

The Assembly met at 13:30.

Prayers

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Ms. Draude:** — Thank you, Mr. Speaker. Today I have a petition from people in my constituency who are concerned about the EMS (emergency medical services) development proposal:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to not implement the consolidation and centralization of ambulance services as recommended in the EMS report and affirm its intent to work to improve community-based ambulance services.

The people that have signed this petition are from Archerwill and Rose Valley.

**Mr. Stewart:** — Thank you, Mr. Speaker. I rise this afternoon to present a petition signed by citizens concerned with the condition of Highway 339 and the prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to repair Highway 339 in order to facilitate economic development initiatives.

And this petition is signed by individuals from the communities of Milestone, Avonlea, Wilcox, and Truax.

I so present.

**Mr. Wall:** — Thank you, Mr. Speaker. I rise again on behalf of residents from southwest Saskatchewan concerned with the hospital facilities in the regional centre, the city of Swift Current. The prayer of their petition reads as follows:

Wherefore your petitioners will humbly pray that your Hon. Assembly may be pleased to cause the provincial government to carefully consider Swift Current's request for a new hospital.

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

Mr. Speaker, the petitioners today come from the city of Swift Current and the community of Hodgeville.

I so present.

**Mr. McMorris:** — Thank you, Mr. Speaker. I too have a petition to present on behalf of citizens of the province. This one is regarding the EMS report. The prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to not implement the consolidation and centralization of ambulance services as recommended in the EMS report and affirm its intent to work to improve community-based

ambulance service.

As in duty bound, your petitioners will ever pray.

This petition is signed by people in the Bellegarde, Storthoaks, Alida, Redvers areas.

I so present.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. I also have a petition to present dealing with health care today. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to take the necessary steps to ensure that the Redvers Health Centre be maintained at its current level of service at minimum, with 24-hour acute care, emergency and doctoral services available, as well as laboratory, physiotherapy, public health, home care, and long-term care services available to the users from our district, southeast Saskatchewan and southwest Manitoba, and beyond.

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

Mr. Speaker, these petitions come from the Redvers, Storthoaks, Alida, Carnduff, Antler, Fertile, Brandon, Manitoba, Wawota, Manor, Wakaw, Bellegarde areas, Mr. Speaker, across southeast Saskatchewan.

I so present.

**Mr. Harper:** — Thank you, Mr. Speaker. Mr. Speaker, I'm pleased to rise today to present a petition on behalf of Saskatchewan citizens who expressed interest in the maintaining and upgrading of the Saskatchewan road network. The prayer goes as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to ask the Government of Saskatchewan to continue with its foresight and its vision of increasing the funding to \$900 million over the next three years to maintain and upgrade our thoroughfares of commerce.

And, Mr. Speaker, this petition is signed by the good folks from Stenen, Canora, and Buchanan, Saskatchewan.

I so submit.

**Mr. Weekes:** — Thank you, Mr. Speaker. I also have a petition from citizens concerned about high energy prices. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to use a portion of its windfall oil and gas revenues to provide more substantial power and energy relief to Saskatchewan customers.

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

Signed by the good citizens of North Battleford and Battleford, Saskatchewan. Thank you.

**Mr. Bjornerud:** — Thank you, Mr. Speaker. I also have a petition to present to do with the lack of funding to non-profit personal care homes. The prayer reads:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to provide subsidies to non-profit personal care homes in the province so all seniors can be treated equally.

The signatures, Mr. Speaker, are from the communities of Esterhazy, Gerald, Kamsack; Benito, Manitoba; Big River.

I so present.

**Mr. Brkich:** — Thank you, Mr. Speaker. I have a petition here signed by citizens worried about the high rates that SaskPower and SaskEnergy are charging.

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to use a portion of its windfall oil and gas revenues to provide a more substantial energy rate rebate to Saskatchewan consumers.

As in duty bound, your petitioners will ever pray.

Signed by the good citizens from North Battleford, Moose Jaw, Chamberlain, and Regina Beach.

I so present.

**Mr. Allchurch:** — Thank you, Mr. Speaker. Mr. Speaker, I rise in the Assembly to bring forth a petition opposed to the possible reduction of health care services in the Shellbrook-Spiritwood constituency. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your Hon. Assembly may be pleased to cause the government to abandon any plans to reduce current levels of available acute care, emergency, and doctor services.

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

And the signatures on this petition, Mr. Speaker, are from Spiritwood, St. Walburg, and Chitek Lake.

I so present.

#### 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.

The petitions are 11 petitions that are addendums to previously tabled sessional papers.

#### INTRODUCTION OF GUESTS

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, it is my

pleasure today to stand in the Assembly to introduce to you and through you to all members of the Assembly, Ms. Kelly Block, seated in the east gallery. Kelly is accompanied today by her children and her husband.

And Kelly is the chairperson of the Gabriel Springs Health District. And Kelly has today presented to the Standing Committee on Health Care some of the concerns that have come forward to her by constituents of hers there to . . . about the Fyke recommendations and how it . . . if those recommendations were implemented, they may be very detrimental to the services of the people in this province.

So I welcome you here today, Ms. Block, and I ask you to pass on a special hello to the CEO (chief executive officer) Mr. Gren Smith-Windsor, who I know was with you today in your presentation.

So welcome, and I hope you enjoy the proceedings this afternoon.

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

**Mr. Heppner:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to the members of this Assembly, I would also like to welcome Milt and Kelly Block to our Assembly, and their children.

I know the family quite well having worked with Milt and having had the kids in school in some former life of mine.

I'd like to commend Kelly for her work as the Chair of Gabriel Springs. Gabriel Springs, I think, has been unique in the province in their understanding of the significance of the Fyke Commission and how detrimental some of its concepts would be to the area, and also in fiscal responsibility in that particular position.

So would the members please join me in welcoming this family to our legislature this morning.

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

**Hon. Mr. Trew:** — Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all of the members of the Assembly four people that are seated in your gallery, Mr. Speaker.

One of them is a constituent of mine, Theresa Scheinous. And with Mrs. Scheinous is her sister, Diane, and Diane's husband, Roy Ulmer, as well as their daughter, Shawna. These folks are visiting Theresa from Barrhead, Alberta, and they're in Regina for a few days. And it's indeed our pleasure to welcome you here to the Legislative Assembly and I hope you enjoy the balance of your stay.

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

**Mr. Brkich:** — Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members here, three people who are sitting in your gallery, my assistant, Mr. Clark Puckett, and his wife Amy and their niece Jasmine Smith. They were up today where they put their daughter Tara on the plane for

Rome. She's going there on a school tour there.

So I'd like to welcome them here.

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

**Mr. Wall:** — Thank you, Mr. Speaker. To you and through you to the members of this Assembly, it's a pleasure to introduce several members of the Coalition Against No-Fault Insurance here in the province of Saskatchewan.

Mr. Speaker, in your gallery are a number of people who characterize themselves as victims. Mr. Lloyd Anderson of Regina is here with his daughter Melissa. Charmaine Hart is here with her son, Anthony. They're from Regina. Also from Regina, Gary Peltzer.

Also with the coalition as the doctor liaison for Saskatchewan is Dr. Darren Mintzler in your gallery, Mr. Speaker. And a stranger, no stranger to this Assembly, Mr. Speaker, is a key organizer for the coalition and spokesperson, Lorie Terry. She is also with us today.

Mr. Speaker, this group not only advocates on behalf of people who have been affected by the system, but they also help people with their problems. They are also advocates and they do a lot of work in that regard on a volunteer basis.

So I'd ask all members of the Assembly to join with the opposition, myself, in welcoming them here today.

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

**Hon. Mr. Calvert:** — Thank you, Mr. Speaker. Mr. Speaker, I too have a very special introduction that I'd like to make this afternoon, and that is of a very young woman sitting your gallery, Mr. Speaker.

Ms. Savonah Manz. She's spending a little bit of her summer holiday observing question period and the affairs of the legislature today. And with Savannah today is her grandmother, Betty-Ann Donison who is my principal secretary. So I'd ask all members to welcome both.

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

## STATEMENTS BY MEMBERS

### New Mill Opens in Hudson Bay

**Mr. Kwiatkowski:** — Thank you, Mr. Speaker. Mr. Speaker, last Friday I had the pleasure of attending the grand opening of the most modern OSB (oriented strand board) mill in the world. This \$200 million plant is located in Hudson Bay, the heartland of Saskatchewan's forestry industry.

The new plant, which Weyerhaeuser has called OSB 2000, will feature 11 acres of manufacturing, storage, and shipping all under the same roof, and has the capability to turn out 600 million board feet of structural oriented strand board annually.

It's interesting to note, Mr. Speaker, that some 60 OSB plants have been built across North America in the past four decades

with the first ever wafer board plant being opened in Hudson Bay in the early 1960s. Weyerhaeuser is the parent company of three mills in Hudson Bay, two OSB plants, and a plywood mill.

With the opening of OSB 2000 the company has clearly announced its confidence in the community of Hudson Bay, a tribute to that community's resilience and determination.

Mr. Speaker, Weyerhaeuser has only been part of the town of Hudson Bay for less than two years but besides its involvement in the forest industry, the company has also demonstrated its commitment to the community by donating \$50,000 to help pay to convert an elementary school gym into a community theatre, something that will be put to good use by everyone in the Hudson Bay area.

While the opening of the OSB 2000 is welcome news to a community that's seen its population vary drastically in the last decade, local officials and residents still have their concerns. Maintaining acute care in the local hospital is a major issue for many people and vital to the survival and success of this new mill — a fact that should not be missed by the members opposite. Thank you.

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

### Business News in Saskatchewan

**Mr. Thomson:** — Thank you, Mr. Speaker. Well it's the start of July and I'd be remiss if I didn't start off with some good news about the province's economy.

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

**Mr. Thomson:** — Mr. Speaker, I was taking a look through *Business Unlimited* in their June/July edition, and do you know what? There's lots of good things going on in Saskatchewan. The help wanted index is up. The number of people who are . . . the number of retail sales — up. Department store sales — up.

Conference Board of Canada, I know that they're awfully conservative. The opposition introduced figures saying our growth is going to be even bigger than they predict, but they say the economy is going to grow, Mr. Speaker.

Exports are up. Exports to other countries are up. And the best piece of news that I found in this says that there's something down. The province's social assistance caseload continues to decline.

(13:45)

In March 2001, the caseload was 33,000, which was down 3.7 per cent. And this is the best part — the caseload has declined from the same month a year earlier for over the past six years.

That's more good news about our economy. It's more good news for Saskatchewan people. Just imagine what this province could do if we funded the Department of Economic Development today.

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

### Disenfranchised Widows Group Faces Clawback

**Mr. Weekes:** — Thank you, Mr. Speaker. Today, I'd like to inform all members about an issue affecting the Disenfranchised Widows Group in Saskatchewan.

Mr. Speaker, we know women who remarried lost their WCB (Workers' Compensation Board) benefits for spouses of workers killed on the job. As this contravened the Charter of Rights and Freedoms, these women fought valiantly to see justice done. Two years ago, they received an \$80,000 one-time tax-free payment.

Unfortunately, for those women over 65, the \$80,000 payment drastically affected other pensions and benefits and they saw nearly \$5,000 clawed back from the federal government.

There are some who would have you believe that this clawback was the federal government's fault. The members on this side of the House know better, Mr. Speaker. We know because in other provinces where similar lump sum tax repayments were made, there have been no clawbacks. Before making these payments, Mr. Speaker, other provinces found out beforehand what the financial implications might be.

There are two options that could have been taken to avoid a clawback. One was to split the payments up over a two or three year period. Another one was to get a special waiver from the CCRA (Canadian Customs and Revenue Agency). Anyway you look at it, Mr. Speaker, all it would have taken was a phone call from the Minister of Labour and a few questions.

There are some who would have you believe that the federal government should fix problems that others are responsible for. Not only does this indicate a complete and appalling lack of judgment, but also of accountability. This can not be tolerated. Thank you, Mr. Speaker.

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

### Saskatchewan Highway Projects

**Mr. Harper:** — Mr. Speaker, there's two more new highway projects underway. Mr. Speaker, a total of 20.9 kilometres will soon be repaved on the westbound lanes of No. 1 Highway near Belle Plaine and the nearby off-ramps. This \$3.1 million project is currently in progress and will be completed by the end of the month. Mr. Speaker, this improvement will not only create a smooth driving surface, but it will also create 26 full-time jobs.

The second project is a 11.7 kilometre stretch about to be resurfaced on Highway No. 5 from Mikado to Canora. Roadwork on this \$1 million project is expected to begin this week and should be completed by mid-July of this year.

Mr. Speaker, to remind the members opposite just one more time: Saskatchewan Highways and Transportation budget this year is a record \$311.7 million.

Our road network is a lifeline of many rural and remote areas. And with this record-breaking budget, this government is ensuring that people in Saskatchewan, all parts of Saskatchewan, stay connected.

Thank you.

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

### Family Business Closing in Wadena

**Ms. Draude:** — Thank you, Mr. Speaker. Mr. Speaker, Saskatchewan has lost 9,000 people in the past 12-month period. Unfortunately that number is going to continue to climb.

Today I'd like to read part of an open letter to the customers of Perry and Cindy Banadyga which appeared in the June 27 *Wadena News*:

When Cindy and I took over the family hardware business that has been operating for over fifty-five years, little did we think that we would be looking at opportunities in another community, let alone another province. It is with regret that we'll be closing our doors effective August 4, 2001. We would like to extend our most heartfelt thanks for your business and support over the years. Although it is our sincere desire to see the business continue to operate in the community, to date we have not been able to attract a successor.

So it's with mixed emotions that I write this letter, sad because we leave Wadena where we were born and where we raised our children. We have been privileged to be a part of a great community that has been so good to many generations of our families, both in business and family life. I would like to thank the people of the Town of Wadena for giving me the opportunity to lead this community. It's been both an honor and a challenge to represent you as mayor, and I hope that in some small way I have contributed to the town. Yours truly, Perry and Cindy Banadyga.

Mr. Speaker, I recently spoke to Perry and he hasn't made this decision lightly. Unfortunately, Alberta offers more opportunity for business people. And for his family's sake, he and his wife have decided to make this move.

Wadena is not only losing a business; it is losing civic-minded citizens and future generations. It's a sad lament for Saskatchewan.

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

### Shakespeare on the Saskatchewan

**Hon. Ms. Lorjé:** — Mr. Speaker, it's a pleasure to announce to the Assembly that the tent is up and Shakespeare is returning to the banks of the Saskatchewan River in Saskatoon for its 17th season. The season begins July 4 and continues to August 19.

One major change this year is that Henry Woolf, the previous artistic director, will be taking a rest by acting for the summer in New York. The new artistic director is Mark Von Eschen.

The company will be performing two of Shakespeare's plays. One play is the *Merry Wives of Windsor*, with a line for Saskatchewan people who want daylight savings time: "We burn daylight."

The other play is *Love's Labour's Lost*. And I know that the opposition's resident Shakespeare scholar, the member from Cannington, will be interested in seeing this play. For it is a little-known fact that this play contains a direct reference to him, proof of the Bard's genius, since it was written 400 years ago.

And here is the line about the member from Cannington, quote:

The anointed sovereign of sighs and groans,  
Liege of all loiterers and malcontents,  
This wimpled, whining, purblind wayward boy,  
This senior-junior, giant-dwarf, Dan . . .

Mr. Speaker, *Shakespeare on the Saskatchewan* is just one reason to visit Saskatoon this summer. Get your tickets now.

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

### Tax Freedom Day

**Mr. Brkich:** — Thank you, Mr. Speaker. I stand in this Assembly today to mention a day that comes far too late for Saskatchewan residents and no, it's not the first day of summer or the next provincial election. I'm talking about tax freedom day.

In Saskatchewan tax freedom day arrived yesterday. This is the latest day that it arrives for all of Canada. Other provinces have their tax freedom days in May and June but here in Saskatchewan the day doesn't arrive until July. This is yet another indicator of this NDP (New Democratic Party) government's dismal record especially in the area of taxes.

Mr. Speaker, this government brags about its alleged record tax cuts. Well, if taxes in Saskatchewan have been reduced so much, why do we still have the latest tax freedom day in Canada?

It is my fear that when you look at the record number of jobs lost in Saskatchewan which is 21,000 and the latest number of people leaving which is 9,000 in the past year, for many people, Mr. Speaker, tax freedom day unfortunately begins when they leave the NDP-run Saskatchewan. Thank you.

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

### ORAL QUESTIONS

#### No-Fault Insurance

**Mr. Wall:** — Thank you, Mr. Speaker. Mr. Speaker, my question is for the minister responsible for SGI (Saskatchewan Government Insurance).

It has been over six months since the NDP's review of no-fault insurance was presented and while we believe that the review fell short and recommended only tinkering with this fundamentally flawed and unfair system, it did spend a million dollars and almost a year on its work.

Mr. Speaker, we know there has been dissension among the NDP MLAs (Member of the Legislative Assembly) opposite on

the question of no-fault. Is this the reason we have seen absolutely nothing this session from the government on this important issue?

Mr. Speaker, to the minister: will he explain to the people of Saskatchewan why in the wake of a million-dollar study and its recommendations there has been no concrete response from the government, no legislation this session to fix the NDP's no-fault insurance mess?

**Hon. Mr. Sonntag:** — Thank you, Mr. Speaker, and I thank the member for the question.

First of all I want to take the opportunity to thank the committee, the review committee, who did a great deal of work in reviewing this emotional issue, I guess I'll put it that way. I also want to take the opportunity to thank many of the injured people who made representation and presentation to the committee. I know many of them had their lives affected in many and traumatic ways.

There were some 111 recommendations, Mr. Speaker, that were presented to the committee. We've been working through them, Mr. Speaker, and we will continue to try to work through them to find the best possible resolution and come up with the best recommendations for the people of Saskatchewan.

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

**Mr. Wall:** — Thank you, Mr. Speaker. Mr. Speaker, it's not hard to understand why the government may be dithering or why perhaps some of its own members are having difficulty with simply tinkering with such a flawed system. There is precious little to say in defence of no fault.

The NDP promised that insurance rates would stabilize with no fault. And what has happened? Premiums have increased 40 per cent. Accident victims have been denied access to even any legal recourse, even against negligent manufacturers. They have been forced into treatment against the advice of their own doctors. Countless Saskatchewan accident victims have been victimized again by this system; by a system that simply wants to close files and move along.

Mr. Speaker, why has this government refused to address the glaring faults of the no-fault insurance system?

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

**Hon. Mr. Sonntag:** — Mr. Speaker, I think the member raises concerns that were raised by many people in the province. There were, and I repeat, some 111 recommendations that flowed from the committee, the review committee, Mr. Speaker. We continue to work through those recommendations in an attempt, Mr. Speaker, to try to find the best possible resolution and recommendations to this difficult and, I know, emotional issue.

What we're trying to find, Mr. Speaker, is the best possible compromise that deals with not only just around the issues of pricing, because surely changes in the recommendation . . . changes within the plan itself, Mr. Speaker, will have impact on premiums and cost for the consumer.

But in addition to that, Mr. Speaker, we want to ensure that people are served the best as well, and that's why we continue to work through these recommendations.

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

**Mr. Wall:** — Mr. Speaker, for those accident victims and their families who are listening to these answers and are losing hope that this province will ever be rid of this pure NDP no-fault system, let me just say that today we are announcing that a Saskatchewan Party government will get rid of NDP no-fault insurance in the province of Saskatchewan.

We will restore victims' access to the courts. We can and we will restore the primacy of health care professionals to diagnose treatment. We'll bring fairness back to the auto insurance system in our province. And we can achieve this while maintaining affordable auto insurance rates.

We can and will move towards a model similar to that laid out in the premier option as presented by The Coalition Against No-Fault. Mr. Speaker, NDP dithering on the no-fault review may be a blessing in disguise, because while we know that the next election will get rid of no-fault insurance, he can do the right thing now.

Mr. Speaker, will the minister join us today and commit to getting rid of no-fault insurance in the province of Saskatchewan?

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

**Hon. Mr. Sonntag:** — Well, Mr. Speaker, that member will clearly define the difference between opposition and government, Mr. Speaker. If they want to lay out exactly what they will do in advance of consultation, I guess that's up to them, Mr. Speaker.

We have received some 111 recommendations. We will continue to work through them, Mr. Speaker, to try to find, Mr. Speaker, the best possible plan for the people of Saskatchewan and those that purchase Saskatchewan government insurance, Mr. Speaker, taking into account first of all, of course, the pricing. We want to ensure that people are able to buy insurance at a fair and reasonable rate. And we want to ensure that people have the best possible coverage as well, Mr. Speaker.

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

**The Speaker:** — I just want to take this opportunity to welcome all the visitors to the gallery but respectfully request that members in the gallery that are visiting to not participate in the discussions or in any manner whatsoever.

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

**Mr. Wall:** — Thank you, Mr. Speaker. I can't imagine, I can't imagine this government talking about consulting with people on this issue when not one of their members — not anyone in the front bench, not one backbench MLA — made it to even one of the meetings organized by the coalition of victims on this very issue. They weren't at one meeting, Mr. Speaker.

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

**Mr. Wall:** — Mr. Speaker, we know we have at least one ally over there today. In an internal NDP caucus memo from February of 1994, the member for Saskatoon Idylwyld and the current Minister of Finance offered his colleagues an alternative to no-fault. He wrote, and I quote:

We can avoid rate increases, improve coverage, and preserve rights to claim income loss without creating a new Workers' Compensation Board, without depriving people of access to the law in the cases of disability and death.

He wrote, and I quote:

SGI does not agree with my proposal but they do acknowledge it is workable (Mr. Speaker). They prefer no-fault.

His memo confirms that notwithstanding his research and rational argument, frankly, the NDP was buffaloed by SGI.

I'll ask the minister again: with the considered opinion of the Minister of Finance as our backup, will you commit to getting rid of no-fault insurance in the province of Saskatchewan?

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

**Hon. Mr. Sonntag:** — Mr. Speaker, if the member wants to be political in talking about not meeting, I am aware and advised and was aware at the time. Unfortunately I wasn't available; I was in other meetings.

But, Mr. Speaker, the committee for no-fault, Mr. Speaker, did meet with our government caucus committee. They made representation. I'm told they made a good presentation, Mr. Speaker. Those concerns were passed on to me in turn as they should be, Mr. Speaker.

Again, we continue to work through the some 111 recommendations. We've worked through many of those recommendations, Mr. Speaker, but there's still work to be done in attempt to strike a balance between cost and premium and insuring that the public gets good coverage, Mr. Speaker.

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

(14:00)

**Mr. Wall:** — Mr. Speaker, my question is for the Premier. Even with no-fault insurance, there remains one party in this province that is surely at fault and it's the New Democratic Party, Mr. Speaker.

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

**Mr. Wall:** — Rates have increased under this system. Victims have been stripped of their rights even in the case of reckless drivers or drunk drivers. Doctors' treatment prescriptions are being overruled by adjusters. Mr. Speaker, it's time for the Premier to stand up to SGI.

Does the Premier have the courage to do the right thing today?

Will he join with the official opposition, countless accident victims, The Coalition Against No-Fault, his own Minister of Finance, and his partner in the coalition government and commit to get rid of no-fault insurance?

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

**Hon. Mr. Sonntag:** — Mr. Speaker, the truth is, and the member raises it, is that there were many concerns, legitimate concerns raised by a whole host of individuals from across Saskatchewan both pro and opposed to the plan that currently exists, Mr. Speaker. That's the matter of fact and that's the truth of it, Mr. Speaker.

I also in my constituency office receive a number of calls from people who say they appreciate the plan that's in place. I appreciate that's their perspective and there will be people who hold other views, Mr. Speaker.

Again, we have many recommendations put forward by the review committee. We continue to work through those in attempt . . . in an attempt, I should say, to strike a balance between cost, Mr. Speaker, and adequate and good coverage for the people of Saskatchewan.

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

#### **Gaming Agreement with the Federation of Saskatchewan Indian Nations**

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, my question is for the minister of Liquor and Gaming. At the end of March the NDP government announced that they were extending the gaming agreement between themselves and the Federation of Saskatchewan Indian Nations until July 31. Last November the minister stated that no negotiations on new gaming agreements would take place until SIGA (Saskatchewan Indian Gaming Authority) had made significant progress in the areas of accountability, policies, procedures, and financial management.

Mr. Speaker, with the new expiry date for the gaming agreements fast approaching, will the minister tell this House whether or not SIGA has made enough progress to start negotiations on a new gaming agreement with the FSIN?

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

**Hon. Ms. Hamilton:** — Thank you, Mr. Speaker, and I thank the member opposite for the question.

As we outlined very early on, there were benchmarks for SIGA to meet every step along the way in this process, and the one that she would be talking about and that we had outlined carefully following the intensive audit was for significant progress to occur for the extension of the agreement, Mr. Speaker.

SIGA has made great progress in many areas. There's a board now constituted with three members that have been put forward by the SLGA (Saskatchewan Liquor and Gaming Authority), with four members put forward by the Federation of Saskatchewan Indian Nations.

They have . . . the Provincial Auditor is their auditor of record. They have an internal audit committee with an external auditor providing those services.

There is much, much work that has been done to outline new conflict of interest guidelines and policies and procedures that are consistent with the Provincial Auditor.

It's my understanding, as the regulator, SLGA is working carefully with SIGA, and we're a number of days away from making certain that those significant benchmarks have been met.

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

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, when the original gaming agreement was extended in March, the minister said that SIGA had made good progress implementing some of the directives that SLGA had laid out for them. But it wasn't enough progress to begin negotiations on a new agreement.

The minister released a list in which she called significant benchmarks that SIGA would have to reach before the government would consider a new agreement.

Mr. Speaker, it has now been over one year since the mismanagement in SIGA's casino operations was revealed, and although the minister says that good progress has been made, it would appear that there still is a long way to go.

Mr. Speaker, will the minister explain why SIGA has not been able to make the significant progress that will enable us to reach the benchmarks and help us establish a new gaming agreement?

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

**Hon. Ms. Hamilton:** — Thank you, Mr. Speaker. To the member's question, Mr. Speaker, I don't want to leave the impression that progress hasn't been great and great strides have been made since the auditor put forward his report. But much, much work had to be done once a new board was in place and constituted.

They are operating under all of the guidelines the Provincial Auditor put forward and complying with all of those recommendations.

It's my understanding they've gone out now for their new CEO and the chief financial officer, and they're doing that in conjunction with Liquor and Gaming Authority in looking at the requirements for those individuals and the process to have a hiring that is happening very, very soon.

So with all of that in mind, the new board constituted, all of the auditor's concerns addressed and complied with — there are just a few steps missing to the significant progress that we outlined and benchmarked. That will be made . . .

**The Speaker:** — The member's time has elapsed.

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, the minister finally released the annual report of the Saskatchewan Liquor and Gaming report last week. The payee list of anyone

who received public money from SIGA which was to have been included in that report, but the minister says it was withheld due to ongoing police investigation into SIGA. But that was one of the benchmarks listed and was a specific recommendation of the Provincial Auditor.

And the minister seems to be hedging on reporting the progress SIGA is making on many areas in question. So I wonder, Mr. Speaker, if any new gaming agreement between the government and the FSIN (Federation of Saskatchewan Indian Nations) is simply on hold until a police investigation into SIGA is completed?

Mr. Speaker, to the minister: will the NDP government begin negotiations with the FSIN on a new agreement before the police investigation into SIGA is completed? If so, when does the minister expect those negotiations to begin? And how long will the negotiations take?

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

**Hon. Ms. Hamilton:** — Thank you, Mr. Speaker. Yes, one of the recommendations made by the Provincial Auditor was that on an annual basis a payee list would be provided. And as the member opposite knows — because she's asked before — at the lateness of the reporting, I would say that we have all of the auditor's recommendations complied with. And that that payee list was put forward by SIGA as part of the information supplied to Liquor and Gaming Authority. It was then looked at by the RCMP and Justice and for this year, as she knows because of some of the information contained that will not be released as yet until that has been completed.

But, Mr. Speaker, we are days away from having all of the benchmarks that were outlined to the member opposite and to the Assembly, fully complied with. A new board in place. There are new practices being adhered to. Their auditor of record being the Provincial Auditor — a new CEO, a new financial officer. Mr. Speaker, when we see from the duly constituted regulator, the legally constituted regulator, SLGA about significant progress; negotiations could begin.

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

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, to the Minister of Liquor and Gaming: could you tell me . . .

**The Speaker:** — Order, order. Would the member start again please and just rephrase the question?

**Ms. Eagles:** — Mr. Speaker, will the minister tell the House what specifically is missing which would prevent her from reaching an agreement?

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

**Hon. Ms. Hamilton:** — Mr. Speaker, there was a great checklist of things that must be addressed before we would move forward and say this is significant progress. Much of that has been met. Compliance with all of the Provincial Auditor's recommendations, Mr. Speaker.

But it's my understanding from the regulator that they're

finalizing now the chief financial officer and the CEO for SIGA, and when those are finalized, Mr. Speaker . . . I don't know if there's just one or two additional details because it seemed to me all of that list had been met and it's those two positions to be filled on a full-time basis. We are days away from having that happen and then we would be able to say to everyone with confidence that significant progress on all of the things we requested SIGA to do as a new board have been met, Mr. Speaker.

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

#### Drought Assistance

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, my questions this afternoon are for the Minister of Agriculture.

Mr. Speaker, a large part of the province is now facing severe drought conditions. Agriculture Canada's drought watch map shows extremely low precipitation levels on at least half of Saskatchewan's farmland.

Last week the Minister of Agriculture attended the ag ministers' conference in Whitehorse, yet I didn't hear one word about drought relief coming out of that conference.

Mr. Speaker, to the Minister of Agriculture: did you raise the . . .

**The Speaker:** — Order. Would the member rephrase his question please through the Chair.

**Mr. Boyd:** — Did the minister . . . Mr. Speaker, did the Minister of Agriculture even raise the drought problem with his federal and provincial counterparts, and if so, what plans are in place to assist Saskatchewan farm families facing a drought in large parts of this province?

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

**Hon. Mr. Serby:** — Mr. Speaker, I want to say to the House and to the member opposite that last week when we attended the ag ministers' conference, we talked about a whole host of issues, Mr. Speaker.

Not only did we talk about the safety nets which will in fact address the kinds of issues that the member talks about — which is about drought and which is about flooding in the province and which is about loss of crop, about NISA (Net Income Stabilization Account) and crop insurance — we also talked about a broader picture.

We talked about what we can do on the environmental front, what we can do around the area of food safety. We talked about what we're going to do with renewal across Canada today with the farming community, and we talked about science and technology, and we also talked about marketplace, and we also talked about transportation.

So, Mr. Speaker, we talked about the whole broad concept of how we can deal with Canadian agriculture, not only agriculture in terms of primary production, but also in value added.



Yes, we talked about drought. But in a broader perspective, we talked about how we can make this industry the strongest and the best in Canada, Mr. Speaker.

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

**Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, it certainly sounds like the Minister of Agriculture has talked a lot about agriculture. And while he was doing so, the Alberta government was responding to the needs of their producers with a drought relief package for their livestock producers. Now they are looking at an even more significant package for the grains and oilseed producers in their province. Meanwhile, our NDP government appears to be doing nothing.

Once again, the NDP ag minister is following the pack when he should be leading the pack in terms of policy, and Saskatchewan farm families are paying the price.

Mr. Speaker, what specific steps is the NDP putting in place to deal with the growing drought problem in Saskatchewan?

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

**Hon. Mr. Serby:** — Mr. Speaker, I want to say to the member opposite and to the House that Saskatchewan announced this drought package as it relates to the livestock industry last week.

And I want to say to the member opposite and to this House, Mr. Speaker, that Saskatchewan farm families are, in fact, paying a price. They're paying a huge price in this province. And part of it, Mr. Speaker, is because of who's over there.

And I say this, Mr. Speaker, the leader of this opposition party, the leader of this opposition party is one of the guys who stood up in the House of Commons and talked about how we should get rid of the Crow. And we got rid of the Crow, all right, in this country; \$300 million to Saskatchewan farm families out of their pocket and gone, Mr. Speaker; gone — \$300 million.

That member of the opposition, Mr. Speaker, stood up in the House and talked about how he doesn't support subsidies while the other major players in the world are subsidizing their grains and oilseed people. He doesn't support subsidies, Mr. Speaker.

That member opposite and the ag critic have taken more money out of Saskatchewan farm families than any other province in Canada, Mr. Speaker.

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

**Mr. Boyd:** — Thank you, Mr. Speaker. Of course the minister knows that that is not correct, that Alberta indeed pays the highest percentage per capita of any province in this nation and not Saskatchewan any longer.

And the loss of the safety net, the GRIP (gross revenue insurance program) program, has resulted in the loss of safety and the most significant safety net program that this province had for farm families.

The ministers of Agriculture, provincially and federally, are talking about a vision for agriculture, and we see the new

minister . . . or the federal Ag minister saying that there will be 500 million less federal dollars next year for farm families. And the NDP appears to be withdrawing \$120 million as well and that 2001 budget including \$95 million for farm sector initiatives and \$25 million in agriculture property tax relief. However, this money has not been allocated in next year's budget.

Mr. Speaker, is this one-time funding? Does the Minister of Agriculture plan to leave this \$120 million out of next year's budget?

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

(14:15)

**Hon. Mr. Serby:** — Well, Mr. Speaker, I want to say to the House, this year in this budget we have 95 million more dollars, 95 million more dollars from Saskatchewan farmers and producers across the province. Of which, Mr. Speaker, that member, and those members across opposite voted against. We should remember this, Mr. Speaker. So more money for farmers is not what that operation is for, Mr. Speaker.

I want to say to the member opposite and he should remember this. We tried to negotiate additional package to get out of the AIDA (Agriculture Income Disaster Assistance) program, Mr. Speaker, which took out of this province 120 million less dollars for Saskatchewan farmers.

And what was the member opposite and the Leader of the Opposition doing? They were voting against — against, Mr. Speaker — the opportunity for us to get an additional \$120 million, and drag this down the AIDA path. Drag this down.

And what happened when we were in CSAP (Canada-Saskatchewan Adjustment Program) Mr. Speaker? Just recently, on the CSAP program we said to the people of Saskatchewan and to our farm producers, we should have more dollars in CSAP. The member opposite doesn't support subsidies in CSAP, Mr. Speaker, doesn't support it.

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

**Mr. Boyd:** — Let's just, Mr. Speaker, let's just review how the NDP and this Minister of Agriculture and the Premier stick up for agriculture.

First the Premier calls for \$500 million in new funding from Ottawa, and then just before the Ag minister's meeting in Whitehorse, he abandons that call. And now the federal Liberals say they'll be \$500 million less next year, not more.

The NDP has absolutely no plan for drought relief. No plans for the 2001 . . . beyond the 2001 budget for agriculture. And the NDP says now that they will have to cut \$120 million in ag funding out of next year's budget.

So instead of \$500 million more, Saskatchewan farm families, between the federal and provincial government, can expect \$620 million less. And at the same time they're dealing with drought, higher power bills, and higher energy bills.

Mr. Speaker, is this the Premier's new vision for agriculture? Has the NDP completely abandoned Saskatchewan farm families?

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

**Hon. Mr. Serby:** — Mr. Speaker, I want to say to the House and to the member opposite that just recently he and I had an opportunity to attend the Standing Committee on Agriculture in Ottawa and make a presentation there.

And what the member opposite said is that as he was driving around, as he was driving around in his tractor on his farm, doing seeding, he was thinking about ag policy. And this is what the member opposite said, Mr. Speaker, to the committee.

He said, and I note, programs have been put in place in our province like AIDA and CFIP (Canadian Farm Income Program), and others, and have been in large part a measure, I think, that are very well accepted, Mr. Speaker. That were very well accepted.

Now I say to the member opposite, you say to me to stand up in this House . . .

**The Speaker:** — Order, order. Order, order. Would you continue your remarks through the Chair please.

**Hon. Mr. Serby:** — And I say now the member opposite tells me, Mr. Speaker, I was dreaming. And I thought that I was dreaming when I heard him say it, Mr. Speaker. Absolutely. Because what the member opposite says is that CFIP and AIDA in this province have worked well. And I say to the member opposite, you are so out of touch with . . .

**The Speaker:** — Order, order. Order.

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

**The Speaker:** — Order please. Order please, order. Order.

### INTRODUCTION OF BILLS

#### Bill No. 58 — The Highway Traffic Amendment Act, 2001

**Hon. Mr. Sonntag:** — Thank you, Mr. Speaker. I move that Bill No. 58, The Highway Traffic Amendment Act, 2001 be now introduced and read the first time.

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

**The Speaker:** — When shall this Bill be considered a second time?

**Hon. Mr. Sonntag:** — Later this day, Mr. Speaker.

**The Speaker:** — Is leave granted?

Leave granted.

Motion agreed to, the Bill read a first time and, by leave of the Assembly, ordered to be read a second time later this day.

**Hon. Mr. Calvert:** — Mr. Speaker, before orders of the day, with leave to do a condolence motion.

Leave granted.

### CONDOLENCES

**Hon. Mr. Calvert:** — Thank you, Mr. Speaker. At the close of my remarks, I will move the following motion:

That this Assembly records with sorrow and regret the passing of a former member of this legislature and expresses its grateful appreciation of the contribution he made to his community, his constituency, and to the province.

**Mr. Hugh James Maher**, who passed away on May 11 this year, was a member of this legislature from 1950 until 1952, representing the constituency of the Battlefords for the Liberal Party.

Mr. Maher was born on October 5, 1910 in North Battleford. He received his schooling at local elementary and secondary schools before graduating from the North Battleford Collegiate Institute as the Governor General's Gold Medallist. Mr. Maher then furthered his studies at the University of Saskatchewan, completing a degree in mechanical engineering in 1933.

On October 18, 1935, Mr. Maher married Florence Showell and they had two sons.

Mr. Speaker, as is well known in the Battlefords, in his private life, Mr. Maher was a very successful businessperson. He worked for many years for the family insurance and real estate business, the Maher Agencies Ltd. and then in later years, his business grew to include travel and construction units as well as Designex Buildings Ltd.

Mr. Maher was also an active participant in the affairs of his community. He held a variety of positions from member to secretary-treasurer to president in a number of local, provincial, and national organizations. Mr. Maher was a particularly active supporter of the Kinsmen and its band program, both as a local founding member of the North Battleford Kinsmen Club and as a provincial district governor. He also donated his time to the Rotary. Mr. Maher also served on the North Battleford Separate School District Board.

Mr. Maher lent his municipal experience to the Battlefords Chamber of Commerce, the Saskatchewan Urban Municipalities Association, and the Canadian Federation of Mayors and Municipalities. At the provincial level, Mr. Maher served on the Price and Compensation Board and on the Local Government Continuing Committee on the reorganization of municipal government.

Mr. Speaker, Mr. Maher first held elected office as an alderman in North Battleford, and later he held the distinction of the longest serving mayor of his community with a total of 18 years in office.

Mr. Maher won election to this Assembly in a by-election in 1950 but served only until the next general election which, as I said, was in 1952.

In recording its own deep sense of loss and bereavement, this Assembly expresses its most sincere sympathy with members of Mr. Maher's family.

And therefore I move, Mr. Speaker, seconded by the Leader of the Opposition:

That this Assembly records with sorrow and regret the passing of a former member of this Assembly and expresses its grateful appreciation of the contribution he made to his community, his constituency and to the province.

**Mr. Hermanson:** — Thank you, Mr. Speaker, on behalf of the official opposition I want to rise with the Premier in extending the sorrow and regret at the passing of a former member of the Legislative Assembly, Mr. Hugh James Maher, who passed away on May 11, 2001.

Reading Mr. Maher's record of service to the province of Saskatchewan, one is impressed that he truly did bear the spirit of many of the builders of this province. And the Premier outlined many of his accomplishments. Some of them bear some repeating.

Mr. Maher was educated . . . born in Saskatchewan, and educated in Saskatchewan right from his elementary education through to his post-secondary education.

Mr. Maher wore many hats. He was a successful businessman in the North Battleford area. He was very much involved in his community, whether it be in service organizations such as the Kinsmen Club, or the Rotary, or whether it be in his local chamber of commerce.

And then he went on to serve the Canadian Federation of Mayors and Municipalities, as well as serving in SUMA (Saskatchewan Urban Municipalities Association). Mr. Maher also was involved in local politics, in municipal politics in the city of North Battleford, serving as the mayor. And he has the distinction of being the longest serving mayor of his community.

It is a true loss to the province of Saskatchewan to recognize that Mr. Maher has passed from our province, but we certainly do want to remember his great contribution not only to his community, but to the entire province.

He had the privilege of serving in this Assembly for two years, and we certainly respect this man for the work that he has done in making Saskatchewan a better province.

So on behalf of the official opposition, we too express our sincerest condolences to the family, and certainly wish all the best for them as they truly remember a remarkable man.

Thank you, Mr. Speaker.

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

Motion agreed to.

**Hon. Mr. Lautermilch:** — Mr. Speaker, move to move a transmittal motion.

Leave granted.

**Hon. Mr. Lautermilch:** — Mr. Speaker, I move, seconded by the member from Cannington:

That the resolution just passed, together with the transcripts of oral tributes to the memory of the deceased, be communicated to the bereaved family on behalf of this Assembly by Mr. Speaker.

Motion agreed to.

**Hon. Mr. Lautermilch:** — Yes, Mr. Speaker, leave of the Assembly to move to government motions.

Leave granted.

## GOVERNMENT MOTIONS

### Supply Resolution for Department of Economic and Co-operative Development

**Hon. Mr. Lautermilch:** — Mr. Speaker, I move, seconded by the member from Saskatoon Nutana that:

Pursuant to the report of progress of the Committee of Finance as reflected in the *Votes and Proceedings* for June 26, 2001, this Assembly instructs the Committee of Finance to reconsider the supply resolution for Vote 45 for the Department of Economic and Co-operative Development.

I so move.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. Mr. Speaker, what we have today with this motion is an attempt by the government to rewrite history.

Last Tuesday night a vote was held in this House dealing with the Committee of Finance and the estimates for Economic Development. In that time, Mr. Speaker, at that point in time when the vote was called, that vote was taken and the results were 22 people in favour of that vote out of the government side of 30 members, Mr. Speaker, and 26 members, Mr. Speaker, against, allowing for the funding of the Economic Development department.

(14:30)

Mr. Speaker, that was clearly an expression of the will of the majority of that House that night, Mr. Speaker. Mr. Speaker, that was a defeat of that particular item.

Mr. Speaker, there are a number of precedents before this House that would say that you cannot bring forward and again revisit a vote that has been negative, Mr. Speaker, or that has been approved in the affirmative.

Mr. Speaker, what the government is doing is trying to . . .

**The Speaker:** — Why is the member from Regina Qu'Appelle Valley on his feet?

**Mr. Wartman:** — With leave to introduce guests, Mr. Speaker.

Leave granted.

### INTRODUCTION OF GUESTS

**Mr. Wartman:** — I would like to thank the hon. member from Cannington as well for giving leave.

Mr. Speaker, I would like to introduce to you and through you to the rest of this Assembly two very special people in my life, my wife Gail and my son Daniel who is celebrating his 17th birthday today and has come here to observe what's going on in the Assembly. And then I know this afternoon he and his mom are going to do some tours of this building and museum.

So I would like all of you to please join with me in welcoming them to the House on this special day for Daniel.

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

### GOVERNMENT MOTIONS

#### Supply Resolution for Department of Economic and Co-operative Development

**Mr. D'Autremont:** — Thank you, Mr. Speaker. Mr. Speaker, what the NDP government opposite is trying to do is rewrite hundreds of years of parliamentary tradition and history. To say that because we lost the vote, we're now going to have the best of one out of two, the best two out of three, whatever it may take, Mr. Speaker, as long as they get their way, Mr. Speaker, this is not the way parliament works.

But it's interesting to note though, Mr. Speaker, on this particular issue, that the rules were changed arbitrarily in this legislature in 1992 by the Speaker of that time, Herman Rolfes, to disallow extended vote calls. The rules were changed that on a substantive motion, that the rules would be 30 minutes, and that on non-substantive motions such as the vote on last Tuesday night, that the bells would only be ringing for 10 minutes.

It's ironic, Mr. Speaker, that that government is caught on the horns of the rules they changed themselves, Mr. Speaker.

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

**Mr. D'Autremont:** — Mr. Speaker, I ask the members of this House to give consideration to what the Government House Leader is asking them to do, to change the traditions of parliaments — not just in Saskatchewan but parliaments, Mr. Speaker, across this Commonwealth.

The rule, Mr. Speaker, up till now has been, once a vote is taken either in the affirmative or in the negative, that that vote stands for that session, that you have to, if you want to make a change to any of those, Mr. Speaker, that you have to make a substantive change to a similar motion.

Mr. Speaker, what the government is trying to do today is wrong, it's unparliamentary, and I ask the members to vote against this motion by the Government House Leader.

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

Motion agreed to on division.

### ORDERS OF THE DAY

#### WRITTEN QUESTIONS

**Mr. Yates:** — Convert, Mr. Speaker. Convert.

**The Speaker:** — Question no. 238 is converted to motions for return (debatable).

**Mr. Yates:** — Convert, Mr. Speaker.

**The Speaker:** — Question 239 is converted.

**Mr. Yates:** — Convert, Mr. Speaker.

**The Speaker:** — 240 is converted.

**Mr. Yates:** — Convert, Mr. Speaker.

**The Speaker:** — All right, 241 is converted.

### COMMITTEE OF FINANCE

#### General Revenue Fund Economic and Co-operative Development Vote 45

**The Chair:** — The first order of business is instructions by the House.

Pursuant to an order of the Assembly passed this day, I am instructed to propose the question on the supply motion for Vote 45, Department of Economic and Co-operative Development, and I invite the Minister of Economic and Co-operative Development to introduce his officials.

**Hon. Mr. Lautermilch:** — Thank you very much, Mr. Chairman. To my right is the deputy minister of Economic and Co-operative Development, Larry Spannier. To my left is Doreen Yurkoski, director of administrative and financial services. Immediately behind me is Jim Marshall, assistant deputy minister of policy, and to his right is Bryon Burnett, assistant deputy minister, community, economic and business development.

**Mr. D'Autremont:** — Mr. Chairman, on a point of order.

**The Chair:** — I recognize the member for Cannington on a point of order.

**Mr. D'Autremont:** — Thank you, Mr. Chairman. Mr. Chairman, this is a very important issue and I have a substantive statement to make here on this point of order.

Mr. Chairman, I believe the motion currently before the

committee is out of order. The question currently before the committee is the exact same motion that was defeated one week ago today on June 26, 2001.

Mr. Chairman, section 558 of Beauchesne's *Parliamentary Rules and Forms*, 6th Edition, reads as follows, and I quote:

An old rule of Parliament reads: "That a question . . . once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House." Unless such a rule were in existence, the time of the House might be used in the discussion of a motion of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.

Mr. Chairman, that's exactly what the government is asking the committee to do — arrive at a decision that completely contradicts a decision taken earlier in this legislative session.

Mr. Chair, section 593 of Beauchesne's speaks further to this matter. It reads, and I quote:

The only means . . . by which a negative vote can be revoked is by proposing another question similar in its general purport to that which has been rejected but with sufficient variance to constitute a new question.

In other words it is in order for the committee to consider a similar motion, but it is not in order for the committee to consider the exact same motion. According to Beauchesne's, the motion must be sufficient variance.

For example, the committee could consider a motion calling for the approval of a slightly different budget amount. But a motion calling for the exact same amount as the motion defeated on June 26 is not in order.

Mr. Chairman, I know the government has done some research on this matter and has cited a similar situation, which occurred in the British Columbia legislature in June of 1986. Mr. Chairman, in that case the budget estimates of the BC (British Columbia) Department of Tourism were in fact . . . were not in fact defeated. In that case, the committee voted to amend the budget for the Department of Tourism to one dollar. And then it passed the amended budget estimate.

When the matter was later referred back to the committee for further consideration, the committee was not overturning the defeat of an earlier motion, it was instead considering a motion with in Beauchesne's words:

Sufficient variance from the one dollar estimate motion which was originally passed.

So, Mr. Chairman, that case cannot be used as precedence in this situation. In this case, the budget estimate was not amended: it was defeated.

In any motion to overturn the earlier vote to defeat this particular budget estimate is not in order according to Beauchesne's. Again, I emphasize that a motion to approve a different budget estimate for the Department of Economic Development would be in order.

Mr. Chairman, I understand the government believes the rule against considering the same question twice in the same session does not apply because the motion is being considered in committee, not before the House. To refute this argument, I would like to cite the 21st Edition of *Parliamentary Practice* by Sir Erskine May. May deals with this matter on pages 326 and 327. May says, and I quote:

A motion or an amendment which is the same . . . as a question which has been decided during a session may not be brought forward again during that same session . . . Whether the second motion is substantially the same as the first is . . . a matter for the judgment of the Chair.

Mr. Chairman, it is extremely important to note that May uses the term Chair in this particular instance. When May wishes to refer specifically to the Speaker, he uses the term Speaker. Conversely he uses the word Chair to refer to either the Speaker or the Chair of a committee as the case may be.

By saying that this matter is left to the judgment of the Chair, May is clearly indicating that the rule applies in both full Assembly and in committee.

Mr. Chairman, I have been unable to find any precedent for any parliamentary government doing what this government is attempting to do, namely, considering the exact same question a second time in order to achieve a different result. There is good reason for this which Sir Erskine May states as follows on page 364:

. . . parliamentary government requires the majority to abide by a decision regularly come to, however unexpected, and that it is unfair to resort to methods, whether direct or indirect, to reverse such a decision.

May could have been talking about the vote we took last Tuesday and the requirement that the government must live with the unexpected results.

(14:45)

In a footnote to this section, May cites a similar vote, which occurred in the British House of Commons on February 11, 1976. During consideration of supply for the Secretary of State for Industry, the opposition moved that the salary of the Secretary of State of Supply be reduced by the sum of 1,000 pounds. The motion caught the government with not enough members in the Chamber and the opposition passed the motion by a vote of 212 to 209.

The government subsequently tried to have the earlier vote overturned, but on February 17, 1976 the Speaker made the following statement, and I quote:

It is of course open to the House to modify the effect of a decision after it has been taken, or indeed to nullify the decision provided that the same question is not again proposed in identical terms.

Mr. Chair, the rules are clear. The precedent is clear. The government is perfectly within its right to refer the matter back to committee. However, the committee cannot simply pass the

exact same motion, which it has already been defeated.

The government must bring forward a new motion, which, in the Chair's opinion, is of sufficient variance from the defeated motion. The motion currently before the House is identical to the defeated motion.

I understand the government has an embarrassing problem on its hands. There are remedies for addressing this problem. However, simply asking the House to ignore hundreds of years of parliamentary precedence is not the appropriate remedy.

I know I have cited a number of references here today from Beauchesne's, from Erskine May, from the BC legislature, and the British House of Commons. Accordingly, this is a situation which future parliamentarians will look at in the years to come.

I would ask the Chair to take all the time he needs to rule on this very important matter. I would specifically ask him if he is able to find a single precedence for a committee voting on the exact same question a second time in the same session.

I have been unable to find such a precedent because I do not believe one exists. I hope the Chair will follow precedent and not set precedence by ignoring one of the most fundamental rules of parliament: that a question, once decided, cannot be considered a second time in the same session. Thank you, Mr. Chairman.

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

**The Chair:** — Why is the member on his feet?

**Hon. Mr. Hagel:** — To speak to the point of order, Mr. Chair.

**The Chair:** — I recognize the member from Moose Jaw North on a point of order.

**Hon. Mr. Hagel:** — Mr. Speaker, I rise to speak to the point of order put by the House Leader of the Opposition. And I draw to your attention, Mr. Speaker, his reference to the question not being put in the same session.

But let us take note of several things, Mr. Speaker, as we consider the question that he puts. First of all, I think there will be no one in this House who will dispute that the Committee of Finance is a creature of the Legislative Assembly, created by a motion of the Legislative Assembly, to consider estimates of the Executive Council departments.

Mr. Speaker, I remind . . . Mr. Chair, I remind you that in considering the estimates of the Department of Economic and Co-operative Development, then each of the subvotes, Mr. Speaker, each of the subvotes — subvotes (EC01) through (EC10) — each of those subvotes, Mr. Chair, and as indicated by page 2187 of *Hansard*, indicate that each of the subvotes was approved. It was then in summary, Mr. Chair, that the question was put and that the question was lost.

Let's keep in mind, Mr. Chair, two things: one, each of the subvotes has already been carried for the estimates of the Department of Economic and Co-operative Development. And secondly, that the Department of . . . that the Committee of

Finance is a creature of, created by the Legislative Assembly.

Now I draw your attention, Mr. Chair, to the fact that just moments ago in this Assembly a motion was passed by this Assembly directing its Committee of Finance to proceed. And in that motion, Mr. Speaker, I repeat, pursuant to the reported progress of the Committee of Finance as reflected in the *Votes and Proceedings* for June 26, this Assembly instructs — this Assembly, Mr. Chair, which has instructed the committee which is where we are now — instructs the Committee of Finance to reconsider the supply resolution for vote 45 for the Department of Economic and Co-operative Development.

Mr. Speaker, it is the authority of the Legislative Assembly to direct its committees — be they Committee of Finance or other committees — to conduct their mandates and to perform their duties and to carry out their affairs as mandated by the Legislative Assembly. And I repeat, the Legislative Assembly just moments ago passed a resolution mandating the Committee of Finance to reconsider, to reconsider the — and I quote the words:

to reconsider the supply resolution for vote 45 for the Department of Economic and Co-operative Development.

On those grounds, Mr. Chair, I think the Legislative Assembly has clearly expressed its will, its democratically decided will, to direct its Committee of Finance and therefore I would ask that you would find the point of order raised by the hon. member for Cannington to be out of order and that we proceed with the consideration of the vote 45 for Economic and Co-operative Development, as instructed by the Legislative Assembly.

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

**The Chair:** — Why is the member on his feet?

**Mr. McMorris:** — Respond to the point of order.

**The Chair:** — Briefly on the point of order.

**Mr. McMorris:** — Mr. Chair, I think after listening to the member opposite, if you look in Erskine May, page 326, 327, and 394, it simply talks about the committee structure and it talks about the legislative structure and how when rules apply to one, they also apply to the other.

Whether we're in committee or whether we're in the legislative, in the formal sitting, that the rule still applies, that if a vote was taken in the affirmative or negative, that that vote stands whether you're in committee or whether you're in the House.

And I don't feel that it's fair then and it's not parliamentary to have the committee then overrule a previous vote. It's asking the committee to do something that is unparliamentary. The vote had been taken and whether it sided on the side of government or opposition, that vote stands and until the matter that we are to vote on next is different than the first vote, Mr. Deputy Chair, that there's no reason to revote on the same item until they get the result that they need.

**The Chair:** — Order. I thank the members for their points of order and their response to the point of order. I think this is an

important question and warrants some consideration, so I will take this matter under advisement. And in the meantime I would request that the Government House Leader rise and report progress . . . move that we rise, report progress, and ask for leave to sit again; and then we can come back with the ruling.

The committee reported progress.

## SECOND READINGS

### Bill No. 58 — The Highway Traffic Amendment Act, 2001

**Hon. Mr. Sonntag:** — Thank you, Mr. Speaker. I'm pleased to rise today to move second reading of The Highway Traffic Amendment Act, 2001.

The Highway Traffic Act regulates roads and their uses in Saskatchewan to meet safety needs and to promote the safe and efficient flow of traffic. The proposed amendments to the Act will work to reduce traffic and create safer neighbourhoods in those areas of our local communities that are high traffic zones for street prostitution.

This legislation follows the examples of Manitoba and Ontario where programs of this kind already exist. This group of proposed amendments comes from the work of the Special Committee to Prevent the Abuse and Exploitation of Children Through the Sex Trade.

I am bringing forward these changes to The Highway Traffic Act and The Vehicle Administration Act in conjunction with the Minister of Justice and the Minister of Social Services. This is another step in our government's response to the problems associated with street prostitution.

Cruising in motor vehicles is the preferred method for communicating with prostitutes. Traffic congestion created by this activity and the impact this activity has for the children within the local community are among the most visible signs of the harm caused by street prostitution.

Through the province's ability to regulate the highways, this Act seeks to impound and forfeit vehicles using the highways to engage in this activity. In effect, removing these vehicles from the public roadways is one step toward removing the harm created by this activity.

The special committee, Mr. Speaker, has proposed a number of changes in order to allow for the impoundment or forfeiture of motor vehicles used in the commission of prostitution-related offences.

Proposed amendments will enable a peace officer to seize a motor vehicle when it is being driven in the course of committing prostitution-related offences. The vehicle may remain impounded until a criminal charge against the person is addressed. If an individual is convicted of a prescribed offence, the vehicle is forfeited and the individual faces a licence suspension. If the individual is not convicted, the vehicle is released and any costs the owner incurs in obtaining the vehicle will be reimbursed.

An individual may obtain the early release of a vehicle if he or

she agrees to attend an educational program designated for this purpose. There are special provisions in these amendments to respond to situations where it would not be appropriate for the vehicle to be impounded, such as where the vehicle has been stolen or where the impoundment or forfeiture would result in an undue hardship or a health risk.

The proposed changes, Mr. Speaker, will also provide for the amendments to The Vehicle Administration Act to suspend the driver's licence of drivers convicted of prostitution-related offences.

We believe licence suspension and a vehicle impoundment and forfeiture program of this kind will seek to reduce some of the major problems that result from this activity and will contribute to safer neighbourhoods for everyone and a safer environment for children in Saskatchewan.

That concludes the outline of proposed amendments found in The Highway Traffic Amendment Act, 2001.

Mr. Speaker, I move second reading of an Act to amend The Highway Traffic Act.

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

**Ms. Julé:** — Thank you, Mr. Speaker. Mr. Speaker, the Saskatchewan Party and certainly myself are very, very pleased to have the tabling of this amendment to The Highway Traffic Act today in the legislature. As you understand, Mr. Speaker, and all the people in Saskatchewan understand, there has been a call by the general public to enact tougher legislation against perpetrators of the crime of sexual abuse against children and this Act is but one step, a very important step, in deterring those offenders.

Mr. Speaker, we have certainly, I guess, strengthened the legislation that was in Manitoba by incorporating into this legislation the ability to suspend a person's licence if they have been convicted of offending our children. And so that is a sign that we in Saskatchewan are very serious about this matter, and I think it's a very commendable sign and was of course brought forward to us, like I said, by the number of people in Saskatchewan who presented to the committee.

(15:00)

There are a couple of questions that I'd like to put forward to the government in regards to the wording of the Bill, and I would be very pleased to do that in Committee of the Whole.

And, Mr. Speaker, at this time I too would like to implore the government to consider a fall session so that we can act on the other recommendations that have been put forward, because it is the composite recommendations and their good effects that would in fact be putting Saskatchewan on the federal map as the province that indeed is prioritizing this issue in order to protect our children.

And with that, Mr. Speaker, I would just move that we move to Committee of the Whole at this time.

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. 42

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Lorjé that **Bill No. 42 — The Métis Act** be now read a second time.

**Mr. Wiberg:** — Thank you very much, Mr. Speaker. It's a pleasure this afternoon to rise and to make a few comments on the Bill No. 42, this new creation by the NDP government, The Métis Act.

Mr. Speaker, it has been quite some time in coming, an Act such as this. It has been clamoured for, for many, many decades by the Métis peoples of Saskatchewan to have an Act that would help them as they try to establish themselves throughout Saskatchewan as one of the founding peoples.

Now, Mr. Speaker, as we've gone through the Act . . . And certainly we've spent a considerable amount of time taking a look at it. We've done an extensive amount of work with our constituents throughout Saskatchewan as we take a look at this Act to see how well it's going to benefit the Métis people of Saskatchewan, Mr. Speaker, and the long-term ramifications that such a Bill is going to have in Saskatchewan.

We have some concerns though, Mr. Speaker. We understand that the Bill of course is looking to establish a rapport between the government and Métis Nation of Saskatchewan in some semblance, Mr. Speaker, so that long-term planning can take place to right some of the wrongs that, so to speak, Mr. Speaker, that took place amongst the Métis Nation, certainly during the 1950s, Mr. Speaker, when the right to own land in northern Saskatchewan was removed by the Tommy Douglas government, and certainly an Act such as this may have some potential to correct that. And I say may have, Mr. Speaker, because that's exactly what we see in here is a great deal of ambiguity as to how this Act will be able to accomplish that process.

Mr. Speaker, one of the problems that sometimes arises when Bills are brought forth that changes the Acts is whether people out there are that interested in them and how much response we get from them. Some of the Acts as they are brought forth by this NDP government certainly have received very favourable reviews and some of them have mixed reviews and some of them are received with a great deal of disdain. Mr. Speaker, this Act, Bill No. 42, The Métis Act, was certainly one of the Acts that has received one of the most notoriety of all the Bills, Mr. Speaker.

The Métis Nation of Saskatchewan and the Métis people of Saskatchewan have brought forward to us many, many concerns about this Bill. And I guess what we should do now, Mr. Speaker, is try to get into a great deal of these concerns and there are a great deal.

Mr. Speaker, certainly last fall one of the concerns that was

brought forward to many MLAs, certainly on this side of the House, was the problems that surround the elections that take place for the Métis Nation of Saskatchewan and the election of their board of directors, their directors, presidents, their executive office, Mr. Speaker.

And so one of the complaints that was brought, certainly on this side of the House, Mr. Speaker, was how can this government be able to facilitate the Métis people in being able to bring forth an electoral process that would provide them with an open and honest democratic process, for everyone in this province to understand that elections for the Métis people in their Métis Nation would have the transparency that is necessary, Mr. Speaker, to provide them with the credibility that is necessary to work in the communities at large and certainly to speak on behalf of the Métis Nation with this NDP government.

But this Bill, Mr. Speaker, doesn't address that in any way, shape or form. In fact, Mr. Speaker, what it talks about is the creation of a 16-member, all-powerful secretariat that is for all intents and purposes unaccountable to the rest of the Métis people.

Mr. Speaker, the Métis people were asking for transparency and responsibility in their democratic elections. Instead what we see is a proposal by this NDP government, endorsed by an extreme small number of Métis people in the so-called leadership, that talks about a 16-member secretariat that does not . . . is not spoken to in this Bill, Mr. Speaker, as being elected.

Now we have a great deal of concerns when we talk about a small group of people who are supposed to represent the Métis peoples of Saskatchewan and suddenly, Mr. Speaker, we find out that they're not even . . . they may not even be elected. How is this going to be able to speak to the people of Saskatchewan, Mr. Speaker, about democracy and transparency?

What we need, Mr. Speaker, is the opportunity for the Métis people to be able to speak for themselves in an open and transparent process, to be able to work with this government as they try to create economic opportunities, especially in northern Saskatchewan. And rather than have a democratic process, we see a Bill being brought forth that speaks . . . that leaves a lot to be desired when it comes to accountability and democracy.

We also understand, Mr. Speaker, that there was a lack — a severe lack — of consultation and a severe lack of discussion prior to the drafting of this Bill. In fact those of us on this side of the House were . . .

**The Speaker:** — Why is the member from Estevan on her feet?

**Ms. Eagles:** — With leave to introduce guests, Mr. Speaker.

Leave granted.

### INTRODUCTION OF GUESTS

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to all members of the Assembly, I'd like to introduce four very special people in my life. Seated in your gallery are my mom and dad, Fred and Elma Vicery, my greatest supporters. And also my sister Audrey and her



husband, Gordon Thompson.

So I'd like all members of the Assembly to join me in welcoming them.

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

## ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 42 — The Métis Act (continued)

**Mr. Wiberg:** — Thank you very much, Mr. Speaker. As I'll reiterate, the last little part that I was speaking about is the complete lack of consultation. In fact it was clear to us, made very clear to us, Mr. Speaker, that there were only three people in the Métis Nation who were actually consulted in regards to this Act.

These three people, Mr. Speaker, made it very clear to those of us on this side of the House that they were the only ones that were necessary to be consulted; that they knew what was best for their people and they could speak very clearly on their behalf even though — even though, Mr. Speaker — there was massive concerns about the responsibility that these people have taken on behalf of the Métis Nation, and a great deal of concern by the Métis Nation how these three people were able to get themselves in a position, Mr. Speaker, to be able to even speak on behalf of the people of the Métis Nation, considering the skulduggery, Mr. Speaker, that went on in the last round of elections in regard to the Métis Nation.

So, Mr. Speaker, we think we need to be awfully cautious when Bills like this are brought forward with an extreme lack of consultation, when the government said we've consulted when actually they've only talked to three people, and these people were actually part of the drafting of this Bill. They're very proud of this Bill, they say, and very clear that they also know what's best for the Métis Nation.

And certainly we've noted, Mr. Speaker, in this House that there is a great deal of displeasure with this Bill. Mr. Speaker, the same people who are showing displeasure are also the same people that at one time, even as late as last fall and during the round of elections, Mr. Speaker, where these people were also supporters of this triumvirate that helped draft this Métis Act.

But, Mr. Speaker, even though we've heard a great deal of concerns by members of the Métis Nation, we also went so far as to seek outside input, Mr. Speaker, as to what this Act means and to its legitimacy. Now, Mr. Speaker, in Canada, under the constitution, First Nations people are recognized in our constitution. And one of the things that has taken place over the last several years since the adoption of the constitution by most of the country, Mr. Speaker, is that there is an understanding in the constitution, Mr. Speaker, that First Nations people will be negotiated with in the large part by the federal government.

And I say a large part, Mr. Speaker, because the constitution is very clear that First Nations people are the responsibility of the federal government to ensure that all treatments that they

receive are fair and equitable on a national basis, and certainly we on this side of the House recognize the federal responsibility in this area.

We see in this Métis Act though, Mr. Speaker, where this NDP government is talking about setting precedence, a national precedence, in reaching an agreement with the Métis Nation on a bipartite basis, when we know for a fact that it's already been well established that in the dealings with Aboriginal peoples in this country that those issues need to be addressed, Mr. Speaker, in a tripartite manner.

And nowhere, as we go through the explanatory notes and we go through the Bill, do we see at any time that this NDP government has used any sort of a consultation process with the federal government in Ottawa to work towards a resolution of the great many of the issues that are being brought forth by the Métis Nation.

And so, because they have the complete lack of consultation with the federal government — we have heard nothing from the minister at this time in this NDP government; we have heard nothing in the explanations that we received from the so-called leaders of the Métis Nation as to the involvement of the federal government in the drafting of this Bill, this Bill No. 42, The Métis Act — so, Mr. Speaker, we're wondering as to whether there's going to be any constitutional legality for this Bill.

And in this process of establishing an agreement with the Métis Nation, we feel, on this side of the House, Mr. Speaker, that in all likelihood the federal government is obliged to be a part of the process. And now, Mr. Speaker, what we have here is an agreement, we see, or an Act working towards an agreement with the Métis Nation that completely leaves out the federal government.

And we are very concerned that when it comes to First Nations people, to the Aboriginal people of this country, Mr. Speaker, that the leaving out of the federal government is going to create a great deal of problems in the very near future because it's incumbent that when we're working with First Nations people, that these agreements must be tripartite as has been well established by the Constitution and the Supreme Court of Canada.

Now, Mr. Speaker, we are going to have to spend some time, of course, in the very near future because we know that we need to start wrapping up the process of working in this House, Mr. Speaker. But we need to try to help this government to understand the loopholes that they brought forth and whether they even have any constitutional legality working in these areas, especially in the areas of land entitlement. And this Act speaks very clearly that they're talking about land entitlement. And certainly we are very concerned whether this government has any legal constitutional ability to be able to even negotiate those type of agreements.

And so then when you get the chance to go into Committee of the Whole, Mr. Speaker, we're certainly going to be asking the minister to be able to explain herself as to what the vision this province has. And certainly we're very concerned about the vision in this province from this NDP government; we've seen a great deal, a lack of it in the last while, and so we're going to

be wondering whether there's any vision at all.

(15:15)

Now there is one more area that I just want to cover off here, Mr. Speaker. In this Act, as we went through the fine details of it, this NDP government was looking at a way of appeasement. Now the creation of this so-called 16-member secretariat — as yet to be established how they're going to even exist, and leaves a great deal of concern on this side of the House when they won't even speak about in this Act, Mr. Speaker; whether they're going to be elected or just simply appointed by the minister — but in its ability and inability to be able to understand democracy and transparency, what has gone into this Act, Mr. Speaker, is a small clause here that speaks to the Métis people and their ability to be able to address issues with the secretariat.

Now apparently, should this Act come into effect some time in the future, Mr. Speaker, what's happening is that the Métis Nation is going to be able to call special meetings. Mr. Speaker, when a group of the Métis individuals — 250 they need a minimum of, Mr. Speaker — is going to be able to call a special meeting or ask for a special meeting, and the secretariat is going to have to abide by that.

But one of the huge loopholes in this Act, Mr. Speaker, is that even though that the meeting . . . special meeting will be called and questions can be brought forth by the Métis people as to the direction that the secretariat . . . the secretariat is — but we still don't know whether they're going to be appointed or elected; in all likelihood appointed, Mr. Speaker — is that any decisions reached by the Métis people at that meeting are simply being taken under advisement.

Now what would be the point, Mr. Speaker, of calling a meeting when the reality is that it's simply used as an opportunity to rent a hall, pay out a hall rental, and nothing more is to be accomplished by that?

The fact of the matter is that we feel quite strongly on this side of the House, Mr. Speaker, that the concerns of the Métis people need to be heard clearly. And when we see a clause like this brought in and all that's going to happen, Mr. Speaker, is to create more gasoline usage in this province for people to drive around and nothing more, then we have to have a great deal of concern as to the direction that an Act like this is going to bring to the Métis Nation.

Mr. Speaker, we have met with the Métis people of Saskatchewan. We've met with them on a multitude of times. What we hear from them is that throughout the province, throughout their communities, they have a democratically elected government, elected through a transparent process. These governments have been established for generations, Mr. Speaker, to look after their communities. It is their responsibility to take part in their communities, to look after their infrastructure, to ensure that the welfare and the health of their communities are always the mainstay.

What we're seeing in this Act, Mr. Speaker, is that this government is going to be sidestepping that democratic process. What they're saying in this Act is that when they're talking

about land and capacity is that what they're talking about, Mr. Speaker, is the need to sidestep the democratic processes that are already taking place in communities throughout Saskatchewan.

And we don't think that that's an appropriate type of process to have when the people of Saskatchewan, especially the Métis communities of this province, have already made very, very clear to us that they are democratically elected; they already have the mandate from their municipalities to be able to do the job creations or the wealth creations that are necessary for the health of communities throughout Saskatchewan.

So, Mr. Speaker, as much as we could talk about this Bill for hours, what's really necessary is an opportunity for those of us on this side of the House to be able to have a chance with the minister to have her explain, so we can get her on record as to her vision of what this Act is going to do for the Métis peoples of Saskatchewan.

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

## COMMITTEE OF THE WHOLE

### Bill No. 56 — The Tobacco Control Act

**The Acting Chair (Mr. Thomson):** — I would invite the minister to introduce his officials.

**Hon. Mr. Nilson:** — Thank you, Mr. Deputy Chair. I'm pleased to have with me today: on my left, April Barry, who's the director of health promotion for the population health branch of Saskatchewan Health; and on my right, Kathleen Peterson, who's the legislative policy analyst with the policy and planning branch of Saskatchewan Health.

#### Clause 1

**Mr. Gantfoer:** — Thank you, Mr. Chair of Committees. And Minister, welcome, and to your officials, welcome here this afternoon to discuss Bill No. 56.

Mr. Minister, I just want to briefly, as we're starting, just say a few comments, and not to belabour the points that we tried to make in second reading debate, but first of all to say for the record that the official opposition is very, very much in favour of the intent of the work of the Tobacco Committee in terms of denormalizing tobacco use in this province.

And particularly we're in favour of reasonable steps and progressive steps that'll denormalize tobacco for our young people, and especially young people in school when they're in the informative years and are at the age where opinions about lifestyles and about some of the habits that they may think are acceptable or cool or whatever are debunked in terms of a mythology that this is really something that has no health ramifications into the future. And I think we've got to do everything that we reasonably can to make sure that we send that message out in a very strong way.

And, Minister, I guess as you know and I did . . . we are going to promote . . . or to propose a number of motions or

amendments today. We're going to propose motions in three main areas. Actually one area requires two motions, just for technical reasons. And I did provide the minister beforehand with copies of those amendments so that hopefully the minister can consider them and see his way clear to support them.

The major areas that I want to talk about are twofold. One is the area that is so important when we talk about denormalizing tobacco use and consumption for young people is to make sure that we're doing everything that we can to educate these young people as to the perils of making that choice in their lives.

And I understand that the government is relying on the Department of Education to send that message out. And certainly I have no objection to work that the Department of Education is doing in terms of promoting healthy lifestyles and in terms of, you know, really putting in an education program that takes away any of the mystology or whatever about the allure of tobacco.

And I think that that's all well and good but, Mr. Chair of Committees, I think it's important to say as well is we think that this is so important, and it was an integral part of the Committee on Tobacco that said this has to be done in an even stronger way, and we want to see a special emphasis put on education programs right from the elementary level; not something that just happens in the middle years or junior high, but right from the elementary level that this gets done and it has its origin in the Department of Health.

And so an amendment that we're going to put forward, Mr. Speaker . . . we're advised by the Law Clerk that this is a way that it can be done and a responsible way to ensure that an educational program is a required part of the curriculum in our schools in Saskatchewan to make sure that that message of the dangers of tobacco consumption and smoking in this province is something that starts in the elementary school level. And we think that that's very important.

The second general area that we're going to propose an amendment in is the whole area of co-responsibility for actions by our young people. We think that it is a very normal situation in life in general that there has to be, if you like, a cause and effect. There has to be a mutual responsibility, not only by the people that are responsible as adults and charged with the proper selling of tobacco, we also have to see to it that those young people who are potentially possessing or securing, purchasing tobacco also realize that this is unacceptable behaviours.

And so we think that there should be a penalty imposed on young people who are indeed purchasing or possessing tobacco products. We think it's an important part of the message that has to go out.

And we say as well, we're not very interested at all in seeing to it that we somehow criminalize the young people of this province. But there has to be a penalty, and we're saying that it should be no greater than a fine of \$100 but it could include things like confiscation and things like that which give the people that are in charge of programs in this province an additional tool and an onus of responsibility that doesn't just fall on the retailers but also falls on the shoulders of the young

people themselves who are, by this Act, not allowed to purchase tobacco but there's no penalty when they do that. And we think that that's an important area as well, Mr. Chair of Committees, that this legislation has overlooked and we'll be proposing amendments in that area.

(15:30)

Finally, Mr. Speaker, we think on a balanced way that the clause that puts all of the responsibility on retailers in this province is also short-sighted in terms of what its impact is going to be in the final analysis.

We think that there has to be a reasonable balance and we think that clause 6(3) goes too far in putting the responsibility solely on the retailers and forces them to do things that are extraordinarily difficult for them for very little perceived purpose, and particularly in light of the fact that the government is unwilling to introduce the amendments that we are suggesting in these other two areas. And so we have a great deal of difficulty with that.

And finally, the other area that we want to talk about today, I would like to ask my colleague, the member from Saltcoats who was a member of the Tobacco Committee to reiterate. And again it is in result or in response to concerns that have been expressed by a specific group of people who provide a very unique part of the industry.

**Mr. Bjornerud:** — Thank you, Mr. Chair. And, Mr. Minister, welcome to your officials. I'd like to join my colleague from Melfort-Tisdale, Mr. Minister, with a number of the very same concerns that he brought forward.

And as a member of the committee, I think we put a lot of time and a lot of hours and a lot of miles out there to hear what people had to say and listen to their concerns. And I think by neglecting, number one, for putting penalties in place for the purchasing of tobacco products underage, I think we're remiss by neglecting that in the legislation.

Another part of the legislation that we're getting a lot of feedback, Mr. Minister, and I would believe you are probably too is from businesses all over the province about the displaying of cigarettes in, you know, in view of the public. And I think businesses out there are very concerned how that's going to affect their business, the costs to that business. And really, I think the feeling of those people out there is it's going to have very little effect on whether someone would smoke or start to smoke or continue to smoke, Mr. Minister.

Another area, Mr. Minister, where I felt we had pretty well complete agreement in committee was on the idea of tobacconists where they sold mainly solely tobacco products out there. And I find in the legislation we really can't find in one area where we address that issue. And I think tobacconists out there would like something in this Bill to say that they would actually be exempt from this because what they are doing is providing a service to adults and adults only. It would be very easy to keep young people out of their stores if they went to 18 or 19 years of age, whatever the prescribed age is going to be in this legislation and only deal with adults. And therefore, I think it would not be that big of a detriment to what

we're doing here to keep tobacconists completely exempt from that.

So, Mr. Minister, I join with my colleague from Melfort-Tisdale in the agreement on every one of the concerns that he has. But I would go one step further and we'll be bringing a couple of amendments forward that we have given you a copy of earlier, Mr. Minister, that would actually be fine, that tobacconists meet the criteria now and would be exempt from this legislation.

So as the clauses come up, Mr. Minister, we will be presenting our amendments.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

#### Clause 4

**Mr. Gantefoer:** — Thank you, Mr. Chair. Mr. Chair, I'd like to move that a new Clause after Clause 4 of the printed Bill:

Amend the printed Bill by adding the following Clause after Clause 4:

##### “Restrictions respecting minors

4.1(1) No person who is a young person shall:

- (a) purchase or attempt to purchase tobacco, directly or indirectly;
- (b) except as authorized by this Act or the regulations, possess or consume tobacco; or
- (c) present false identification when attempting to purchase tobacco from a person lawfully authorized to sell tobacco.

(2) Any person who is a young person who contravenes any provision of subsection (1), is guilty of an offence and liable on summary conviction to a fine of not more than \$100.”

I so move.

**Hon. Mr. Nilson:** — We'll take the amendment as read, but I'd like to speak against the amendment.

I thank the members opposite for providing me with information about the amendments that they've proposed. And we have had a chance to discuss this issue briefly, I think, last week.

Basically, our goal is to denormalize the use of tobacco, but we want to do it in a proactive way and a positive way, not in a way that criminalizes our young people. And so we are going to continue to work in that way and therefore we're not in favour of this particular proposal.

I guess what I would say is that the proposal would end up criminalizing young people. Our Justice department officials have looked at this particular issue and basically say that this is an area where we would further bring children, young people,

into the criminal system. There would also be a differential impact on Aboriginal young people and other cultural minorities. But what we would do is also maybe make smoking even more attractive to these young people than it is already.

One of the things that we know is that the youth smoking rate in Saskatchewan is about 24 per cent, so this ended up with about one in four of our young people who could be charged with possession and/or use of this. So basically our position is that we are not going to go along with a blame-the-victim approach. We know that the Alberta government has already passed legislation like this but they have not proclaimed it. They are waiting for a jurisdiction or an area within their province who would be willing to pilot this, but they haven't received that at this point.

In Ontario there have been some private members' Bills that have been introduced around youth possession, but none of them have gone beyond second reading. So at this point we are not willing to participate in this particular proposal.

And we know and we have very clear rules around the sale of tobacco that includes the retailers but it also includes people who buy from the retailers and then distribute it to the young people. Those people will be caught by this particular legislation.

So, Mr. Chair, we're opposed to this amendment and we will vote to defeat it. Thank you.

**Mr. Toth:** — Thank you, Mr. Chair. Mr. Minister, I find it somewhat perplexing that you would not take a closer look at this motion. You made a comment a moment ago about — if I heard you correctly — that a young person going into a store asking or with the intent of purchasing cigarettes of being a victim. The victim in this case, Mr. Minister, is not that young person who is purposely going to purchase cigarettes; the victim is the store owner.

And here again, here's another case of where government says that we're going to punish the victim. You used that term, punish the victim. Now, Mr. Minister, is it, well on one hand you say if you're under 18 you cannot purchase cigarettes, but we know that young people do go in the stores and certainly store owners have come to me, and I know my colleagues have had the same thing, where someone has come and they don't necessarily look that young, and yet after they've made inquiries, they are younger. And most store owners now are going under the age of 25. If they don't think you're 25, they're making sure they ask for identification.

However, Mr. Minister, if you have a new employee in the store, that's where store owners tend to have a problem because that new employee may not be totally familiar with all the guidelines. And then government comes along and tries to entrap the store owner. Here again, you abuse the victim.

And, Mr. Minister, I would ask that you give second thought to this. You've indicated you're not going to change it. You've basically said the victim's going to be . . . continue to be the victim. They'll be held accountable and be charged. Well it's about time, Mr. Minister, that those who abuse the system are held accountable and the victims are protected.

And I would ask you, Mr. Minister, to give second thought to this motion put before the Assembly so that the retailers out there are not forever held accountable for their actions even though they do everything as diligently as they can to make sure that they are not selling to minors. But if minors are going to try and beat the system that . . . there needs to be a message out there that they are accountable for their actions.

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

**Hon. Mr. Nilson:** — Well, Mr. Chair, I'm taking that as a question that would require some further comment from me around this particular issue.

And I think one of the things that we need to recognize when we're looking at the whole area of denormalizing the use of tobacco in society is how do we get to the next generation of kids to make sure that they . . . or fewer of them . . . are addicted to the use of tobacco in its various forms.

And we very much appreciate the work of the committee, and all of the ideas and suggestions that they have. And what we know is that this particular piece of legislation is one piece of a bigger puzzle. And as the members opposite have said, it involves education; it involves many other parts of that.

But clearly one of the areas does relate to the role of the retailer of the tobacco products, and how do we deal with this particular question of the young people who have access to tobacco.

I think we can thank the retailers in Saskatchewan who have done a pretty good job of making sure that . . . especially cigarettes, but other tobacco products as well, are not sold to those who are under 18 years of age. And I think the latest survey shows somewhere in excess of 80 per cent of all of the transactions were appropriate.

But one of the things that we also know is that the whole issue around having a law like the amendment suggests doesn't include, well how much money will you expend enforcing it? And we know that we have some resources, hopefully significant resources for the whole education process and all of the other parts.

But when we put money into prosecuting young people, trying to catch young people with . . . around the kind of amendment that the members opposite have proposed, those resources then go for that particular job as opposed to some of the broader educational kinds of issues, some of the issues around the recognition of some of the disease and other things that are involved. And so what our job here is, is to try to look at, well what are the things that are most effective with the resources that we've got.

Now we know that extra funding would be required to deal with the particular amendments as proposed. We'd end up having to employ even more tobacco enforcement officers. We'd end up having to create more judicial staff in the court system. We'd end up having more administrative staff around the ticketing system. There's also the whole issue of how you collect tickets which we know is not an easy . . . collecting fines after tickets which is not an easy situation. And we also know that it would increase the amount of people who are involved in the fine

options program. The level of fines in this particular suggestion would not cover the costs of administering the program and so that there would not be sufficient funds coming in that way to do it.

So I think the most telling reason why we're not interested in getting involved in this particular one though is that at this point there isn't anybody who has introduced this kind of a system and have worked with the whites . . . with it for a while so that we have some information based on experience that would show that it works.

And we know that in Alberta they passed legislation, I think it's called Bill 208, which is known as The Prevention of Youth Tobacco Use Act. It's the first one of its kind in Canada, but it hasn't been proclaimed and there isn't anybody who in the various areas of Alberta that are interested in using this approach.

(15:45)

So our position is that we're not going to go down that path without some better knowledge of the kind of effect that it would have. We want to use our resources in some of the other areas, in the education areas, working in a more positive way. And we're not going to proceed with this method of criminalizing young people.

So on that basis we're opposed to this particular amendment because it . . . we don't think that it will have the effect that the members opposite say that it will.

**Mr. Toth:** — Mr. Chair, Mr. Minister, I think it's rather unfortunate that in Saskatchewan we always want to be followers. Just because another jurisdiction hasn't taken the bull by the horns and maybe tried to address this question, we're going to wait until somebody else gets ahead of us and comes up with a plan, maybe similar to the amendment that's been brought forward, and it shows that it can work, and then we're going to follow.

Why don't we take some leadership? Why don't we take the bull by the horns and move forward with this proposed amendment of this type?

And what you would be saying, Mr. Minister, is Saskatchewan is sending a serious signal across this country in regards to sale of cigarettes to minors.

And the other point, Mr. Minister, is the one around the cost of enforcement you talked about. What is your department spending right now in the process of trying to entrap businesses to see whether or not they're selling cigarettes?

I know there are officers and individuals out there right now. You're spending the money to see who in the world who may slip up and sell to a minor through the use of minors, which is an entrapment process. What does that cost?

**Hon. Mr. Nilson:** — Well thank you for that particular question from the member, because the answer is zero. The amount that's spent by the province is zero. The federal officers who enforce that law are using monies that are approved

through the House of Commons and through the federal government.

And so what we're, what we're proposing to do is continue to work and build on that particular aspect of what's happening. But I think the point is that we don't have resources right now that are being directed in that area.

**Mr. Toth:** — Mr. Chair, thank you, Mr. Minister. I think, Mr. Minister, your comment just points out the fact how committed you are to really addressing this question. And yes, Mr. Minister, I was quite aware of the fact that that money was at the federal level. The fact that there's none at the provincial level just indicates that this province, while we use a lot of platitudes, really hasn't given any major commitment to addressing this question. And indeed we continue to point the finger at the innocent victim, the proprietor who unwittingly and unknowingly at times may find themselves in a situation where a new employee isn't as familiar with the guidelines and may mistakenly sell a pack of cigarettes without asking for identification.

So, Mr. Minister, I think it's time we had some real leadership here in regards to this question if we're going to be serious about addressing the concern of the number of people smoking; and certainly minors or young people who possibly, because they start young, end up being addicted to the habit of smoking versus, as my colleague had mentioned, beginning the process at the younger ages of really pointing out through the form of education the problems associated with smoking so that we can get young people geared towards moving away and not getting involved in the habit of nicotine.

**Hon. Mr. Nilson:** — Mr. Chair, the member opposite will have a chance to vote for the budget for the Department of Health later this week and it includes in there \$584,000 for dealing with this particular issue. It's going to have money for prevention, education, enforcement, and cessation services, which we'll work with the districts upon that. That's a 300 per cent increase from last year so I encourage the members opposite to vote for the budget at that point.

**Mr. Wall:** — Thank you, Mr. Chairman. Mr. Minister, just to follow up on a point that was made by my colleague, the member from Moosomin, I'd like to join with him in encouraging you to reconsider this amendment here today.

He talked a little bit about employees of retail outlets, new employees unwittingly, unwittingly selling cigarettes to minors. And I just want to invite you to consider a true case that occurred in my constituency with a particular convenience store and a new employee there, who was very grateful for the job that she had as a young person I think coming out of high school.

She had gone through some of the great special programming at the Swift Current Comprehensive High School and was very grateful for the chance to work, but she was also for various reasons very susceptible to peer pressure and to those of her former schoolmates who were still in school or perhaps recently graduated who were also trying to buy cigarettes.

And on several occasions, Mr. Minister, she sold cigarettes to

young people, even after her employer had told her that this wasn't allowed and that she should take certain steps to avoid that from happening because she was susceptible to this kind of peer pressure based on a whole variety of reasons that were very unique, but I think probably repeated in other places around the province.

The end result was she was unable to sort of withstand that sort of pressure and continued to sell tobacco to minors, and the employer had to let her go. And I talked to her father, and her father didn't bear the employer any ill will, but he did have a concern with the law. At that time his focus was on the federal law, because as you pointed out, that's what was in place. He was concerned that all of the onus was on the retailer and none on the minor. None on the underage person, none on the young person buying the cigarettes.

And in this case the young woman who had this as her first job paid the price. She paid the price and lost that first job. I don't know what her status is currently. This was a fairly recent development. And meanwhile those who applied that pressure, those who got cigarettes . . . got her to sell them some cigarettes, of course went unpunished.

So literally those who would enforce this law . . . the federal law and now the provincial law would walk by a group of young people smoking . . . could technically walk by a whole group of young people, underage people smoking . . . right into the establishment and either levy a fine and take action that force employers to indeed fire people like the constituent I'm talking about.

And I wonder, based on your comments so far, on the amendment proposed by the member from Melfort-Tisdale, what would you say to those parents in Swift Current who faced — and frankly to the young woman — who faced this situation in what seemingly is a completely one-sided enforcement against retailers and their employees, many times young people, and not those actually purchasing the products?

**Hon. Mr. Nilson:** — Thank you, Mr. Chair. The goal that we have with this particular legislation is to prevent the sale of tobacco to young people but, more importantly, to prevent the use of tobacco by young people. And that is ultimately our goal.

It's unfortunate that we know that the retailers of the product itself, plus then all of the people they use for their distribution, have as a goal to hook these young people on cigarettes, because that's their next generation of customers.

And so what I would say is that . . . what I would say is that we here are going to continue to work towards our goal of a smoke-free society. And what happens is if there are young people who are not in a position or strong enough to work in a particular retail outfit, well then maybe that's not the appropriate job for them, and so that the place . . . they should go to another place.

But basically what we are going to do is work with the retailers. We know that the retailers ultimately will have the power here to work with their employees. What we're going to do is continue to make sure that young people have as little access to tobacco as possible and if that requires some change in the staff

in a particular operation, well, then that's part of what's going to happen.

**Mr. Wall:** — Well I'll pass along that answer to the parents. I'm not entirely sure they'll see that as very fair.

I also want to give you a chance, Mr. Minister, to clarify what you just said because what I heard clearly, and what my colleagues heard you say, is that it's the goal of retailers to hook, to hook young people on cigarettes. That's what you said.

Is that the position of you and your government that retailers across our province and all businessmen and women and their employees, their goal — or perhaps just owners even — their goal is to hook young people on cigarettes? Is that your position and the position of the government?

**Hon. Mr. Nilson:** — What I . . . I made a distinction, Mr. Chair, between retailers and the distributors and I think what you're asking about is the local distributors and I used the term retailers to talk about the tobacco manufacturing companies. So if there was a concern around that definition, what I am talking about is the tobacco companies have as a goal to sell cigarettes to as many people as possible. They spend much money on advertising to end up getting more people to use their product.

And so our goal in this province is to move towards having fewer and fewer young people smoking with an ultimate goal that we'll have fewer people smoking in our society, period.

**Ms. Eagles:** — Thank you, Mr. Chair. Mr. Minister, when we talk about the denormalization of tobacco products, I'd like to make the comparison with the denormalization of alcohol. As you know anyone under age in possession of alcohol is charged a fine. And what is the problem with doing the same thing? No one is made a criminal of because they've paid a fine for having alcohol in their possession if they're underage.

I think all you and your government is doing is encouraging people to buy and supply the underage. That's happening all the time. We've had letters on it; I'm sure you have too. And I honestly believe the onus must be on the purchaser. They must be responsible for their actions instead of always pushing everything on to the shoulders of the business people who, with the high energy rates and everything else, high taxation, is on the verge of bankruptcy and leaving this province. So I think that some of the onus has to be on the purchaser.

And, Mr. Minister, you say that no other jurisdictions have brought in this type of legislation. What is wrong with us being a leader in this field?

**Hon. Mr. Nilson:** — Mr. Chair, I have stated on a number of occasions that we've looked at this particular issue because it was clearly part of the report that came forward. But after much discussion, including with many of the people who are involved in the health fields and who know about how to deal with young people and prevent them from starting smoking, and basically the recommendation to us and through our discussion is that we are not going to get into the business of criminalizing young people.

And what we're going to do is we will watch. If other

jurisdictions find that this particular method works, then we would revisit that. But at this point we're not going to be the first people to do that.

**Ms. Eagles:** — Mr. Speaker, or Mr. Chair, pardon me. Mr. Minister, as you know, I was Vice-Chair of the Special Committee on Tobacco Control. And throughout our meetings, countless people said that some of the responsibility must be on the purchaser. That was one of the recommendations that we had in our report and it was one of a few recommendations that wasn't followed.

I don't buy your reasoning; the retailers of this province don't buy your reasoning. And you are just going to be another nail in their coffin and they will be leaving — packing up and moving to Alberta.

**Hon. Mr. Nilson:** — Mr. Chair, I'd just like to make the point that this particular legislation does not prevent the local store or the local seller of tobacco from selling that product to adults. But it does make it a crime for them to sell it to young people.

We're in that business. Basically those people who sell tobacco products can comply with the law and basically continue in their business.

Amendment negated on division.

(16:00)

**Mr. Gantefoer:** — Thank you, Mr. Speaker. Mr. Speaker, or Mr. Chair of Committees, it is certainly a concern in this area where we talk about furnishing of tobacco to young people prohibited is the general heading of this section. And I'm disappointed in some of the comments that were made by the minister in considering our amendment.

He takes great pleasure in commenting that the Health department's going to have a half a million allocation for funds in order to deal with the whole issue surrounding the denormalization of tobacco.

And yet I note in the Health Estimates document from the Minister of Finance that the province of Saskatchewan is going to collect this year \$124.6 million on the income end, and I wonder who is the greatest beneficiary of this whole issue and who is least interested in seeing to that tobacco is denormalized.

The minister sort of likes to blame everybody else. If it's the retailers, no matter how he defines it, it's really unfortunate that the government does not put some balance and responsibility into its own affairs.

The other thing that I'd like to point out is the minister seems to imply that all of these issues are something . . . about this balance that we've suggested is something that's come from the opposition. I would like to point out to him that the member from P.A.

(Prince Albert)-Carlton was a member of the Tobacco Advisory Committee. The member from Regina Qu'Appelle, the member from Saskatoon Sutherland, and the member from Moose Jaw Wakamow — all four government members who voted in favour of the recommendations of this report that the minister

has chosen to completely ignore. And so, Mr. Chair, I definitely want to make sure that this is set straight.

In terms of a detailed question, I'm wondering, first of all, how the minister can reconcile his comments about \$500,000 being spent and recognizing that not one red cent is spent on enforcement. It's all for federal officers. He has no money for that.

He has no money to consider the fact that maybe there should be some penalties and that it might take something to enforce them. And he has no money to implement an education program sponsored by the Department of Health. And yet, he isn't afraid to collect \$124.6 million from tobacco revenue. How does he square that to the people of this province?

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

**Hon. Mr. Nilson:** — Mr. Chair, I thank the member for that question. This clearly is an issue that we are starting to work on together with all of the people in the province.

About half of the amount of money that's in the Health budget this year will go towards the education issues; just under, I think, under a hundred thousand will be related to increased enforcement.

We will continue to work to secure more funds to deal with the overall policy that we have, and that's something that we're all working at together. And I encourage the members to vote for this budget so that we can get the project underway.

**Mr. Gantefoer:** — Mr. Chair, I appreciate what the minister's comments were, but he didn't answer the question.

How does he reconcile the fact that he's spending less than a half a million dollars on denormalizing tobacco, when his Minister of Finance proudly puts in his budget that you're going to collect \$124.6 million on tobacco tax revenue?

How do you reconcile the fact that there's zero for enforcement and the total, no matter how you square it, is only \$500,000 when you're collecting 124.6? It isn't the kids and the people that smoke in this province that are addicted to tobacco; it's this government that's addicted to the revenues.

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

**Hon. Mr. Nilson:** — Mr. Chair, I appreciate the comments from the member opposite.

What we do know is that there are added costs within the health system that relate to the use of tobacco. We have recently seen information become public after some research that shows contrary to what many people say about shorter lives of people who use tobacco costing the system less, there's also a lot of information to show that those last 10 years of life of people who have used tobacco products are very expensive for the health system whether it's in Canada, the US (United States), or in Europe.

And so what I would say is that there are substantial costs to the public purse around the use of tobacco, and that is part of the

reason that we are very concerned about denormalizing the use of tobacco in Saskatchewan.

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

**Mr. Gantefoer:** — Mr. Chair, the minister talks about the fact that people that become addicted to tobacco over a lifetime, or even in the extended period of time, increase their risks of serious health problems that they're going to have at sometime in the future. And that's absolutely correct, and all the more reason to take preventative action; all the more reason to rather than treat the disease after it's become part of someone's life and has taken over their life; all the more reason to treat it in terms of a preventative kind of relationship; and all the more reason why this Bill is out of sync with what needs to be done.

Everybody is very much committed to the objectives of the legislation and the objectives of the panel that looked at this, but unfortunately as usual this government gets it wrong. And the Premier sits in his seat day after day and says, well where is some constructive suggestions from the . . .

**The Chair:** — Order, order. I do not want to curtail debate but we've already passed clause 1 which is the broader debate, and I think what the member is talking about in the last number of questions had been . . . would be better asked under part IV under administration enforcement relating to enforcement officers. So I would ask the questioner to either bring the comments back to clause 4 which is specifically related to furnishing tobacco to young persons.

**Mr. Gantefoer:** — Thank you very much, Mr. Chair. And I realize that the sections are certainly interwoven and one has implication on the other. The general heading is: furnishing tobacco to young people prohibited and that was the general reference that I was talking about in terms of how that relates to this whole issue. And I will try to be more specific to this clause.

Mr. Speaker, the objective of this section is laudable. The objective of having prohibitions against the furnishing of tobacco to young people is laudable. And what we're saying that we have no problem with that objective, but the section as outlined falls short of that laudable target. And we think it's important that that is pointed out.

Mr. Minister, we've talked about these other issues and the clause we proposed has been dealt with. It says in the clause that no person shall furnish tobacco to . . . or tobacco-related product to a person who appears to be a younger person, etc., about age.

Mr. Speaker, does this . . . or, Mr. Chair, I want to ask the minister: does this take care of people who are of age who purchase tobacco and in essence bootleg it to people underage? Are the same prohibitions and penalties that are envisioned in section 20(1) also going to apply to these individuals. And if it does, how are you going to enforce it given the fact that you have no money to spend? You simply have a one-way valve that takes money from tobacco tax, and you're spending less than 500,000, and none of which is on enforcement except relying on four federal inspectors.



**Hon. Mr. Nilson:** — Mr. Chair, the law is drafted to include both the person in the corner store plus the person who buys and then furnishes, sells . . . which for . . . the term furnish includes many other words including barter, and so it is meant to cover that particular person.

What we know in this particular year is that we have the amount of money that I stated previously to deal with some of these issues. But practically, it will take us a number of months to get all the regulations in place and to actually get involved with the enforcement.

We will be looking at this for next year's budget, for a further enhancement of the amounts of money that are involved. And we would ask that you provide your support as we move forward in that endeavour.

**Mr. Gantefer:** — Mr. Chair, you know, I am aware of problems that exist and I think the minister is as well. A convenience store operator related to me a story of where an individual came in — a young person to purchase tobacco — he was challenged in regard to his age, he presented the appropriate documentation and verified that he is of age.

He purchased four different packages of tobacco, four different brands, and was observed when he left the store giving those packages of tobacco to four individuals who obviously looked younger than he did.

And the minister — so this is bootlegging of tobacco — and the minister says under this section that the penalties of section 20(1) would apply. Well just two or three questions ago the minister said, well, we don't want to put any penalty on the kids that are going to purchase the stuff because it's impossible for us to enforce this, it's impossible to do it.

Here's an 18-year-old kid that is obviously — or 19-year-old kid — who is young enough to still have friends underage, but was also bootlegging tobacco. How in the world is the minister going to enforce this when he just said he couldn't enforce young people from purchasing directly?

**Hon. Mr. Nilson:** — Mr. Chair. This legislation is drafted to specifically deal with that particular person. We want to deal with those people who are older than 18, who get involved in this particular business. If you look at the definition of the word, furnish, it does include the words sell, lend, assigned, give, or send, with or without consideration.

And basically the law is saying that you can't do that. The corner store operator or the person who's selling the tobacco will end up, as long as they sell it to somebody who is of age, not have any problem. But if that person then goes themselves and distributed to another person or even goes further down the line, they will get caught by this legislation.

And this is a particular area of concern, as we know, for many of the people who are in the business of selling tobacco legally. And so that will be an area that will be targeted by the enforcement program that is set up.

Clause 4 agreed to.

Clause 5 agreed to.

#### Clause 6

**Mr. Bjornerud:** — Thank you, Mr. Chair. Mr. Chair, I'd like to move an amendment to:

Clause 6 of the printed Bill by adding the following after Clause (3):

“(4) This section does not apply to a tobacconist shop that meets the exemption criteria prescribed in the regulations”.

I'd like to just take a minute, Mr. Chair, to repeat my comments earlier. Tobacconists and tobacconist shops out there are actually out there for the purpose of providing a service to adults in this province. There's absolutely no reason that anyone underage would need to be in these shops and I think it's just another way that we can help business in this province without putting a handicap on them that they can't handle.

No young person needs to be in these shops. I think the tobacconists themselves have said really it wouldn't affect their business at all because they're catering to adults. They're selling tobacco products to the adults but not to young people anyway.

So, Mr. Chair, I would hope the minister and the government would see fit to accept this amendment and for once help business out in the province of Saskatchewan.

(16:15)

**Hon. Mr. Nilson:** — Mr. Chair, I appreciate the chance to speak against this particular amendment. I think the description of the amendment by the member opposite shows that that's actually what this law proposes.

Speciality tobacco product shops and tobacconists can continue to display tobacco or tobacco-related products if they restrict access to those individuals who are 18 years or older. So basically, there is no restriction on them.

They will not be able to have big displays in their windows. And this will be something that will have to be worked out together with the people in this particular industry because if the displays are visible outside the premise, then it will offend the law. But within the particular shop, they'll be able to have whatever displays they would like and there is no problem because basically the people who would be in their shop would all be 18 years of age or older.

**Mr. Bjornerud:** — Well, thank you, Mr. Chair. To the minister, Mr. Chair, I think if I was a tobacconist out there, I would feel much more comfortable with this amendment as part of the legislation because it clearly states what the intent of the legislation is. If this is not part of the legislation, tobacconists out there have no idea just where they fit into this new piece of legislation. And I think they are very uneasy about what this government may come along and decide to . . . what part they may classify them in. If this was part of the legislation, it's clear, straightforward, that they are exempt from this part of the legislation, Mr. Chair.

**Hon. Mr. Nilson:** — Well, we have had some conversations within Saskatchewan Health with some of these retailers. And clearly, one of the things that happens when you pass legislation is that you do work at the regulations to set up the appropriate procedures that relate to the particular tobacconist industry.

It's our position that we don't need the amendment as proposed and so therefore we're against the amendment.

Amendment negated on division.

**Mr. Gantfoer:** — Thank you, Mr. Chair of Committees. Again on section 6, there are three subsections or clauses within that, and I would like to speak to them in general now and I'd like them voted separate if we could.

Certainly, I think that the overall objective of inordinately promoting and advertising tobacco products, which is envisaged in this section, is again worthy of support in a general sense.

I think that it's important to say that sections 6(1) and 6(2) in a general sense about, you know, having billboards and obvious advertising displays in the windows of stores or outside of the store advertising the sale of tobacco products as prohibited in section 6(1) and 6(2) particularly make sense and are something that I think not only ourselves but retailers also understand that this is part of this denormalization process.

Article 6(3) unfortunately is somewhat different in terms of what its intent was. I think retailers understand that the process here is denormalization and they're particularly offended that the government has sort of not got this in balance in terms of saying everything is falling on the retailer's lap and all within the realm of retailer's responsibility in this legislation.

We've seen already the government's unwillingness to deal with the issue of having some mutual responsibility in terms of the young people who are purchasing tobacco, and you're not willing to look at that. And so retailers feel that all of the responsibility of this whole legislation is something that the government is putting on their lap. Government talks about how much money they're spending on denormalizing tobacco, and in essence it is just a fraction, a tiny fraction of what they're collecting through tobacco tax and retailers are concerned about this.

But more importantly, Mr. Chair, retailers are pragmatic, reasonable people. They're saying in 6(3), which is going to prohibit any tobacco being available where anybody can see it at all in a retail establishment. In many instances, in many of the convenience stores, they have a low-rise shelf behind the counter and that's where they have tobacco products that they can easily reach and access when someone comes in to purchase tobacco, and they're saying if we don't have it there, where in the world would you like us to put it?

And if anybody is in the retail business — and I doubt very much if any of the members opposite have been in any of these situations — they would realize that in many instances on the front counter of a retail establishment, underneath that counter is where many of the support mechanisms for a retail establishment are kept. There could be a floor safe in order to take money out of the till to minimize the opportunities for

burglaries and for the safety of the clerks that are working in that place.

Many times the point-of-sale cash register systems are supported by a computer system or a printing system. The software and hardware that drives that is located underneath the counter. Many times there is other demands for the under front counter space. That space is literally at a very high premium.

And so, Mr. Chair, it is very difficult for retailers to even conceive as to how they could possibly, in a practical way, take the tobacco products that they offer for sale now and move them somewhere out of sight underneath the front counter. From a practical standpoint while this may look good on paper, what you've got to understand is what this means, in a pragmatic sense, for retailers across this province and what we're asking them to do and the kind of onus and responsibility we're putting on them to say to them somehow you've got to hide this product.

And I know there have been some government members opposite who have met with some retailers and said, well, that's no problem, you can leave the display where it is; you've just got to put a shelf or a sliding door, a curtain in front of the product so you don't see it.

Well if you want to interpret this section directly, as soon as you open the curtain to pull out a package of tobacco to sell to someone, you've exposed it to view by other clients and now you're in breach of the section of the Act.

And so these sorts of things are very troubling and they're very much a concern for retailers. I think there's a point that can be made, and it has been made by many of the groups as saying that in some establishments there are these power walls that have blown the display of the actual product way beyond what the need is to actually have the product and easy access in functional way. And I think that that probably is a very good point.

The problem is, is you can't specifically put in common sense legislation that says the power walls have to go, but a reasonable display with reasonable access considering the logistics of a retailer and safety of the clerk, etc., should be considered. It's pretty hard to do.

And you can look at it anyway you like in terms of saying, well, we're going to deal with this and we'll include that and not the other circumstance. It's a real difficult challenge to do. And once again, retailers are saying all of this is falling on our backs and our responsibilities.

And the question we have to ask, if this is indeed the way it's going to be, to what purpose? Is there going to be a real value in terms of diminishing and denormalizing tobacco?

Well, Mr. Chair, first of all we said if . . . unless you're 19 years of age, you can't purchase tobacco, or 18 years of age, you can't purchase it. So if you're a younger person than that, you don't come into a retail or convenience store and say I'm going to make . . . I've got some money and I'm going to decide when I get to the counter . . . I'm going to have a chocolate bar, I'm going to buy a package of cigarettes. That isn't just in people's

thought processes. People simply do not start smoking because they decided to buy a package of smokes instead of a chocolate bar.

So I mean it's just a spur-of-the-moment purchase of tobacco. It's simply not a big issue in reality. Tobacco is an addictive substance, and people have learned to smoke because they've gotten tobacco because someone furnished them, because there was no penalty if they were in possession of it and they become addicted to it. So when they are addicted they know exactly what they want, and if it's hidden under the counter or in a display behind in order to have easy and safe access by clerks is immaterial.

And so, Mr. Chair, again we have to say we're in general agreement with the intent of this section in terms of not overtly displaying tobacco, not overtly trying to promote it through display and posters and all the rest of it. But once again, this is unbalanced in terms of common sense and directly an affront against the common sense realities of people who are trying to make a living in the retail business.

And again we would like to respectfully submit that this clause be deleted so that it can be dealt with in a reasoned way. Sections (1) and (2) of subsection 6 adequately deal with that. And I think we've got to listen to the concerns that retailers have brought forward because they simply make sense.

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

**Hon. Mr. Nilson:** — Thank you, Mr. Chair. This particular section, all three clauses in section 6, implements one of the recommendations that was set out by the all-party committee in their first report, May 2000. And if I can just read it from recommendation, 5.2k:

All displays, signage and promotional material associated with the sale of tobacco products should be prohibited in locations where tobacco is sold and where youth have access. Tobacco products should be kept in a manner where they are not visible to the public. This includes signage and promotional materials that advertise the price and/or availability of tobacco products on, or within the vicinity of the retail establishment.

And then there's a . . . the next recommendation deals with the tobacconist issue that we talked about previously.

Basically what is happening here is that we are requiring that tobacco products not be the main object of the attention when you show up at your cash register at a local store. And there are a number of different ways of dealing with this, and I think the member opposite understands it, has actually described those, whether it's includes curtains or cabinets or frosted glass or cardboard or cover or whatever. And all of these things will be worked out together with the various individuals who are involved in this.

The regulations will probably spell out in more detail if there are concerns, but clearly the goal is to remove the visible display of tobacco products in those situations where youth have access to the store. And that's one of the goals of our legislation and we will not be backing down on that.

**Mr. Toth:** — Mr. Chair, to the minister. Mr. Minister, am I hearing you say correctly then, say, for example, a retailer has currently just built a new display for their tobacco products; it happens to be on the back wall. If that retailer were to put sliding doors on that display case and the doors were kept shut other than to retrieve a pack of cigarettes if they were purchased, are you saying then, Mr. Minister, that that's all that would be required even though it exposes those packages for the moment that they're purchased?

I think that's what . . . the retailers that have come to see me brought this to my attention. They've just nicely built these display cases and that's the concern they have about having to go through a whole new expensive process. And we need a clarification on that.

**Hon. Mr. Nilson:** — Mr. Chair, I'd like to thank the member for Moosomin for that question because the answer is yes. I mean, basically, this is practical legislation that is there to remove tobacco products from the visibility of the public generally but specifically children.

If they're in a situation where they have a cabinet that they can open and close, that would satisfy what the requirements are here. But we're going to work together with the retailers so that they end up understanding what the rules are. Ultimately the goal though is to remove the signage from the prominent place that it has at this point.

**Mr. McMorris:** — Thank you, Mr. Chair. That clarifies a lot of, I guess, the questions we had on that. So I just . . . so the person comes in and they want to buy cigarettes and, whether it's a curtain or sliding doors, they leave them open. They get the cigarettes, they sell it to the person of age, everything's perfectly fine. The doors aren't shut for five minutes, two minutes.

How is that going to work? Because the next person walks in there and says, you know, that vendor was displaying tobacco products. How does that work? They're an avid anti-smoker and they've let the RCMP know and I know it opens up a whole lot of difficulties.

I've had a number of vendors, a number of small town stores in my constituency that said if I have to keep them in the back room — most of the time they're in the store by themselves — and I have to go back there to get a package of cigarettes and bring it up, meanwhile, I come up and the person's gone along with three loaves of bread and a quart of milk. And so I guess the question is what . . . I mean if you're going to allow a certain amount of time, how much time is allowed then?

(16:30)

**Hon. Mr. Nilson:** — Mr. Chair, this legislation will have to work in the community. The tobacco enforcement officers who are involved will, like any new legislation . . . and I think the member opposite actually knows a lot about the laws around seat belts and the use of seat belts and how that was an education process as well as an enforcement process. And you continue to work with the community to get the compliance.

I think that's the same kind of process that would be used here,

so that if it happened to be, you know, five minutes or two minutes or whatever those kinds of things, that's not really the issue. But if it becomes a blatant exercise in contravening the law, well then that's where the enforcement officers would, would step in.

But clearly this is all going to be an education process for all of these local store owners to learn what the rules are. And that will be done in conjunction with the people who have to enforce the rules. Ultimately the goal though is to keep the visibility of the product away from young people when they're in the store.

Clause 6 agreed to.

Clauses 7 to 16 inclusive agreed to.

### Clause 17

**Mr. Gantefoer:** — Thank you, Mr. Chair. Your counting kind of had me nervous there.

Mr. Chair, again this section talks about tobacco enforcement officers. And certainly the powers are fairly broad in terms of enforcement of the Act as it's written. But we think that there's an important part, and this we felt was an appropriate way of dealing with the issue of developing an education program that's specifically tailored to denormalization of tobacco.

And as I said earlier, I do appreciate the efforts of the Department of Education to have the whole discussion about tobacco and tobacco products as part of a health curriculum or whatever part of the curriculum that they see appropriate. And that's not only appreciated — it is important.

But, Mr. Chair, what we also said needs to have happen is if we're going to send a strong message of denormalization, we need to make sure that there are programs that are developed not from so much a Department of Education standpoint, but from a tobacco denormalization standpoint. And who better to do this than those individuals who are charged with its enforcement under this legislation — the tobacco enforcement officers.

Just as we end up with a situation in many of our schools right now where you have people that come into the schools — the RCMP (Royal Canadian Mounted Police) or city police — that talk about law enforcement in a general sense, that talk about drug abuse and alcohol abuse and how the law should be respected and the implications not only for the individual for being in breach of those laws, but also the harmful effects on society as a whole by the abuse of these issues.

And so we see a situation where we have RCMP come into a school, or city police people come into a school, we have community leaders come into schools, we have public health nurses come into schools. And so for the government to say that this is an unusual practice and that the Department of Education will handle these things, then how in the world do they justify the fact that public health nurses come into schools and teach specific parts of a curriculum? Or not even specific parts of the curriculum, but teach specific topics that are more related to the delivery of public health in this province than it is into a general school curriculum.

And so, Mr. Chair, what we envisage is to say again: if we're going to denormalize tobacco and send a strong message out there, we have to ensure that this is given special attention and the special attention that the problem requires. And so we believe that there should be, not an optional, not a get-to-it-if-you-like-to program developed by the Department of Education, but as we worded it in our amendment, a required education program that is anti-smoking in nature and that must be taught in the schools starting at the elementary level. Because we think if we start any later than that, it's simply too late to get the message of denormalization out in front of us.

And so, Mr. Chair, I would like to move that we:

Amend Clause 17 of the printed Bill by adding the following after Clause 17(4):

“(5) A tobacco enforcement officer appointed pursuant to this Act, who is designated as the educational coordinator shall develop a required anti-smoking educational package of materials that must be taught in school starting at the Elementary level”.

I so present, Mr. Chair.

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

**Hon. Mr. Nilson:** — Thank you, Mr. Chair. I'd like to speak to this particular proposal, and the way that it's worded. I think basically I'm going to have to speak against this particular amendment at this place. But I'm not opposed to the principle behind what is recommended and I would like to explain how we are doing this, which fits within the laws of Saskatchewan, whereas this would cause some difficulties for my colleague, the Minister of Education.

Basically what we're doing in this whole area of denormalizing the use of tobacco is to use the various tools that are available. The Tobacco Control Act is one part of a broad picture that we're painting to use in the denormalization of tobacco. In addition to what's being done in this Tobacco Control Act, Saskatchewan Health and Saskatchewan Education are developing and promoting curricular resources that integrate tobacco education into the various disciplines within the secondary school curriculum, and they're also providing specific modules for use in the early and middle years health curriculum.

I think that that second point is what the intent of this amendment is, is that there be in early and middle years of school particular modules around anti-smoking information for the use of the children.

Basically what we have in Saskatchewan is an Education Act which does not specify individual topics that are mandatory in curriculum. The core curriculum for kindergarten to grade 12 is defined in policy, not in the legislation. And it has seven required areas of study which includes health education.

The aim of health education from kindergarten to grade 12 is to enable students to apply health knowledge in daily life in order to increase health-enhancing behaviours and decrease health-risking behaviours. So students are required to enrol in

this health education from grades 1 to 9. Included in that particular education are modules that relate to the anti-smoking suggestions that the member opposite is talking about in this particular legislation.

The department, Saskatchewan Health, Department of Health and the Department of Education have already been working together to continue to re-evaluate and enhance the educational materials in this area and that will happen whether this particular clause is in this legislation or not.

But I'm speaking against it because this goes contrary to our Education Act and how we define and develop curriculum in our province.

Amendment negated on division.

Clause 17 agreed to.

Clauses 18 to 26 inclusive agreed to.

#### Clause 27

**Hon. Mr. Nilson:** — Thank you, Mr. Chair. I'm proposing an amendment, a House amendment, to clause 27, which reads as follows, the amendment would:

Amend Clause 27 of the printed Bill by adding “and that the accused exercised all due diligence to prevent its commission” after “knowledge”.

I so move, and I'd like to speak to it after.

I'm making this proposed amendment at the request of some of the federal officials that are involved in this same area. They recommended that we make this change, which puts it more in parallel with federal legislation, and it deals with some of those situations that they've run into. And so basically we recommend that this go ahead.

**Mr. Gantefoer:** — Thank you, Mr. Chair of Committees. First of all, I'd like to thank the minister of giving me a copy of their proposed amendment. And I would like to say that I do understand the concerns that were raised by the federal people in this regard. And unlike the government, we are much more in a spirit of being open to constructive amendments, and we will support this amendment.

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

Amendment agreed to.

Clause 27 as amended agreed to.

Clauses 28 to 37 inclusive agreed to.

**Hon. Mr. Nilson:** — Thank you, Mr. Chair. I would like to, before I make the motion, just take a brief moment to thank a number of people who have contributed. And especially I would like to thank the Special Committee on Tobacco Control who provided the report and gathered much information. And so the particular members that were involved with that are the member from Prince Albert Carlton, our Speaker; the member

from Estevan; the member from Saskatoon-Sutherland; the member from Weyburn-Big Muddy; the member from Saltcoats; the member from Moose Jaw Wakamow; and the member for Regina Qu'Appelle Valley.

I think all of us who are involved in developing public policy need to thank these people for the very good job that they've done in defining many of the issues which allowed us to come forward with a piece of legislation like this particular Act with as few disagreements as, as we had.

And so with that I'd like to thank the members opposite. I'd also like to thank all of the members of the community, some of whom are present in the gallery today, for their unwavering support in helping us define what is needed in Saskatchewan to denormalize the use of tobacco among our young people with the ultimate goal of a tobacco-free society. Thank you.

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

(16:45)

**Mr. Gantefoer:** — Thank you, Mr. Chair. Before we go to the final motion, I too would like to rise and thank the members of the tobacco committee for their efforts and work. They spent a great deal of time listening to people across this province and we think, in the official opposition, that they came forward with a pretty strong and balanced report.

Our support for the overall intent of this legislation has been unwavering and our suggestions today have been to actually strengthen and put a little more balance and fairness into this legislation because I think we all share the same broad objectives of denormalizing tobacco. And particularly to sending a very strong message to our young people that this is not the kind of thing that's going to lead to a healthy lifestyle. And it'll be a large mistake in their life if they engage in the habit of using tobacco.

So in recognition of the work of all of those, I certainly would like to echo the minister's appreciation for committee members and for community people who have raised their concerns and issues about this important legislation.

The committee agreed to report the Bill as amended.

#### **Bill No. 47 — The Miscellaneous Statutes (Domestic Relations) Amendment Act, 2001**

**The Chair:** — I invite the Minister of Justice to introduce his officials.

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair. On my right is Susan Amrud who you will all know, director of legislative services, and on my left, Ross Macnab who's Crown counsel in the Department of Justice.

#### Clause 1

**Mr. Heppner:** — Thank you, Mr. Chair of Committees and welcome to the minister and to his officials.

In dealing with this particular Bill and some of the discussion

that's had in the past, there's a question that I think needs to be answered right near the beginning, and that is when we're dealing with domestic relations, in the discussion we've had we've sort of put forward the proposals why aren't other possible situations allowed. And I want to know why specifically those were left out of this legislation at this time?

**Hon. Mr. Axworthy:** — Thank you, Mr. Chair, and thanks for the question from the member.

The member and I have discussed this question in a tentative way and he knows that I would favour some investigation of this question. Primarily the answer to the member's question, why would we not include other types of relationships — for example, siblings who might live together for a number of years or adult children and their parents or other family relationships or unrelated people in similar circumstances — the short answer is that these legislative amendments respond to a decision by the Supreme Court of Canada in *M v. H* and we are then doing what the Supreme Court of Canada has advised us to do in order to bring our legislation into compliance with the Charter.

With regards to those other relationships that the member raises, we have not received any direction from the Supreme Court of Canada. That's only one part of the answer. I think we need some more investigation of the consequences of those relationships and I think too we need to see where the law doesn't assist the participants in those relationships.

At the moment, the law of constructive trust would recognize the kinds of financial dependency that the member is talking about in the context of relationships giving rise to certain expectations so that the law that has been developed, case by case, would address the issues in mind.

But I think the main answer is we haven't been directed to by the Supreme Court and we haven't looked as effectively as we might into these questions as a result of not being directed.

But I think the member knows that I'd be interested in pursuing this matter further, and if there are needs . . . if needs are identified in responding to them . . . and the member will know that in Hawaii, for example, some legislative changes have been made with regards to these kinds of relationships.

**Mr. Heppner:** — Thank you and I guess first of all there's no question that the need is there. I think all we have to look around is our neighbourhoods and possibly our families, any of our communities, and these other sorts of domestic relationships exist all over.

To say that it's good enough to let them take some other avenue through the courts, I don't think it's treating these people fairly. To say, well, if this isn't working out right for you, you can sort of go through a different system of courts and try and appeal your situation. I think if it was valid to address these two situations that are addressed in the domestic relations Bill is just as valid to address the other ones.

The other statement that was made that this is in response to federal direction is in itself a valid argument for doing what we have done, but it's not a valid argument in not doing what we should have done or what we could have done. And I'm really

quite disappointed that when government looked at domestic relations they didn't look at this whole package because we weren't breaking new ground in this area. We were probably following what's happened in some of the other States — I believe two of them — and also what's happened in some of the Maritime provinces.

So we could have dealt with that very effectively without breaking new ground, using some other situations as samples and examples to go from.

In Manitoba, Mr. Minister, there's I believe a similar situation developing. They amended only 10 Acts; we amended 24. Now that's a substantial difference in the number of Acts that were amended, and I guess the question is why the difference and are we going much further than we need to? Because I'm sure Manitoba went at least as far as they needed to in putting their legislation in sync with what the federal government had.

**Hon. Mr. Axworthy:** — Mr. Chair, in response to the member's question, the . . . I think the member may be aware or may not be aware that in discussing the legislation in Manitoba, the Minister of Justice there talked about more work needing to be done in Manitoba. And for example, while we're encompassing changing of names, matrimonial property, and wills, Manitoba's not doing that. So they're leaving . . . they're not doing some of the things that the Supreme Court of Canada will be suggesting we do, and they will have to do that later.

In terms of adoption, the member will know that there is a committee looking at that particular issue; was appointed about two weeks ago, I think.

**Mr. Heppner:** — Thank you. I think as we indicated earlier on in a vote on this previously, we went back to our constituents and addressed some of the concerns of this particular Bill. I think in principle as it deals with domestic relationships and such, we felt it should go a whole lot further. We basically support the direction that it's going on that area.

On the area of adoptions, I know there's some concerns in our caucus on that area. And as we go through this particular Bill, clause by clause, I think we will be taking our direction from some of those bits of information that were given to us.

So having said that, Mr. Chairman, that concludes the questions.

Clause 1 agreed to.

Clause 2 agreed to on division.

Clauses 3 to 20 inclusive agreed to.

The committee agreed to report the Bill.

**Bill No. 48 — The Miscellaneous Statutes  
(Domestic Relations) Amendment Act, 2001 (No. 2)  
/Loi corrective (relations domestiques) de 2001 (n° 2)**

**Mr. Chair:** — I see the minister does not have additional officials.

Clauses 1 to 12 inclusive agreed to.

The committee agreed to report the Bill.

(17:00)

### THIRD READINGS

#### **Bill No. 56 — The Tobacco Control Act**

**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. 56 be now read the third time and passed under its title.

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

#### **Bill No. 47 — The Miscellaneous Statutes (Domestic Relations) Amendment Act, 2001**

**Hon. Mr. Axworthy:** — The next sitting of the House, Mr. Speaker . . . No, now, be now read, Mr. Speaker.

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

#### **Bill No. 48 – The Miscellaneous Statutes (Domestic Relations) Amendment Act, 2001 (No. 2) /Loi corrective (relations domestiques) de 2001 (n° 2)**

**Hon. Mr. Axworthy:** — I move 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.

### COMMITTEE OF FINANCE

**The Chair:** — It being now past 5 p.m., this committee stands recessed until 7 p.m.

The Assembly recessed until 19:00.