Pound, and I'm wondering if you can give me an idea of the regulations and any agreements that were made on the levels that are required and when the opening should be of the gates at that place?

Hon. Mr. Lautermilch: — Thank you, Mr. Chairman. To the member from Kelvington-Wadena, the levels on large water bodies in the province, whether it be Buffalo Pound or other water bodies, are generally in consultation with cabin owners and farmers, people who are affected by run-off conditions and spring conditions.

There are operating levels that are established. There are control mechanisms on Buffalo Pound that will, over the course of

good water management this spring, reduce the water levels to the operating level which is consistent with what it was in other years. In terms of the timing, I think that it's fair to say the corporation spends a lot of time with farmers who live downstream, people who may be in the valley system below, and work with them to determine the amount of run-off and how long it would take to bring that down to normal operating level.

What I can do is undertake to get for you the plan and how it will impact on users on the lake and downstream as well. I can get that for you, and we'll send that across in writing if you would like.

Ms. Draude: — Thank you, Mr. Minister. I understand from previous dealings with Sask Water that when there's an agreement the operating levels are probably designated not so much at a certain date as at certain times. And I'm just wondering, there's some concern that until the Moose Jaw creek subsides that perhaps the gates at Buffalo Pound should be closed. And I'm wondering if there's any consideration given to that.

Hon. Mr. Lautermilch: — Yes, I have just been joined by Wayne Phillips, who is the vice-president of finance and corporate services for the corporation. And he was able to help me with this question.

I'm told that every year the run-off conditions are somewhat different than they are at others. And as you will know, there was a great deal of water in terms of the inflow and the amount of water in that area this spring. And the impact certainly on the Qu'Appelle system has been monitored based on the inflow, on how much is being retained in Buffalo Pound itself, and then the impact as it would relate to the Qu'Appelle chain and the Qu'Appelle system and people living down river.

And as I said a little earlier today, what they're attempting to do is allow as much flow as they can, based on the inflow and based on the levels, and basically trying to manage the downstream flow so as not to impact adversely on owners of land in that particular area.

And so what I can and will undertake to do is to get for you sort of a targeted date in terms of where they expect to be, based on what they know of the inflow, and then again the impact on the users downstream.

Ms. Draude: — Thank you, Mr. Minister, and welcome to your other official. I understand that the valley has been backed up west of Lumsden to north of Highway No. 2 now for over six weeks. And I'm wondering . . . the farmers in that area of course, are very concerned about when and if they'll ever get onto the land around there. I'm wondering if the structure . . . if the arrangement for opening the gates has been changed to allow the farmers to proceed with any plans at this time.

Hon. Mr. Lautermilch: — To the member from Kelvington-Wadena, as you will know, last year was particularly a wet year as well, and Last Mountain Lake is one of the water bodies that's impacted downstream from Buffalo Pound. Last year it was filled and we really did have some

difficulties with respect to cabin owners and damage from wind and ice packing up on the shores. So it became a difficult problem.

The water level in Last Mountain is higher than we had anticipated because we didn't get the amount of evaporation that we would I guess, have assumed to be in a normal year. That didn't happen. So what we're trying to do is really balance the outflow from Buffalo Pound to Last Mountain, keeping in mind the landowners, the farmers, who really do want to get on their land.

So it's trying to . . . the difficulty always is trying to balance the needs of cottage owners and home-owners around the shore edge of lakes with those who have requirements with respect to agricultural needs and who want to get on and seed their land.

So really it's just a matter of on a day-to-day basis trying to manage the water, based on new moisture that might come into play, based on the run-off and the speed of the run-off; but to sort of balance the needs of the cottage owners, the landowners, and people who live . . . and are impacted by the flow of that water. So it really is a balancing act.

Ms. Draude: — Does the minister and his officials feel that the structures and more specifically the bridge in that area is adequate? Or is this run-off one in twenty-five, or one in a hundred, where you feel that it's not going to happen often enough to have to worry about changing them?

Hon. Mr. Lautermilch: — Yes, certainly this year is not considered to be a major flood year in that particular area. They are above average, the water levels. And as they record these circumstances on an annual basis, I am told that this would be above a one in ten average year. So maybe every decade you might see this kind of water level.

With respect to infrastructure, much of the infrastructure in the Qu'Appelle chain was built many, many years ago. Some of them, as you will maybe recall reading history or if you are a Saskatchewan history buff, you will know that a lot of this was make-work projects during the 1930s, funded by the federal government. So much of the infrastructure in the Qu'Appelle chain is old but certainly there have been some improvements over the years.

The fact that infrastructure and management of infrastructure — that nature — is a very costly initiative. Certainly we do what we can to ensure that we have as much control and as much management over water flow through infrastructure as we can. I think it's fair to say that there are always areas where we would like to see improvements.

I look at Manitoba, and I think all of us certainly have a lot of sympathy with people in southern Manitoba who are experiencing this year a very, very unique situation. Some of the infrastructure was put in place based on the history of perhaps the last 25 years, 30 years. This year it certainly wasn't adequate. I guess in hindsight they might have developed a different kind of infrastructure. But I think what we try to do is, based on sort of an average flow and maybe even a little bit above average, determine what is required for water

management.

In some circumstances mother or father nature will determine and make their own decisions for us. So we're not always able to anticipate the kinds of circumstances that nature shares with us. I think we've been, frankly, very fortunate this year in Saskatchewan, in that the amount of moisture that we had, the weather really did cooperate with us in terms of a sort of a staged progression of run-off and of melting of our snow. So we were fortunate here in Saskatchewan.

And I guess I would just close my remarks by saying that the infrastructure, over a period of years really has served the people well — other than very exceptional years — has served us very well. When you're doing business or when you're living in an area like the Qu'Appelle — it's susceptible to unusual circumstances — and difficulties do arise when you're living or when you're doing business in an area that's in a flood plane or that's in a river valley.

We've attempted, as other administrations have, to put in place for average and a bit above average circumstances, that kind of infrastructure. But in terms of Buffalo Pound, Last Mountain, at this point we're trying to work with the local people, the people in that area, to ensure that the run-off doesn't impact any more folks than has to. And certainly we're cognizant of the fact that farmers are anxious to get on their land and we'll work certainly with them to assist in whatever way we can.

(1530)

Ms. Draude: — Thank you, Mr. Minister. I have a question on Fishing Lake. Now I know that we're very fortunate in Saskatchewan because we're not Manitoba this year, but there are a number of cattle owners and landowners around Fishing Lake who don't feel too fortunate.

I know that there's been ongoing discussions with Sask Water and the landowners in that area to determine if we can alleviate some of the flooding problems that they're having. I'm wondering if you can just give me an update of what's happening and any proposal that Sask Water may be working on to solve their major flooding problems there.

Hon. Mr. Lautermilch: — Yes, Fishing Lake has been a particularly difficult problem in that it's a land-locked lake. The natural water level . . . There really are no drainage, additional drainage capacity in that area.

A number of cabin owners have built below, frankly, what was recommended to them many years ago. The level that was indicated could be a difficulty, and they really have experienced some problems.

There was a group formed to look at some solutions and to bring a decision in terms of what they might do as a solution to the Water Corporation. I'm told that a decision was to be expected sometime in the end of May. At this point, and I am told by the officials, we haven't had any kind of a decision in terms of their willingness to participate in infrastructure.

When they do bring to us a decision, we'll certainly work with

them. And if it's a decision to proceed with some kind of water management, some kind of an outflow, certainly we'll work with them.

It's a very major chore in that if there's going to be a control structure put in place on that lake, there are going to be people who live downstream from Fishing Lake who are going to be impacted. There will have to be discussions, consultation, because there will be some impact if an infrastructure piece is put in place.

But I think what we will do as the normal course of action, if they bring to us a recommendation, we'll have a look at this. We'll see if we can assist them in terms of developing a plan for infrastructure, keeping in mind that there has been in that area, and there is being undertaken right now, a major study by the Manitoba, Saskatchewan, and Canadian governments in terms of the Assiniboine basin and the management of that particular area of our province.

So we would want to look at their proposal. We'll work with them to see if we can effect some kind of a long-term solution. It's an awful lot of money, in terms of whatever solution would be chosen there. So hopefully, we can find something that can work for them.

Ms. Draude: — Mr. Minister, I understand you're saying that you're waiting for the local group of people there to bring forward a proposal to you? I'm wondering if there has been any survey or any work being done by Sask Water to indicate if there is a solution to give to the landowners from Sask Water.

Hon. Mr. Lautermilch: — I'm told over a period of time there have been a number of conceptual studies done, and part of that work has been done by government agencies. It would appear that a solution to that is in the neighbourhood of a million dollars plus. I'm not sure if inflation is factored in from when the last numbers were done. But certainly it is an awful lot of money.

And then as I've indicated previously, there would need to be a lot of work and consultation done with people living downstream. But as yet we don't know what their decision is going to be, but we'll certainly apply the technical expertise that we have internal to the corporation with respect to engineering and those kinds of developments if in fact they choose to take that route.

Ms. Draude: — I understand that at one time there was a possibility of working with Ducks Unlimited in some area to determine if there could be monies, shared costing for some project there. I also understand that about 28 farmers that are landowners that are involved in works in that area, and out of that, well over nine-tenths of them are interested in going ahead.

I'm just wondering if there's . . . I guess I'll be interested to hear when you have heard back from a group or if you have a proposal that could be offered to these landowners because it's the third year in a row that there is a problem at Fishing Lake. And I guess I'll just end by asking if you've been talking to Ducks Unlimited at all.

Hon. Mr. Lautermilch: — As is the course in a lot of the preliminary discussions, local communities and local people will involve Ducks Unlimited in an attempt to try and develop a multi-purpose use, and if in fact it's possible to have Ducks Unlimited finance some kind of a wetlands project in that area.

I'm sure that the people in that district will as a matter of course, try and involve Ducks Unlimited, and PAWBED (Partnership Agreement on Water Based Economic Development) as well. There are a number of different organizations that have been involved in drainage and in water management. And all of these are options — Ducks Unlimited, PAWBED. Certainly the Water Corporation will work with them if the decision to proceed with some initiative is, you know, requested of the corporation.

Mr. Toth: — Mr. Deputy Chairman, just a few questions to the minister. It certainly would be inappropriate, after his officials drove so hard to get here on time, to not at least raise a few concerns with them.

But, Mr. Minister, we asked the question — I don't know, maybe it was a week ago — about the release of water out of the Alameda dam. I think at that time you stood up and you said, well it's due to an agreement with the Tetzlaff brothers. The fact is I think . . . or the information we had was, the indications were that there was actually more going out than was coming in.

And in view of the concerns, certainly downstream . . . but it would seem to me, Mr. Minister, when we look at . . . if I remember that project right, the Alameda dam was certainly put in place to allow for water or movement in . . . across international boundaries rather than holding it all, through international agreements.

But a concern I have, Mr. Minister, is that we'd be releasing it now rather than possibly storing some of that water and releasing it at later date when there might be a call and then you're forced to maybe release more than what would've been considered the natural flow across the international boundary, Mr. Minister.

So I'm wondering, Mr. Minister, if you could respond to that, and why there is a release taking place at this time? Why it is even a larger release than has been coming into the Alameda project?

Hon. Mr. Lautermilch: — I can say to the member opposite that the total inflow had been stored in the Alameda reservoir. It's now being brought back to an elevation of 552 metres, which is the agreed level as per the Tetzlaff agreement.

I have to say to the member, when there is a request for water as per the international agreement, we are required under that agreement to supply the water to North Dakota and that area of the northern United States.

I want to say as well that we had, as a government when we were newly elected, some very difficult negotiations with the Tetzlaffs, as the member will know, in that we were wanting to complete construction of that project. There was legal

proceedings that took place that disallowed us from doing that at that time. We entered into negotiations; found a compromise with respect to the Tetzlaff brothers. We were able to reach an agreement — a five-year agreement — that allowed for a level of 552 metres.

That agreement is expiring very shortly. We will be in your community and others in that area — people who are interested in using that facility for recreational purposes — determining with them what an appropriate level would be for recreation, for irrigation, and a level that we will attempt to maintain over the long haul.

So really that's the background. That's how the water flow has been managed this spring. And that's as for all . . . both the agreements with the Tetzlaffs, but as well with the international apportionment agreement that was signed some time ago as well.

Mr. Toth: — Well, Mr. Minister, I'm not sure if the international agreement would call for a release just now. You mentioned about lowering the water level. I can appreciate that.

It would seem to me, based on the way we experience water flow in the spring and the fact that it flows in and then it disperses, in many cases areas that it floods, even if it stays on for a while longer than even just the time period we're in right now, creates for those of us who are in the farming sector . . . who recognize if water sits on a plain for even another period of two to three weeks, the hay harvest is certainly much more enhanced by the presence of that water.

And I can appreciate the difficulty you had with the Tetzlaffs, as it wouldn't surprise me if some of your members sitting here, prior to their involvement in politics, quite opposed to the dams in the first place, would not have necessarily opposed the Tetzlaff brothers and their opposition to the dams.

And after just going through the debate on the Condie hydro project, it maybe would have been best at that time to have expropriated that property. Because I think at the end of day we're all going to come to a consensus, and I think your government has also recognized the fact that water is an important part in our province and that the two dams down . . . the Alameda and Rafferty are playing an important role, even today, in that area of the province.

You indicated, Mr. Minister, that there's about a year left on that agreement with the Tetzlaffs. When the agreement's over, what level of water then will the dam be allowed to hold?

And I guess if I could have offered one thing, I think for the residents of the Moose Mountain, White Bear area, if they would have been able to pump some of that flow from the Alameda creek up into the two lakes there, they would have appreciated that rather than releasing it to go south.

But, Mr. Minister, how long does this agreement go? And then you indicated you'd been into discussions, but what do you perceive as being the appropriate level for the level of water in the Alameda project?

Hon. Mr. Lautermilch: — I'm told by my officials with respect to the apportionment agreement, that would have been an agreement, first of all, that was signed by the Government of Canada and the Government of the United States. That was done certainly at a time when the provincial government of the day, the former administration, would have been a signatory to that, thereby indicating what the apportionment is.

When that request comes, which is how the water was released, the timing was a request of North Dakota as well, and the body that studies that. That is part of the agreement that was signed prior to 1991.

The reason for the request was that they wanted water with respect to Lake Darling. And so that's basically why the water was released. The amount was based on their request and that's sort of how it proceeded.

With respect to a level, I don't think it . . . I think it's fair to say that we would offer certainly, the Water Corporation would offer technical expertise and advice if we were asked. I think that it'll be determined based on consultation with people who live in that area, who know the area, who know the riverbanks or certainly the banks of that water body, and who have an understanding of their requirements with respect to irrigation and respect to recreational use.

I mean the lake is not there to serve the Water Corporation; the lake is there to serve the people of Saskatchewan and the people who will come to Saskatchewan when that lake is developed to a point where it can attract tourism.

As well, people who are irrigating will know what's best for their needs, and the discussions that we will be involved in over the course of the coming months will, I certainly hope, reflect the needs and the requirements of the people in that area.

(1545)

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I can appreciate North Dakota calling for the water right now on the basis of the fact that water's been moving through the system.

So it basically has the system saturated. You're not going to lose a lot by releasing it now. So that certainly is . . . if they want to increase their levels in Lake Darling, now's the time to call for it rather than July when part of the system bed has dried up and it's going to take a tremendous amount to create an absorbent material again so that the water indeed flows freely.

The other question I have, Mr. Minister, when this agreement with the Tetzlaffs is over and you do this consultation process, if a level . . . let's say — and I'm just going to throw a hypothetical example out — if a level of 2 metres above or 6 metres above the current level is agreed to, that would certainly indicate that there'll be some water backing up on land the Tetzlaffs own.

Has the department in their current agreement come to an understanding of the amount that they would currently pay for the Tetzlaffs over land that would be flooded, or is that something that you will have to negotiate down the road when

you determine what the level of Alameda will be?

Hon. Mr. Lautermilch: — Yes, the agreement has I guess, already been struck with respect to the acquisition of the Tetzlaff's land, and they have received in the agreement the same amount that everyone else in that area has agreed to.

The other component of this is that the Tetzlaffs have also agreed that they will abide by whatever level is determined through the process that we're going to be embarking upon next year in 1998.

Mr. Toth: — Thank you, Mr. Minister. I'm sure residents of that area are going . . . are looking forward to that day. I know it's been an area of contention for quite a period of time.

Mr. Minister, another area of concern in my area certainly, the Kenosee Lake and White Bear Lake, lakes, as a result of the fact just the way they're situated and the level of water. And I'm wondering if Sask Water is involved or even monitored or contacted regarding water levels and whether there is any input as to what can be done to address those levels.

One of the things that was done a number of years ago was certainly when we had some dry weather, working together with the Department of Environment to clear out channels to make sure that there was a release of water from back in the park to allow it to get to the main lake. And I'm wondering whether or not there will be an anticipated flow into the lake this year; whether there would be an increase. What are some of the issues that have been brought to your attention as a result of the low water levels?

Hon. Mr. Lautermilch: — As the member will know, and having had my officials take me on a tour of your area and Kenosee Lake last year, I had the opportunity to experience some of the topography in getting an understanding of the difficulties that . . . Kenosee Lake sits a little higher than one might think, and I guess the only way naturally to achieve an incremental level of water in there is through run-off, spring run-off.

That hasn't been the case in the past while. So I guess over a period of time there has been some look at perhaps ways to import water into it.

As well, there's been restrictions put on irrigation and the consumption that comes from the lake over a period of time. The water levels are still low, but certainly if there is some interest in ways to increase the level, we'd be willing to look at that.

Just while I'm on my feet — and I certainly don't . . . and I'm not doing this in any argumentative way at all — but there was some discussion earlier on with respect . . . in-house, with respect to the management of the Alameda, the Rafferty-Alameda watershed. There was what I determined to be some inaccurate reports in some of our provincial newspapers.

So subsequent to that I've written a letter to the editor of the *Leader-Post*. As well I've forwarded a copy of the office of

state engineers from the water appropriation division of the North Dakota state in which they indicate the reason that they requested the water. And so I would like to . . . I'll pass these on to the member because I think it would be important information for him.

We were quite concerned, given the conditions, the water conditions in the Red River Valley in Manitoba, that there might be some undue concern in terms of our water management and that we were inappropriately acting. And I just want to put on the record the process that had been taking place, just to clarify the fact that we had done due diligence with respect to water management and done it in cooperation with both the North Dakota state and the Manitoba government and the committee from all three of those areas that manage that particular flow.

Mr. Toth: — Thank you, Mr. Minister. I appreciate that.

Mr. Minister, another question I want to direct to you is regarding release down through the Qu'Appelle chain. Last fall there was . . . a release was started because of the anticipation of a fair bit of water moving through the system — a release that created some problems for individuals who enjoyed fishing on the water. And it went on for a substantial period of time. And I guess the question that was asked was, if there was . . . if it was perceived that the water levels were high and that a release was needed well before the spring run-off started, the question was asked why the release wasn't begun earlier when the lakes were still open. And maybe that's something that your department could give consideration to.

I know that individuals who went out fishing would find that they get out to the lake and all of a sudden there was a foot or two of water on it again, and then there'd be another level of ice. And I'm wondering how that is managed and if that's something that can be given consideration in the future.

Hon. Mr. Lautermilch: — Yes, I've found very interesting the time that I've spent as the chairman of the Water Corporation board — the water management and the reasons things are done. And I guess for every action there is a reaction. And sometimes they don't make sense to me so I have to inquire of the officials as to why some of these things are happening.

With respect to this circumstance, there was some consideration that the oxygen level in these lakes were very, very low. And there was some concern that there would be a great deal of fish kill. So some of the water was released in order to attempt to get some oxygen into the lakes and into the water.

I noted that there has been some fairly significant fish kill this winter, and it's always certainly something that we attempt to avoid. Because there are so many folks that use our lakes and use fishing as their area of recreation. And so certainly we attempt to work with SERM (Saskatchewan Environment and Resource Management) and to work with the departments that monitor the water quality and monitor the quality of the habitat for the fish.

And so we, based on input from them and to try and anticipate as well run-off, try and manage that. It's certainly not an

exacting science, I find, the management and control of water. You never know how fast the run-off is going to take place; you never know how fast the inflow is going to take place. It's all determined on weather. You never know if there's going to be a major rain in the spring. You never know if there's going to be a wind that's going to push ice blocks against cottages.

But one of the things that I guess we are fortunate in, that the monitoring of the quality of habitat for our fish has been developed over the years to the point where the Water Corporation can work very cooperatively with SERM to ensure that we have a healthy fish habitat and assist where we can in that regard.

Mr. Toth: — Well thank you, Mr. Minister. Mr. Minister, I guess the question that would arise out of that in the way the releases came and the fact that there were almost three levels of ice that actually developed as a result of the fact that there was a good cover and then water flow . . . Now whether you had the full advantage of replacing that oxygen or whether it just flowed through because there was a fair cover of ice on the lakes already, is a question that certainly I'm sure your officials are currently working on in regard to what took place last year.

It would seem to me that the Qu'Appelle chain as well, the big run-off doesn't necessarily come with the spring. There's a fair bit of run-off or water released through the system as the water from the west finally starts to hit our system and hit our province, maybe more so the Saskatchewan River basin. But I think it's something that certainly we wanted to raise, just to bring to your attention, and I appreciate those comments.

The other day I think we did mention a little bit about irrigation and I'm wondering, is there increased activity and interest in water irrigation or land irrigation, first of all off of Lake Diefenbaker, and any other projects throughout the province, Mr. Minister? Maybe you could give us an idea of what your department is doing and what kind of requests are coming in in relationship to what would have taken place in '95 and last year and then this year. Are we seeing a progressive increase in the interest of the farming community or individuals with small market gardens looking at irrigating parcels of land and making it more productive and value added to our province?

Hon. Mr. Lautermilch: — Yes, I think it's fair to say that . . . let me come at this from two areas, I guess. Firstly, the amount of money that the government has invested over the period of years in developing an irrigation infrastructure around the Riverhurst, Lucky Lake areas, Lake Diefenbaker, some south of that, has I think, really started to evolve in the last short while.

We've been working with irrigators to attempt to assist them, to facilitate diversification and value added production, which is really something I can say that we haven't been over the past very successful in doing. We've put an infrastructure in place, we've spent something in the neighbourhood of \$200 million. There have been some very good successes and some very positive successes in terms of that overall infrastructure. But we certainly need to work together to do more to create more value added.

The interest in terms of smaller operators, those that may want

to irrigate, you know, a 10, 5 acre patch continues to remain. And I think, as the agriculture community in our province has come to understand, in order to survive there has to be a change in the way they're doing business. The days of growing wheat on irrigated land, I think are . . . there was a lot of reality brought to bear when we were looking at \$2 a bushel wheat. And certainly the attempt to enhance the incomes for some of the people involved in agriculture, irrigation agriculture, is something that we will continue to strive for.

So I'm told that first nations in the Qu'Appelle Valley, they're looking in the Qu'Appelle Valley, are interested in expanding irrigation. The Alameda area, they're looking at somewhere in the neighbourhood of 8,000 acres.

So quite clearly there is interest. We're going to continue to work with the agriculture community and people interested in expanding their ability to make a diversified living on some irrigated land.

Mr. Toth: — Well thank you, Mr. Minister. I think you'll agree that, well we tend to live in what a lot of people would consider — I still consider it — a picturesque and a beautiful province. When it comes to agriculture we can have some real highs and we can have some real lows. And water in this province is something that is a very precious resource. And the fact that more people are expressing an interest indicates that people are basically, if you will, looking at ways of protecting themselves against that next cycle of dry period. And at least trying to guarantee that they've got a way of providing for the productive factor, which means income, not only to their individual resources, but to their communities.

So I think I'd certainly be reticent if I didn't compliment your department and your officials for what they're doing in promoting irrigation in this province, working together with people; and I know it's not strictly wheat.

Wheat, I don't think, is a viable operation when it comes to irrigation. But there are a lot of crops, I think, that we're growing in this province, even 10 years ago we didn't even think of growing, and a lot of that is as a result of irrigation. And certainly the potato industry looks like it's got an area to expand, and I think irrigation is an area . . . is one of the reasons that that expansion is taking place. So we just want to commend you for that.

Mr. Minister, one final question here. Did your department receive our global questions? Some of the other departments, it seems to me, have not. I'm wondering if there's a response ready for those global questions and if not, how soon can we anticipate receiving the response?

(1600)

Hon. Mr. Lautermilch: — I'm told that the officials are working with my office now to prepare the answers to the package, and we will certainly undertake to get it to your office as quickly as they have it compiled.

Mr. Toth: — Thank you, Mr. Minister. It's certainly assuring to know that some of the ministers are at least noticing what's

coming into their office because we've had some . . . some offices have indicated that they haven't received it and we've had to go back through it again. That's about three weeks ago.

But I would like to thank you for your responses. To your officials, I thank you and wish you well as you deal with the issue of water in the province of Saskatchewan, and all the requests that come your way.

Thank you, Mr. Minister, and that's a nice jacket.

Hon. Mr. Lautermilch: — Mr. Chairman, I think the members opposite are done their questioning. I would like to thank them very much for their questions. It's part of what keeps the department on its toes and what keeps my office on its toes, is a very, I think, positive exercise that we go through here.

I want to also thank my officials for their assistance, and I want to compliment the member from Moosomin on his tie.

The Chair: — I appreciate the fluidity of the situation, Minister.

Item 1 agreed to.

Items 2 and 3 agreed to.

Vote 50 agreed to.

**General Revenue Fund
Loans, Advances and Investments
Saskatchewan Water Corporation
Vote 140**

Item 1 — authorized by law.

**General Revenue Fund
Loans, Advances and Investments
SaskEnergy Incorporated**

The Chair: — And on the same page, SaskEnergy advances, authorized by law, and there are none in this year. Are there any questions?

**General Revenue Fund
Justice
Vote 3**

The Chair: — As we begin, I'll invite the minister to introduce his officials.

Hon. Mr. Nilson: — Yes. I'm very pleased to have with me this afternoon: Doug Moen, who's the executive director of public law and community justice — he's right here — Betty Ann Pottruff, who is the director of policy, planning and evaluation; and over here I have Richard Quinney, who is the executive director of the public prosecutions branch. And behind me I have Tammy Pryznyk, who's the executive assistant to the deputy minister; and Elizabeth Smith, who is the director of the administrative services branch.

Item 1

Mr. Hillson: — Yes. Welcome to the minister and your officials again this afternoon. Of course I have asked a number of questions before. I do have a few more and I understand my colleague from Moosomin has some questions.

I would like to turn for a few minutes to the Martin report, and I note that there was a recommendation for some increased staffing arrangements there. And the minister's response did refer to that indeed there would be some increased positions — I believe three — that would be done through reallocation. And I would ask the minister where these positions are and what he means by reallocation if there in fact have been cuts in other areas of the department in order to make way for these positions.

Hon. Mr. Nilson: — Well the plan is to have actually five positions, and three of them we haven't decided finally where they're going to be. There's going to be some decisions later this week, early next week. Two of them will go to Prince Albert to be part of a pre-charge screening project.

Mr. Hillson: — Mr. Deputy Chair, thank you. Would the minister indicate, are these in fact new positions or are these contract positions which are being transferred into permanent positions? Are we actually talking about new people on staff? Are we actually talking about a new staff complement?

Hon. Mr. Nilson: — Yes.

Mr. Hillson: — So, Mr. Deputy Chair, there's no contract positions being cut to make way for these positions that the minister is discussing this afternoon?

Hon. Mr. Nilson: — That's correct.

Mr. Hillson: — The Martin report of course talked at some length about resolution of complaints against prosecutors and said that the minister and the minister's office should not be involved in the resolution of complaints. And that was one part of the Martin report that, according to your response, you flatly rejected.

And I'd ask you, are you and your office involved in complaints against prosecutors, and have you been involved in complaints against prosecutors and personally involving yourself in those complaints? Why did you reject the Martin report on the handling of complaints against line staff solicitors?

Hon. Mr. Nilson: — Well I think the response that I've provided the day that we released the Martin report did set out the rationale. And I will try to explain that again briefly, and if you have some further questions I'd be happy to respond to them.

But basically the point is that, as the Minister of Justice, I'm responsible to the legislature. And I think it was important that I would have notice of concerns or questions as one avenue for the public to make complaints if there were complaints about the prosecutors. And so for that reason the suggested system would have kept the minister out of the process so I wouldn't have known about them and wouldn't have been able to respond in the legislature.

Mr. Hillson: — I think there's a slight difference though in concept here, Mr. Minister, in that you've talked about being kept informed. That of course could be done by the regional Crowns sending a copy of complaints and their resolution of same to the minister's office.

The Martin report talks about your involvement in complaints against prosecutors, so I have to ask you, have you been personally involved in complaints against prosecutors?

Hon. Mr. Nilson: — Well I think the answer is that there have been very few complaints against the prosecutors. And where this recommendation and why we've responded the way we have is that practically, the regional directors of the Crown prosecutors or the director for the province handle all of those complaints. But the recommendation was that I wouldn't have any access to the correspondence after they've been resolved. So that what we are suggesting is that we maintain the present system that works quite well.

And I can't remember being involved in any complaints against prosecutors myself, other than to be advised about situations where people complain about the justice system in general. And then often it's the prosecutor, it's the judge, it's the court clerk, it's how the court-house itself was built, or where it is — all those things. And you end up with a broad, general complaint.

Those kinds of complaints come, and I need to be able to respond in a general way. And I also then need to be able to respond about what kinds of questions they have about prosecutors.

Mr. Hillson: — I accept that answer. But you are saying then that you never personally involve yourself in the discipline of a staff solicitor . . . of a prosecutor.

Hon. Mr. Nilson: — No. I mean that's not the process. And so I'm not involved with that.

Mr. Hillson: — The Martin report seemed to identify this as a problem area. And your response is that you have to be informed. But I still think there's a difference between your being informed and your having to be involved, which is what the Martin report was flagging.

And it seems to me that, you know, you've oftentimes made the point, quite correctly, that the Minister of Justice does not involve himself in the decision to prosecute, and in how a particular case will be handled, and of course to say you're absolutely right on that. But messages can go out to prosecutors by how they are treated. And so I still don't see why if all you're saying is you need information, why you can't adopt the Martin report. You say there's no problem; Martin says there is a problem. Why don't you just simply adopt the report, and that doesn't preclude you from being advised of what was done.

It simply takes you out of being an active participant in how these matters are handled, and say you've already told us that you completely agree with the long-standing principle that you are not an active participant in the decision to prosecute or in the handling of particular individual cases.

(1615)

Hon. Mr. Nilson: — Well basically the response that I gave before, and the point that we've made is I want to retain the ability to actually see and hear about the things, and be informed — if I use your words. And that's slightly different than what Mr. Martin recommended.

Practically what happens is the matters are dealt with by the director of public prosecutions, and the highest that it actually would go is to the deputy minister. And that's where it's dealt with by the permanent head of the Department of Justice.

Mr. Hillson: — Mr. Deputy Chair, another different but none the less related issue comes about in the case of the way we handle spousal assaults, particularly of course the issue of what do we do when the victim no longer wishes to cooperate with the prosecution. I know it's a difficult area, and you have a sort of "no exceptions allowed" policy except by head office, and the Martin report has recommended that there be more flexibility.

And first of all . . . two questions on this. First is, when will you be able to respond to that? I know you haven't yet; you say you have to look at it.

But secondly, this is just one of the issues in which Martin seems to be saying we have experienced senior regional Crowns. I think they're all 20-year people and more. And yet there seems to be a real move to take away all discretion from them. But these are competent, senior people — to say 20-year people — and yet sometimes even very mundane and minor day-to-day decisions are being taken away from these people.

You know, if a 20-year prosecutor isn't able to make some of these day-to-day decisions when he or she has the full knowledge at his fingertips — instead here she has to phone somebody in Regina and try and explain the situation in Regina to somebody who doesn't have a feel for the case — it seems that it's a very unnecessary bureaucratic step and it's taking the decision away from people who are far better able to make that front-line decision.

Hon. Mr. Nilson: — Well I think the basic point in central directives . . . and as I've said before, we're going to be reviewing all of the different ones. And, you know, there were some examples given. One was spousal abuse. There's also impaired driving, there's hockey violence, I think maybe obscenity. And part of the question there is that you want to have consistency across the province so that an incident in one place will be treated similar to an incident in another place.

I agree with you wholeheartedly about the prosecutors that we have. And the continual dilemma in dealing with many experienced prosecutors is trying to provide the independence so they can do their job on a day-to-day basis, but also make sure that it has some connection with what's happening overall.

So I think that the identification of that area and looking at some of those policies is helpful for us because it forces us to look internally at how these things have been set up — some of

the policies are 15, 16 years old — and so we're going to do that. Also it allows for perhaps some further education of the public in some of these areas in that we can have some discussion with some of the groups that are affected and see whether there are some of the ways that we do things that should be changed to better meet the needs of the public.

Mr. Hillson: — I thank the minister for that answer, but I think though that we agree that one of the . . . as you say, one of the themes of the Martin report that comes up more than once is that we have centralized into head office decisions that the regional Crowns could easily make.

And while the minister is quite right that there has to be some consistency of standards throughout the province, surely that can be done by general policy guidelines that still allow the flexibility which just has to occur from case to case. And if we had general policy guidelines within which the regional Crowns are expected to operate, then that gives us the consistency of framework.

But of course what we have here is not general policy guidelines but orders that under no circumstances can very senior Crown solicitor 4s — many, many years experience in the field — can they make these decisions. And this didn't make much sense to Martin; it doesn't make much sense to me. And he seems to be suggesting that we've simply centralized into head office in a completely unnecessary and unjustifiable way that is also, he seems to suggest, demoralizing line prosecutors.

Hon. Mr. Nilson: — Well I think that it is in two areas where there are these very specific orders that have been made by previous ministers, and that's, you know, we're reviewing those directives and attempting to figure out how we should deal with that.

I think one thing that is not emphasized in your questions is the fact that there is still much discretion around the issue of sufficient evidence to proceed, and it's not until you've decided there's sufficient evidence that you then get into the next question of whether to charge. So there is discretion there.

But I think practically what we are trying to do is get the best advice we can from these people who have done a review for us. And what that does is it creates the discussion both within the department of public prosecutions and also I think within the community. And we're going to take a look at these and set up what we need for the 21st century.

Mr. Hillson: — Just one more question in this area then, if I may. The fact is though, Mr. Minister, you knew long before you engaged Mr. Martin that the practical effect of the spousal abuse policy, well-intentioned and all as it is, but the practical effect of it is that in all too many cases the woman who gets beaten up on by her partner ends up being arrested for her failure to cooperate with the prosecution while the guy walks out of court. And that's been flagged as a problem long before the Martin report came along. And so I really have to ask you, how long is it before we can expect something to come from you on that?

Hon. Mr. Nilson: — Well unfortunately I think maybe I have to use a comment that I've used quite a number of times in this Assembly which is you're making a generalization that is not accurate. And what I would say is that there are very few cases like this. And they're difficult cases and they need to be reviewed and we need to adjust the policy to have the flexibility. But I emphasize that there are very few of these cases.

Mr. Hillson: — I wish to ask the minister in a totally different area, is any consideration being given to removing right to counsel for automatic life imprisonment cases or will that continue to be under right to counsel?

Hon. Mr. Nilson: — Well I know this is an issue that I have discussed with the officials in the Legal Aid system as a concern and we have been looking at it in a number of different ways. At this point we haven't made a decision to go ahead, but it is something that is being looked at.

Mr. Hillson: — For those cases where right to counsel exists, would you tell me how many hours of preparation are allowed to the counsel selected and what the per hour fee that the counsel is entitled to charge for his or her services?

Hon. Mr. Nilson: — Well I don't have the exact figure, but it's basically the private bar tariff that's paid. And the number of hours . . . I can find the exact numbers, but probably in a way I should be asking you as a former director in this area, and maybe you can even tell us.

Mr. Hillson: — I wasn't trying to be cagey with the minister, but the figure that I recollect, but will not swear to, is 15 hours at a very low hourly tariff. And what I was building to was to say that I'm sure the minister will agree with me that that is a terribly low figure for preparation of a murder trial.

So if we're going to have right of counsel, a freedom of choice of counsel, this is simply not adequate, surely, for a person being expected to prepare a first degree murder case, and I trust the minister would agree with me that either the counsel would have to donate a lot of free time, or in the alternative, it would be a pretty horrendous situation if in fact that was all the preparation counsel did for a major case.

Hon. Mr. Nilson: — Well I think that that limit that you talked about is a concern. I guess what I would say is that I know from many years at the bar that the Legal Aid staff counsel are usually the lawyers who really understand the defence work even in the . . . well especially in some of these very serious cases.

And that what you're really talking about is the right to choose not to use somebody who works for Legal Aid and how you fund them. And I guess practically that's an option. But I think we have very good counsel throughout our Legal Aid system in Saskatchewan who can do the job adequately, and that's basically the system that we want to promote.

Mr. Hillson: — Mr. Deputy Chair, the problem I think that both the prosecution and Legal Aid systems have is that basically they are staffed, as I see it, according to their

day-to-day routine responsibilities, i.e., Provincial Court and other larger cases have to be fit in around it.

Now one of the side issues of all of the horrendous large cases we have had is that when they come into these two systems, the prosecutions and Legal Aid, there simply isn't the flexibility on either system for a lawyer to be taken out of those offices involved for six months or a year.

And I do know that Martin referred to specifically the issue of commercial crime, but has any thought been given to special units of small number of lawyers in both systems who would have some flexibility to be slotted in where they are required, where we have a special problem that's going to take a lawyer out of the system for, say, the better part of a year?

Or does the minister feel that — touch wood — we won't have to be facing a lot of these cases again where all of a sudden we have some huge prosecution that may involve two years of time?

(1630)

Hon. Mr. Nilson: — Well I think as it relates to the prosecution side, the creation that we're working on now of an economic crime unit speaks exactly to what you're raising — is that you end up needing some specialized people who are dedicated to certain cases that take much, much more time than the regular day-to-day cases.

On the Legal Aid side, I think that there have been informal ways of trying to do this that the director does. But I mean it seems to me like a good idea that should continue to be discussed, and so I thank you for the suggestion.

Mr. Hillson: — Mr. Deputy Chair, if I can return to Legal Aid for a minute. One of the difficulties I see is that civil and criminal of course are in the same office and they are not of course on the Crown side — you have civil side and you have prosecution side. And what I see is that despite the very best of intentions to serve the civil side of Legal Aid, who are basically the women, the sheer pressure of court dates means that there is little choice but to give the priority to the criminal side.

Because you simply . . . you have, you know, X number of cases coming up on criminal docket tomorrow. That has to come first; you don't have any choice in that. And so even with the very, very best of intentions the criminal clients have to come first, and the civil clients have to make do with whatever time is left over after you've covered the criminal docket for the day.

So I wanted to ask the minister, have you flagged this as a problem, and have you thought whether you should separate the two so that you can have some of the same policy as you do on the civil and criminal side of prosecutions?

Hon. Mr. Nilson: — Well I think there are two responses to that. One of them is, for this year we have an extra \$500,000 available — or I guess it's over the next few years — to deal with the increased load around the child support guidelines. And that goes into the civil law side.

The other thing is that at the federal-provincial-territorial Justice ministers meetings, this is an issue that all the ministers across the country have identified and have included in discussion with the federal minister as well in how we try to deal with how the funding for Legal Aid is set up. Also there have been some changes recently in the way the funding is shared that have meant that some of these things aren't as clearly designated as they were before.

Mr. Toth: — Thank you, Mr. Deputy Chairman. Some questions . . . and I'm going to just continue on this train of Legal Aid for a few minutes. Number one, Mr. Minister, could you give me a bit of an outline as to what process a person goes through, and who qualifies for Legal Aid?

Hon. Mr. Nilson: — Okay, I can give you my two-minute lecture on this if you'd like, but probably you could ask the member there from the opposition and he would give you a lot of the practical aspects to it.

But basically there are three tests to determining eligibility for Legal Aid services. One is a financial test, and practically the rules are you either are . . . if you're receiving income from social assistance, you qualify; if you have, your financial resources are basically at social assistance levels, you qualify; or the cost of obtaining legal services from a private lawyer would reduce your financial resources such that you would be at social assistance levels. Those are sort of the three ways you qualify financially.

Then the other thing we have to look at is whether the services are actually provided, and this goes to some of the questions we were dealing with earlier. We provide services for federal criminal matters, both adult and youth. There are services provided in family law. And in certain rare circumstances some other matters may arise where a person's livelihood is in danger or where they may suffer extraordinary hardship. So it's a possibility of extending that.

The other question is a straight professional question where the matter is assessed, that if the lawyer says . . . if this is a case that would go ahead in the normal course, then it'll go ahead. And so it's basically assessment of the possibility of success on the case. So it's those three tests.

I think practically, you also asked how you'd get to there. And I think the answer there is that the number is in the phone book; you phone and you make an appointment. Usually there's an interview with somebody who would do the assessment part.

If it's not a straightforward case, it would go to one of the lawyers or perhaps the regional director. If there's not a resolution at that stage and it's still not sorted out, it then goes to the provincial director of Legal Aid. And there are appeals, you know, at that level that are handled. But that's fairly rare.

Mr. Toth: — Well thank you, Mr. Minister. And certainly you're alluding to the member from Battleford and his knowledge, having worked in that field for awhile. I certainly did seek some advice on a couple of occasions.

I must admit and acknowledge the fact that I was certainly pleased with the response I received from Legal Aid in a couple

of circumstances with individuals — without getting into particulars — and the way they responded. I think we're still looking at one. I conversed with you on a couple, and I thank you for that.

But I just have to bring the point forward, and this goes back to a decision, back last year in the case of one of my former colleagues, ended up in court to see whether he could seek the services of Legal Aid. And that's why I'm asking the process.

It seemed like the prosecutor in that case was bound and determined to almost, if you will, put the person under before he even had a chance. And I don't know all the circumstances there. But based on what you have given for the requirements to seek Legal Aid, Mr. Minister, it almost appeared to me, just from following and observing some of the proceedings, that some of these requirements may have been met there. And I'm not exactly sure what the process is.

If you go to court, is that another part of seeking the assistance of Legal Aid? I think you mentioned you make a call to a phone number to seek the assistance of Legal Aid. Is the court process the final means to seek advice or to seek the services of Legal Aid, Mr. Minister?

Hon. Mr. Nilson: — Well I think practically, without talking about any specific cases, if there is a decision about whether to provide Legal Aid made at a local level — and I think finally it is made by the regional director — and the person doesn't agree with the fact that they've been denied the ability to get Legal Aid, then appeal can go to the provincial director. Those levels are there.

Mr. Toth: — So when you're talking of the Legal Aid Commission, does that then end up in . . . Is that the court process that's followed when you're talking about Legal Aid Commission, Mr. Speaker?

Hon. Mr. Nilson: — The Saskatchewan Legal Aid Commission is a board of commissioners who are appointed.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I'd like to know where things sit currently with regards to the ongoing debate regarding the judges and the legislation. Is this process before the courts or still before the courts? Where are we at at this time? I believe the judges have indicated they certainly were going to take your department to task versus legislation and what they understood was agreement in a piece of legislation. Is it before the courts? And when do you anticipate you may have a response to the concern that's been raised in this matter?

Hon. Mr. Nilson: — Well I can say quite simply the matter is before the courts in the sense that at this time both parties are completing their examinations for discovery, and I know that the examinations for discovery have been going on this week.

Mr. Toth: — When you say examinations for discovery, Mr. Minister, is that a process that takes place prior to a court proceeding? And based on what I've seen happening over the last period of time, we can then anticipate that this could be an ongoing process. It could take up to even a year, a year and a

half — is that what you're anticipating, before there's a final ruling on this?

Hon. Mr. Nilson: — Well the matter is before the courts and I'm not able to predict how long it will take.

I think the answer to your question about examination for discovery: basically the parties file a claim; we file a defence; the parties examine the allegations that are made. Then requests are made to examine the various parties to the action, which means sitting down and under oath asking questions about the nature of the claim or the nature of the defence. That's the stage we're at. Soon as this is completed, then there is a pre-trial, where the parties appear with a judge of the Court of Queen's Bench and if the matter is not resolved at that stage, a trial date is set.

Mr. Toth: — And I would have to assume, Mr. Minister, that that might be difficult. I'm not sure how you handle it, if the judge is taking you to court and the judge is in Court of Queen's Bench. I guess I haven't quite figured out how that process would be handled because maybe a judiciary person in this province may feel they'd be in a conflict to hear that. And I'm not sure — is that the process that would hold?

Hon. Mr. Nilson: — I don't think there'd be any conflict at all. It's two different levels of court. And so one is the provincial court judges are the ones that are involved in the lawsuit. Court of Queen's Bench judges are all appointed by the federal government.

Mr. Toth: — Mr. Minister, in another related matter and this one just . . . You know as I was watching the news, observing the news last night, something really jogged my memory in view of a situation that's arisen — certainly in this province as well — but I believe it was in, I not sure if it was the state of Washington or if it was in Washington, D.C. (District of Columbia) where last night it was on the news about a gentleman who had been drinking and driving . . . And don't get me wrong, I think everyone is opposed to individuals who would decide to get behind the wheel of a vehicle after they have consumed an excessive amount of alcohol.

In this case, Mr. Minister, a judgement came down; I believe the individual was charged with murder and a judgement of guilty was brought down on that case.

The concern I have, and it relates to a current matter in this province with regards to a driving accident and a judgement and ruling in that case as well, and I guess I have some concerns when we start relating individuals who — maybe it's indiscretion but not intent to — start driving around. I know we really want to take a hard view on people drinking and driving, and making sure that they recognize the severity.

I'm not sure what type of a decision is going to be made in this case in the United States of America regarding this, but when you're charged with murder it almost seems to me if that is because of an auto accident, that a murder charge basically dictates that a penalty of life or life imprisonment could be handed down. And I don't know if an individual in that circumstance is a dangerous individual.

And I'm not sure what your department is doing to try to address some of the issues that are now arising out of the drinking and driving issue, or driving . . . dangerous driving, when I think you may find that many individuals in these types of circumstances had no intention of injuring someone and aren't the type of people that would go back into society with the intention of driving into another individual and causing a life to be lost.

Is there some concern in the Department of Justice as to the level of — should I use the word compensation, or the level of time? And I say that because . . . Because of the fact that with murder, I think incarceration seems to be the type of penalty that would certainly be handed down. And I have a bit of a concern because I think we're putting enough people behind bars that maybe should not be there.

I think we had this debate last year. I talked to you about different circumstances that arise where we may be putting individuals . . . and incarcerating individuals in circumstances that it doesn't really do a lot to enhance a person's ability to be a good-quality citizen.

And this is a concern I have: are we getting into a steamroller situation where we're just opening up the door to incarcerate more people for circumstances that they may not have really had control over because of an indiscretionary issue that arose, such as drinking, or in the case in Moosomin, driving an ambulance and happening to pull out to pass under conditions that weren't conducive?

(1645)

Hon. Mr. Nilson: — I will try to answer your question. Basically I think . . . As you know, every case depends on its own facts, and so that's the first thing to remember. But in 1985 the federal government — and the federal government has the power to legislate criminal law . . . at that point there were some changes in Canadian criminal law that emphasized the severity of impaired driving causing bodily harm and impaired driving causing death. Those were new offences that were added.

Another way that this can be dealt with as far as vehicles and negligence, there is a charge of criminal negligence causing death where, you know, the ultimate penalty, depending on the situation, could be life, which is a very severe penalty. I think that there clearly needs to be, you know, a careful review of all of the facts in light of some of the things that I think you're getting at about the kinds of charges that are laid.

And I guess that's another area where I am pleased with the result of the Martin report, in that it emphasized that we in Saskatchewan do have many capable senior prosecutors — and well all levels of prosecutors — who look at the sufficiency of the evidence, make decisions there that are appropriate, but then also look very carefully at what kinds of charges should be laid and the appropriateness of those charges. Because it does go to the heart of some of the questions that you're raising.

Mr. Toth: — I thank you, Mr. Minister. And I don't raise that facetiously, because I firmly believe that in some cases, maybe

through public pressure, we start to feel we've got to really say, well that is wrong.

Yes, we know it's wrong. But if we hear someone has made an indiscretionary judgement call and driven out and then is charged with a murder . . . Murder, in my understanding, can be life imprisonment. And that individual may have never . . . Like I mean, I think people, after they've done this, there's a lot of remorse; and unfortunately you can't bring a person back.

We had individuals in the legislature yesterday that have received bodily harm as a result of vehicle accidents. And I'm not saying every one of them were with a drunk driver; every one had different circumstances. The unfortunate part, this legislature took away their ability to get proper remuneration for that loss, for that pain and suffering.

And then on the one hand . . . like I begin to think, why should I carry a package policy any more, because I can't be sued. The only reason I carry a package policy is to make sure I've got some protection in case someone sues me. But based on the legislation with regards to SGI, you begin to wonder, well maybe I should save that couple of hundred dollars. I don't really need it because no one can sue me any more. And yet on the other hand, someone is left as a victim.

We've got victims as a result of the SGI legislation that need to be addressed and I think it's very imperative that we start looking at some of the . . . how we address this — the member from North Battleford — the victims of violence legislation. And you're putting extra funds into another forum so that it can actually create more, generate more revenue than the current forum it's in.

It would seem to me, Mr. Minister, we have to look at ways in which we can compensate victims for actual loss. Now I noted, and you probably noted, the individuals that were here yesterday. Some of those individuals do not have the ability to walk around, like you and I do, as a result of their accidents.

One couple here from Prince Albert, he used to work in the oil patch and his income was in that \$50,000 range or more. But, Mr. Minister, they are now living on social assistance. I think that's criminal. I think it's criminal that we basically treat people . . . that people are being treated that way. That all of a sudden they find an income they had . . . they were able to provide at a certain level for their families and now as a result of legislation that legislators in this province brought into being, they are left out in the cold.

I think number one, Mr. Minister, we need to look carefully at how we set laws. And I agree with you, there are certain laws that we have no control over; they're made at the federal level. But I'm certain that your department, working with your officials, you can bring to the attention of the federal minister some of the concerns that you have, and certain levels . . . laws and the penalties that are risen at.

One of the other things I think that should be looked at is, in the case of SGI (Saskatchewan Government Insurance), well it doesn't allow to sue. We've got a victims of violence fund that is building. Is there . . . how are those funds for the victims of violence dispersed? Would automobile accident victims injured

in automobile accidents be able to derive some revenue? Can we use that revenue to compensate people for economic loss as a result of an automobile accident?

Hon. Mr. Nilson: — Well I think the first point I would make is that I would have a good heart-to-heart talk with your insurance agent before you make any adjustments on your personal insurance.

The question that you asked, the victims fund is different than The Victims of Domestic Violence Act and all of the things that happen there. And practically, the story on the victims fund is that the money that has accumulated in that fund has been used for victim services of various kinds as well as to fund the victims compensation part of the legislation. And in the last year, and I guess the last two years, the amount expended is greater than the amount that comes in on the surcharges on the various offences. And so the plan is to end up ultimately having a program that provides all the services at the level basically of what we bring in in surcharges.

Given the fact that didn't . . . we started the surcharges in 1989, when the previous administration was in power, and didn't actually get the whole thing going until after our administration started. There was an accumulation of funds at the beginning; we're still working with that accumulation of funds. It's to the advantage of victims in Saskatchewan that it's there but ultimately we're going to have it set up so that it's basically as a break-even proposition.

Mr. Toth: — Mr. Minister, another area of concern I'd just like to raise — and I certainly want to raise some questions with regards to the Martin report as well, but I may not get to those today — but there's an area of major concern, and that's in regards to this whole custody situation that arises.

Mr. Minister, what we have on many occasions — and I think probably 99 per cent of the time — the wife in a situation generally tends to get custody of the children plus is also awarded a certain sum to compensate for those children while they're growing up. But one of the major, one of the major problems that is arising — and has certainly been brought to my attention on a number of occasions — a very deep concern out there comes from fathers who have been granted access through a court order.

They've been also ordered to pay a level of maintenance. And the access, it can vary. It will vary from case to case. We're aware of that. And when a case like the one that I talked to you about moves out of our jurisdiction into another province, that even becomes more complicated.

But the biggest concern out there, Mr. Minister, is that we are penalizing the fathers. And we recognize that there are some individuals that the term has been used — dead-beat dads — guys who have walked away from their responsibilities. There are also . . . while there are some . . . I'm not sure the percentages. I would think the percentage — and you can correct me if I'm wrong — would be . . . lean higher that more fathers who accept that responsibility, and certainly provide for their families.

But the concern that arises where the spouse refuses to get

access . . . or give access. And I've raised this question with you; I've raised this question with your office; I've raised the concern with some lawyers. I understand in order to get access now, number one, this father who's actually gone to court as a result of a custody situation, has been ordered to pay a level of maintenance, has been given access, has paid so many dollars out of his pocket through this whole process, now has to go back to court through civil action to enforce, or to gain . . . make sure that he gets the access that was granted to him originally, which is another cost that comes out of his pocket.

And I guess I'd like to know, Mr. Minister, if a maintenance order has been ordered, and we now make sure that it is followed up on — if you don't follow up on it you lose your licence and your ability to drive, if you don't keep up your maintenance orders — why isn't there something in the system that basically says, yes, there was an award maintenance made on a level of maintenance. That award or that order also ordered you as a spouse to make sure that the male parent — or the father — had access to his children.

Why isn't there something that just says, listen, this is part of the agreement. If a wife decides she's not going to give access, then it would almost seem fair and right and equitable for that father to refuse maintenance, but if he refuses maintenance he is taken to task right away. What is your department doing to address it, because it just seems to be totally out there that a person should then have to go back and take civil action to gain access.

Hon. Mr. Nilson: — Well I appreciate receiving that question. First I'd like to give you some interesting statistics. The 1995 divorce statistics are compiled, and we have those now. And it shows that in Canada 68 per cent of the mothers receive custody, sole custody, and 10 per cent of the fathers receive sole custody, and 21 per cent of joint custody was awarded. So that's the national figures right across the country.

In Saskatchewan the numbers are 67 per cent mothers receive sole custody, 8 per cent of the fathers receive sole custody, and 24 per cent receive joint custody. That's just a little bit of a background.

I think the specific questions you asked are very, very good questions. Because one of the things that's happened over the last number of years . . . and I have to give you just a brief history. The federal-provincial-territorial ministers of Justice meeting about eight or nine years ago, set out three priorities for civil . . . or for the officials from all of the different jurisdictions to work on. And there are some specific committees related to family law. And the topics that were to be dealt with were child support guidelines and related issues, and custody and access issues, as sort of very high priorities.

And the child support guideline project has taken a lot of time and energy, and we're now in May 1997 and we've got that off and running. We'll have to see how it all plays out, but we've got a system set up there.

We in Saskatchewan, well . . . So federally the committee is continuing to work on that and will continue to work on that. Provincially, about a year ago after child advocate's report, we

ended up setting up a committee that's looking at this. And we're hoping to go with a general discussion throughout Saskatchewan on this issue. And I guess practically I would appreciate any, you know, ideas and information that you get from the constituents and others and so we can put it all into the mix.

The other thing I would say is, our children's law Act in Saskatchewan I think is really some of the most progressive legislation, if not the most progressive legislative in Canada, to deal with the issue of enforcing access.

Some of the provisions that we have, which include creating . . . or new access for access that's been denied or getting costs, hasn't been used as much as we thought. But practically, we have some good legislation. But we'll have to continue this discussion probably at another time.

The Chair: — It now being past the normal hour of adjournment, 5 o'clock, the committee will rise and report progress.

The committee reported progress.

The Assembly adjourned at 5:03 p.m.

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