

EVENING SITTING
COMMITTEE OF FINANCE

General Revenue Fund
Government Relations and Aboriginal Affairs
Vote 30

Subvote (GR01)

Hon. Mr. Osika: — Mr. Chairman, I move that we rise and report progress and ask for leave to sit again or move on to the next . . . report progress.

The Chair: — Just to double-check, is the minister moving that we report progress on the Department of Government Relations and then move to Labour?

An Hon. Member: — Yes.

The Chair: — Okay. I'll take that as a motion.

General Revenue Fund
Labour
Vote 20

Subvote (LA01)

The Chair: — I invite the minister to introduce her officials.

Hon. Ms. Higgins: — Thank you very much, Mr. Chair. To my right is Cheryl Hanson, assistant deputy minister. Directly behind myself is John Boyd, executive director of planning and policy branch; and Dawn McKibben, director, human resources and administration branch, right behind Cheryl. And behind the bench we have Glen McRorie, acting director, labour services division; and then Gail Kruger, vice-president, finance and information technology, WCB (Workers' Compensation Board); Peter Federko, chief executive officer, WCB; and then we have Cheryl Senecal, acting director, Status of Women office; and Allan Walker, director, health and safety services, and occupational health and safety division.

Mr. Weekes: — Thank you, Mr. Chair. I'd like to welcome the minister and all of her officials here this evening.

I'd like to start off by asking the minister: the government has given notice Bill No. 70, labour standards amendment Act, is going to be introduced. Could the minister tell us this evening what that Bill is about.

Hon. Ms. Higgins: — Thank you, Mr. Chair. There is a process that's followed in this House. Notice has been given that a Bill will be tabled tomorrow, and that will be done. So the member will see tomorrow.

Mr. Weekes: — Thank you, Minister. I will be looking forward till tomorrow to see what's in Bill No. 70.

I'd like to ask the minister concerning the striking support staff in the Biggar public school. They have been on strike for over 100 days now. And I was wondering if either side, the striking

workers or the board, have they been in contact with the minister or her department. If they have, what were their discussions with you?

Hon. Ms. Higgins: — Mr. Chair, the Department of Labour has been involved on a number of occasions at the Biggar school unit. Most recently we appointed a special mediator that has been working to facilitate discussions and the resumption of negotiations between the parties.

Mr. Weekes: — Thank you, Madam Minister. Is the government contemplating back-to-work legislation in that labour dispute or has that been discussed at all with the parties?

Hon. Ms. Higgins: — Mr. Chair, back-to-work legislation doesn't really apply in this situation. Back-to-work legislation would be used in the rare instance where there was a threat or significant concern over public safety — health and safety.

Mr. Weekes: — Thank you, Madam Minister. In the last year's Throne Speech, your government introduced in the speech information concerning a round-table process, and I've asked you questions concerning that in the past.

And I was just wondering. This seems to be the ideal circumstance to implement a round-table process to get labour and management back to the table and negotiate a fair and reasonable agreement between the two partners. And there's also a third . . . well partner or a group that's being affected by this and that's the students that are being affected by this labour impasse, and also the parents. And I'm just wondering if there's been any thought put to trying to get the round-table process involved and get this dispute looked after.

Hon. Ms. Higgins: — Mr. Chair, it's kind of odd when you talk about the business/labour round table and the way it was announced in the Throne Speech, and this is one of the difficulties that we have had in structuring this round table, is that everyone that has talked about it or had some interest in it has envisioned it doing different things. We are still working on that process and we think we have some possible solutions for it, to have this up and running.

But the business/labour round table was envisioned to look at broader issues and not to get involved in specific issues such as the Biggar school district. It was never intended to interfere in the collective bargaining process, and that's really something that has to be settled between the parties involved. To help facilitate that though a special mediator, which is an unusual circumstance to have a special mediator appointed, will help facilitate to have a neutral party in to help facilitate a type of solution through the collective bargaining process within the school district.

Mr. Weekes: — Could you explain maybe in more depth what the special mediator is empowered to do and what rules are . . . has the parties agreed to as far as a mediator, and just explain that process a bit more fully.

The Speaker: — Why is the Minister of Learning on his feet?

Hon. Mr. Melenchuk: — By leave, to introduce guests.

Leave granted.

INTRODUCTION OF GUESTS

Hon. Mr. Melnychuk: — Mr. Speaker, in the Speaker's gallery we have some visitors this evening that are fairly close and personal to me. I have my son, David, and his girlfriend, Randi. David just completed his first year of university in arts and science at the University of Saskatchewan, and he's got a job here in Regina, so I expect he'll be hanging around the legislature while I'm down here for a bit of the time anyway. And Randi is also working here in Regina. And I would ask all members to welcome them to the Assembly today.

Hon. Members: Hear, hear!

COMMITTEE OF FINANCE

General Revenue Fund Labour Vote 20

Subvote (LA01)

Hon. Ms. Higgins: — I apologize for the length of time. We were talking about the difference between a mediator and a special mediator, and really the main difference is, is that the special mediator reports directly to the Minister of Labour. And on the request of either of the parties involved in the dispute to the minister, I will appoint a special mediator that will go in and work the same as a normal mediator would. It's just they have a little more ability, a little more leeway in the functions that they do, but they report directly to the minister.

Mr. Weekes: — Thank you, Madam Minister. If the special mediator is reporting to you directly, what . . . I guess it depends on what result the mediator has, but I just wonder what will your decision be given the information the mediator . . . given the information the mediator will give you, depending on the outcome of the discussions with the two parties. What latitude do you have as far as making decisions as far as that particular labour dispute?

(19:15)

Hon. Ms. Higgins: — Mr. Chair, I appoint people to help facilitate and come to a conclusion, hopefully, and . . . mutual conclusion with disputes, but I don't personally get involved.

Mr. Weekes: — Thank you, Mr. Chair. I'd like to ask the minister: what were the qualifications of Mr. Solomon when he was appointed chairman of the Workers' Compensation Board?

Hon. Ms. Higgins: — Mr. Chair, the Saskatchewan WCB chairperson was chosen . . . there was a public competition, which I might add that no other Canadian province or American state selects a WCB chairperson through an open, advertised competition, which we did here. Several outstanding applicants were interviewed by a panel of deputy ministers.

Mr. Solomon brings a distinguished career as a legislator, combined with business and unionized workplace experience, to his role as WCB chair.

Mr. Weekes: — Thank you, Mr. Chair. So really Mr. Solomon did not have any expertise in Workers' Comp or administration at all. Would you agree with that?

Hon. Ms. Higgins: — Mr. Chair, Mr. Solomon brings to the board a very well-rounded experience, both in business and in workplaces. We believe that that experience adds greatly to his role as chairperson of the board. The more technical aspects of the Workers' Compensation Board are handled by the CEO (chief executive officer).

Mr. Weekes: — Thank you, Mr. Chair. To the minister, given the fact that the WCB lost a massive \$56 million in the last year and they've had to make an actuary adjustment of \$69 million, this is putting considerable strain on the WCB, and it raises many questions with the employers and employees of Saskatchewan about the future of WCB.

Would the minister not agree with me that Mr. Solomon was not a professional administrator? I heard the answer. And even though there seems to be a process that was taking place to come up with the selection of the chairperson, but it's obvious that Mr. Solomon is not qualified, is not a professional administrator, and the results speak for themselves, that he is basically . . . has been a disaster for Workers' Compensation. And will the minister and the government be dismissing him and replacing him with someone that is a professional administrator?

Hon. Ms. Higgins: — The role of the chairperson of the WCB is not administration. It is more in the role of policy.

Mr. Weekes: — Well the result, Mr. Chair . . . I would like to just again say to the minister that the results speak for themselves. Something has gone terribly wrong in Workers' Compensation, and the person at the head is responsible. And I believe that if this person is not up to the job, that someone else should be found to take up the job and get Workers' Compensation Board back on its feet.

The previous minister of Labour said that, I quote . . . I'll quote from the paper, Mr. Chair:

During this spring session of the legislature, Trew described himself as the minister nominally responsible for the board.

Does the minister only consider herself nominally in charge of the board as well?

Hon. Ms. Higgins: — Mr. Chair, I guess I'd ask, nominally responsible or nominally in charge? You mixed your question.

Mr. Weekes: — I believe I was quite clear. I said, nominally responsible for the board.

Hon. Ms. Higgins: — Mr. Chair, as the minister responsible for the Workers' Compensation Board, I have a responsibility to make sure that the Act that defines the WCB is followed by the board and the people responsible.

Mr. Weekes: — Thank you, Madam Minister. Through the Chair, I would like to ask the minister, how many client service

reps are employed by Workers' Compensation Board?

Hon. Ms. Higgins: — Mr. Chair, there is between 40 and 50 case managers currently employed at the board.

Mr. Weekes: — Thank you. And how many files are currently being looked after by the caseworkers?

Hon. Ms. Higgins: — The board receives probably about 38,000 claims per year, and at any ongoing time, case managers may have an active file of approximately 100 cases each.

Mr. Weekes: — Thank you. Of those cases, how many are appealed to the board?

Hon. Ms. Higgins: — Mr. Chair, out of the approximate 38,000 cases that are brought to the board every year, there is an average of about 250 cases that are appealed to the board but they may not be current files or currently from this year. They could be previous claims from back any number of years that may have changed and may be appealed at any time.

Mr. Weekes: — Thank you, Mr. Chair. What percentage of appeals are successful?

Hon. Ms. Higgins: — I assume the member opposite is talking about appeals at the board level, and about one-third are successful.

Mr. Weekes: — Thank you, Mr. Chair. What are the . . . would there be a main reason why appeals are successful, or could you give a list of possibly the top five reasons why appeals are successful?

Hon. Ms. Higgins: — Mr. Chair, we're talking about appeals that in many cases are very complicated. It can be very lengthy claims, also very complicated medically. Each case is looked at individually and depends on its own merits and justice as to how it's dealt with.

Mr. Weekes: — Thank you, Mr. Chair. It's come to our attention that many of the people that have cases before the WCB find that their caseworker . . . well they are switched from one caseworker to another and they find that very difficult because they seem to have to get up to speed every time with a new caseworker. Could you explain why that is going on and what is going to be done to remedy that situation?

Hon. Ms. Higgins: — Mr. Chair, over the last 18 months, during some reorganization within the board and the way cases are dealt with, we've initiated a new program of team-based case management, where a team is given a geographical area with which they service the caseload within that area. The final training is . . . well the final teams are currently in training right now and should be in place by September. So we should see a real drop-off on this concern of cases being . . . or changing hands during a time. These teams will be in place by September, so that problem should be solved.

Mr. Weekes: — Thank you, Mr. Chair. It's also come to my attention from many workers who are applying . . . who have claims or appeals before the WCB that the client service reps seem to be under a great amount of stress. And I'm wondering,

is that a fact? Is there a lot more stress in that particular area because of their relationship with people that are applying for WCB, or appealing, and especially with people that have disabilities that may be short-tempered themselves, under a lot of stress themselves?

Is your department finding that there is a problem with the client service reps, as far as the stress level of their employment; and if so, what steps are taken to alleviate that stress level?

(19:30)

Hon. Ms. Higgins: — Mr. Chair, in any job when there has been changes in the workplace, I would believe that there is stress in the workplace at WCB. But those changes are coming to an end as the new system and team-based case management system falls into place.

But when you look at any job where you deal with people it can be stressful, especially when you are dealing with clients who are injured at work and looking for either medical treatment, rehabilitation, wage replacement, a variety of other needs that are out there that come along with being injured on the workplace. It is a stressful job and without a doubt there are difficult cases that have be dealt with.

But also when you look at just the numbers I gave you a little while ago of 250 that may come to the board under appeal — 38,000 . . . 37 to 38,000 cases that are dealt with yearly — that is a very high percentage of very satisfied clients and those cases can be very rewarding.

So it is a stressful workplace. Just dealing with human beings and human lives can be very demanding. But the people are trained well and there are rewarding cases as well to go along with that.

Mr. Weekes: — Thank you. I'd like to ask the minister, how many people were awarded permanent functional impairment in the year 2001?

Hon. Ms. Higgins: — There was 407 in 2001.

Mr. Weekes: — Thank you, Mr. Chair. People with permanent functional impairment are eligible for an independence allowance. How many people are currently receiving the independence allowance?

Hon. Ms. Higgins: — Currently there is about . . . approximately 1,200 individuals receiving the independence allowance.

Mr. Weekes: — Thank you, Mr. Chair. Are people being told during the adjudication of their claim that they are eligible for the independence allowance?

Hon. Ms. Higgins: — Mr. Chair, during the normal course of case management, if there's a PFI (permanent functional impairment) rating of over 10 per cent during the normal management of the case, clients would be informed that there is an independence allowance.

Mr. Weekes: — Thank you, Mr. Chair. If a person's status changes during their claim that would make them eligible for an independence allowance, does their client service representative notify them of the eligibility?

Hon. Ms. Higgins: — Yes.

Mr. Weekes: — Mr. Chair, what steps are taken to ensure that people know of the eligibility for independence allowance since it changes in 1999?

Hon. Ms. Higgins: — Mr. Chair, when the policy was changed in . . . I believe it was 1999, there was a review of the most current files and the clients were notified going back I think it was a couple years span. The policy was published, the new policy, plus it was also available on the Internet. Also it was added to benefit booklets that were sent out to new clients.

Mr. Weekes: — Thank you. I guess the answer is that anyone within two years was notified. What about the people that are over two years? Has there ever been a mail-out done or considered to notify claimants that are eligible for the independence allowance that are over two years?

Hon. Ms. Higgins: — Mr. Chair, the PFI files are reviewed annually, and as they come up for review, claimants were noticed . . . or clients then were notified whether or not they were available for the independence allowance.

Mr. Weekes: — Thank you. How many people does the minister estimate are eligible for the independence allowance but are not currently receiving it?

Hon. Ms. Higgins: — Mr. Chair, as medical conditions and diagnoses change, there is no way of giving you an accurate number. Medical conditions change on a continual basis in some of these cases, so it's an ongoing effort.

Mr. Weekes: — Thank you, Mr. Chair. I believe the concern and the problem is the \$69 million mistake or . . . on the board concerning the actuary. I understand that a large portion of that error was concerning independence allowance, and I just wonder if the minister has a handle on how many more people will be receiving independence allowance and what the dollar figure will be to the board in the future. Is this \$69 million adjustment now looking after all the possible independence allowance that may be out there?

Hon. Ms. Higgins: — I'd just like to correct the member opposite that the independence allowance is not a large portion of the \$69 million actuarial adjustment.

Mr. Weekes: — Thank you. Could the minister elaborate on what did cause the \$69 million adjustment?

Hon. Ms. Higgins: — The \$69 million actuarial adjustment . . . really we can look at a number of causes that made that adjustment required. What the actuarial adjustment does, it takes into account the amount required to pay the future costs of all injuries that have occurred before December 31, 2001 and what it will take to maintain those costs into the future. When we look at costs, what we talk about is medical costs, increased . . . or the frequency and the costs of other therapies such as

physical and occupational therapy.

One of the contributing factors to this is an aging workforce where you get claims of greater severity and complexity which also makes for longer claim times. And also there were some temporary delays in internal service delivery — restructuring and increased duration and some other minor costs.

Mr. Weekes: — Thank you, Mr. Chair. I understand the WCB uses a business, S.T.A.R. Rehab, in Saskatoon and The Canadian Back Institute in Regina to help claimants get back . . . get rehabilitation and get back to work. What are the qualifications for the people that are working at these institutes?

(19:45)

Hon. Ms. Higgins: — Mr. Chair, there are accreditation standards for all rehab facilities in the province and the two that you mentioned by name meet the standards of credentialing required by the WCB and by their professional associations.

Mr. Weekes: — Thank you. Are there other institutions that WCB uses, and are there any in other provinces that WCB would use for rehabilitation?

Hon. Ms. Higgins: — Yes, there are other rehab facilities that are used within the province. And also if a worker that was injured while working in Saskatchewan lives in another province, instead of requiring that worker to stay in the province WCB will contract in their home province to have rehab done there.

Mr. Weekes: — Thank you, Mr. Chair. Could the minister tell the House what WCB pays every year for out-of-province services concerning rehabilitation?

Hon. Ms. Higgins: — Mr. Chair, we don't have those figures on us right now, about workers that access rehabilitation outside of the province — the number would be small — but we can get that information to you.

Mr. Weekes: — Thank you. I appreciate that. When WCB . . . does WCB pay these institutions per client or by the hour?

Hon. Ms. Higgins: — It would be according to the fee schedule that is established in that province.

Mr. Weekes: — Could the minister supply us with a copy of a fee schedule at a later date? And I'd like to ask the minister, have there been any complaints about the quality of the assessments and the rehab at these various institutions?

Hon. Ms. Higgins: — Could I just ask for some clarification from the member opposite? You asked for a fee schedule from all provinces, or any province in particular that you were looking more at? And also were you talking about complaints in out-of-province rehabilitation?

Mr. Weekes: — I was asking . . . Thank you, Mr. Chair. The fee schedule in Saskatchewan and in particular Alberta that the . . . that WCB would be paying fees. And I was asking about complaints about any institutions and the care that they are receiving in Saskatchewan or is . . . or any complaints that

workers have had in other provinces as well.

Hon. Ms. Higgins: — Mr. Chair, besides I guess going through every single case that's at the board, I'm sure there are concerns that come forward at one time or another. When there is, they are dealt with through the health care accreditation area of the WCB when it deals with individual rehabilitation centres.

Mr. Weekes: — Thank you, Mr. Chair. Just a concern that many workers have brought to me and to the official opposition is the quality of assessments more specifically. And I was wondering, has your department received a number of complaints about the assessments from these institutions?

Hon. Ms. Higgins: — Mr. Chair, for the member opposite, we don't get complaints such as this in the department. WCB receives some complaints directly and each one is investigated as they come in.

Mr. Weekes: — Thank you, Mr. Chair. I'd like to ask the minister some questions about maximum wage rate. What methodology was used to set the \$48,000 gross capitation on loss of earnings in 1985?

Hon. Ms. Higgins: — Mr. Chair, that would have been a recommendation that had of come out of the 1982 committee of review. What methodology they used at that point in time to come to the \$48,000 cap is not within our immediate memory, so that's something we'll have to get back to you, if we will even be able to answer. Quite often the committee of review, as with this one, puts forward their recommendation, but with some background but not a great deal. So I don't know how in-depth of an answer I'll be able to give you.

Mr. Weekes: — Thank you. Mr. Chair, to the minister, what percentage of workers in the province does the \$48,000 cap cover?

Hon. Ms. Higgins: — Mr. Chair, could I ask the member opposite for a bit of clarification? There is approximately about 300 injured workers that are frozen or at the income replacement level at the cap of the \$48,000.

Mr. Weekes: — Thank you. I was asking for the percentage, but that will be fine.

The methodology that was used back in '82 seemed to leave a higher than average . . . account for higher than average income earners in the province; and I was wondering, is the board considering increasing the cap, and if so, by how much?

Hon. Ms. Higgins: — Mr. Chair, the committee of review, in its report that was released in January, made that recommendation and we will see what happens with the recommendations from the committee of review.

Mr. Weekes: — Thank you, Mr. Chair. How many of the recommendations of the committee of review have been implemented and what is the timetable of implementation of the balance of the recommendations?

(20:00)

Hon. Ms. Higgins: — Mr. Chair, of the 48 recommendations, over half were policy and are currently, either have been or are in the process of being implemented. Ten were sent for further consultations with stakeholders and the rest fell into the category of housekeeping changes to the Act.

Mr. Weekes: — Thank you, Mr. Chair. I have your . . . the embargoed file. It's a news release as of March 25 and it's basically, I think, the information that you gave me is the same information that I have in front of me on March 25. I guess I would like to ask the minister to clarify, has there been any improvement since March 25 as far as implementation and is the minister going to be introducing any amendments to The Workers' Compensation Act this sitting?

Hon. Ms. Higgins: — Mr. Chair, yes we do feel that there has been improvements. We have moved along quite well and made fair progress on a number of the recommendations.

The amendments to the Act, I think that was the final part of your question. Final consultations just ended not that long ago on the last 10 recommendations that we received feedback from the stakeholders, and decisions will be made on what changes we decide to make.

Mr. Weekes: — To the minister, in this sitting?

Hon. Ms. Higgins: — Mr. Chair, we're still in the process of making final decisions.

Mr. Weekes: — Thank you. Mr. Chair, to the minister, has the minister and her department put in any system to measure the results of recommendations that the board is implementing?

It seems to me that there's been a number of studies in the last few years, and finally now there's some recommendations are being implemented. I would just like to know how the department and the WCB are going to measure the results of the recommendations, and how long will that take in the future.

Hon. Ms. Higgins: — Mr. Chair, there are any number of measures that are in place at the board: your annual service reports; there's a balanced scorecard; the annual report comes out. WCB appears regularly before the Public Accounts Committee, at estimates and also at Crown Corp. We believe that there are improvements. I'm not sure specifically what measures you were looking at or inquiring about, but there is a number of them in place.

Mr. Weekes: — Thank you, Mr. Chair. I'd like to go on to another report, the recommendations of the Dorsey report that was released back in November. Mr. Dorsey had twelve recommendations, two that needed legislative change: create an independent avenue of appeal for claimants who disagree with decisions of the board, and the second one, begin the transition to a part-time, independent representative board of directors or governors, the composition of which should reflect the historical role of organized labour and employers in the workers' compensation system.

I'd like to ask the minister how many of Mr. Dorsey's recommendations have been implemented, and will there be legislative changes to introduce that are required for the two I

just mentioned?

Hon. Ms. Higgins: — Mr. Chair, there was actually 13 recommendations in the Dorsey report that was tabled in the House in May 2001. Eleven of those recommendations were policy and have since been implemented. The two recommendations that were left, for the independent tribunal and the part-time board, were referred on to the committee of review, being that committee was reviewing the Workers' Compensation at that time. And since then the committee of review has come to a different decision and put forward the recommendation of an appeals commissioner instead of the independent appeals tribunal.

Mr. Weekes: — Thank you. I'd like to ask the minister: if there continues to be losses in WCB, what are the contingency plans to cover any deficits that may arise in a future year? Assuming all funds have been exhausted and there is no money, what is the plan to cover the losses of WCB?

Hon. Ms. Higgins: — Mr. Chair, when the member opposite talks about the losses at WCB, I'd just like to remind him that the shortfall that occurred this year from a variety of factors and one of those being the drop in revenues.

And I'd just like to point out to the member that the Alberta WCB budgeted for an operating surplus in 1999 and they actually posted a \$130.1 million operating loss. In 2002, the Alberta WCB budgeted for \$11.25 million operating surplus; they actually posted a \$52.3 million operating loss. And in 2001, they budgeted for a 17 million operating loss and actually posted a \$149.8 million operating loss, which brings their three-year total to an operating loss for the Alberta WCB of 332 million.

(20:15)

So when you look at a \$55 million shortfall during what has been a very difficult time in the markets, increased stress on caseload, longer, more complex cases, the WCB here in Saskatchewan has done a very good job. They are working on a plan to recover the reserve funds. That plan is in progress.

But when you look at the Saskatchewan WCB as compared to others, we have come through this difficult time not sitting good, but not sitting too badly either. The board is still 100 per cent funded and still retains a \$50 million reserve fund.

When you look at the difficult times during the mid-'90s, the board worked through some difficult times with employers and injured workers in this province, and I foresee that we will do this again.

Mr. Weekes: — Thank you, Mr. Chair. If we have another \$56 million loss in this coming year like we had in the last year, we'll be \$6 million short. Where would that \$6 million come from?

Hon. Ms. Higgins: — Mr. Chair, all indications in the markets and with the experts that advise the board, we are not anticipating losses this year.

Mr. Weekes: — Mr. Chair, I've asked the minister repeatedly

if the board is considering raising the premium rates to the employers of this province. I believe the minister has . . . the question has always been will the government or the WCB increase the premiums to the employers this coming year, not 19 . . . not 2002, but 2003? Could the minister again please try to answer that question. Will there be rates increased in 2003?

Hon. Ms. Higgins: — Mr. Speaker . . . or, Mr. Chair, sorry, last year . . . Well actually it was in July 2001 when the board held meetings with stakeholders. They informed them then that there may be a possible increase this year and that ended up with a 2.4 per cent average increase across the board.

Looking at this year, it's really too early to tell what increases may be implemented next year or at what rates.

Mr. Weekes: — Thank you, Mr. Chair. It seems that part of the concern about the operation or administration of WCB is that the board is not receiving monthly statements. Is the board now receiving monthly statements?

Hon. Ms. Higgins: — Mr. Chair, the WCB board members do receive detailed financial information at each monthly board meeting. The information includes a monthly statement of operations displaying budgeted and actual costs for expenditures. The Provincial Auditor has expressed that he felt that there may be a need for more information.

Now before the Provincial Auditor's report came out, the WCB has taken steps to address the concern. Monthly statements for . . . a monthly statement of operations prepared for the board members now highlights an actuarial adjustment line comparing the budgeted adjustment to ongoing future liability cost changes over the fiscal year. So the information does give a more ongoing update of the current financial status of the board.

Hon. Mr. Lautermilch: — Thank you, Mr. Chairman. I move the committee report the Department of Labour and move to Corrections and Public Safety.

General Revenue Fund Corrections and Public Safety Vote 73

Subvote (CP01)

The Deputy Chair: — I recognize the minister and ask the minister to introduce his officials.

Hon. Mr. Thomson: — Thank you very much, Mr. Deputy Chair. Tonight I'm joined by Don Head, who's executive director of corrections division, seated next to me; behind me is Tom Young, the executive director of protection and emergency services; seated next to him is Mae Boa, who is the executive director of management services.

Behind the bar tonight we have with us Maureen Lloyd, who is the acting director of youth justice services; and Nick Surtees, who is the executive director of licensing and inspections.

Mr. Heppner: — Thank you, Mr. Chairman. Welcome to the minister and to his officials. I need to just make an explanation of the last statement I made the last time we met. I said

something to the effect that I hoped the next time, something about them being better prepared. It was not that his officials didn't know all the answers. It was, as you know, that at that particular juncture in what was going on around the House, no one knew who was going to be here when, and so your officials had no idea when they were going to be called to be here. And so that's what that reference was about, not that I didn't think that they knew what they were doing. But we'll get into more of that at this present time.

There's been a very recent break-in, I believe, or breakout I should say, not break-in but breakout. I wonder if the minister could comment on exactly how that occurred.

Like we think, the public — and part of this is public safety — is hoping that when someone's incarcerated, they're incarcerated there in a fairly firm and a secure manner and it's . . . There's two parts to this because one is . . . these people break out. How dangerous are they? They're obviously in a state of mental stress at that particular point because things aren't going that well in their life. I'd like a comment on why that break-in occurred and whether the individual's been found and if any crimes were committed in that interim.

Hon. Mr. Thomson: — Mr. Deputy Chair, I want to thank the member for his question. Yes indeed, we have had recently three individuals escape from the correctional camp. I don't want to comment tonight on how that happened as it's still under investigation. The three members, the three inmates, do at this point remain at large although we have no known crimes associated with their escape other than obviously the escape itself. But the investigation . . . I'm still waiting for the report on the actual occurrence.

Mr. Heppner: — Thank you. So at this particular point no one knows whether they cut a hole in the fence, jumped over the fence, climbed under a truck and slipped out, or how this happened?

Hon. Mr. Thomson: — I think at this point it's preferable just to say that the matter is under investigation and at some point, once that is done, I'll be in a position to make a fuller declaration as to what occurred.

Mr. Heppner: — Thank you. And I hope we get a full and complete answer to that because as I said earlier on, it is a little frightening when people break out. We have had numerous incidences in this province where people who had done a break or been out on parole have committed some fairly horrendous crimes while they were in those situations of either on parole or had broken out, and I'm sure, as the minister's aware, there's a fairly strong public outcry about some of those things.

We discussed part of that last time when we discussed the fact that an early parole is no longer going to be just mandated as a sure thing. Those things will have to be earned and then, hopefully, those people who earn some time off will be the ones who are deserving and are somewhat trustworthy.

(20:30)

From other situations as far as individuals that have done a breakout of a facility, I'd like the minister to comment on the

percentage of the individuals that commit some crime while they're out — not the breakout itself, which is as we know, I believe, is a crime itself, but commit crimes while they're out until they're brought back into custody — because I think that's a very important factor when we make some decisions as to how secure we need to make our corrections and so that break-ins aren't, you know, just a thing that occurs on a daily basis.

Hon. Mr. Thomson: — Mr. Deputy Chair, I can report to the member that of the four who have been apprehended for this year, one had an additional charge laid, other than obviously the escape. In this particular case, it was resisting arrest. But in the previous year of the some 16 that were escaped and apprehended, there were no additional charges other than the escape.

If I might just add, I want to say that the corrections officials have been talking with Justice prosecutors about having the escape recognized as a much more serious offence. In most of these cases — I think, if not all of them — these are very low-security or low-risk offenders. But I mean obviously they're in jail for a reason, and they're expected to serve their sentence, and we are encouraged by the response by Justice to take a stiffer response to people escaping from even these very low-security facilities.

Mr. Heppner: — Thank you, and I think it's probably partially a response to public opinion where when they hear that there's been a breakout and there's been an apprehension, it goes before the courts and then a certain amount of time added on. And I think the public has very often looked at that and said, well that really isn't significant, and then the matter becomes whether it's served concurrently or consecutively and all those sorts of things.

So this . . . in the present year, we had one out of four commit another crime on the side. In the previous year, none of them aside from possibly the resisting of arrest, and I think we could see that.

What are the numbers on individuals on parole? And I'm not sure how you keep track of that, whether you say you have so many man-days of parole time in a year or whether you work them in man-years or whatever. But what's the breakdown in whatever way you have it for crimes committed during parole?

Hon. Mr. Thomson: — Mr. Deputy Chair, as part of the efficiency in terms of managing the system between the federal and provincial branches, the actual parole aspect is dealt with by the Correctional Service of Canada. And as such, we don't track this per se, but as such, I just don't have that information available. I am told, however, that it is a very small number that would commit additional crimes while out on parole.

Mr. Heppner: — Thank you. It seems a little unique that that information, you wouldn't have that, Mr. Minister, because obviously that's a key thing in deciding how you're going to deal with the issues that are there and what actions you're going to take. If you don't have that information there, you then do not know how serious the activity is, how often it is, and the things that happen. So it makes you take action in a vacuum and I think that's unfortunate. And I'd like for the minister to

comment on what his actions are going to be to remedy that so that he actually is making some decisions with some background information.

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

Mr. Addley: — With leave to introduce a guest.

Leave granted.

INTRODUCTION OF GUESTS

Mr. Addley: — Thank you, Mr. Deputy Chair, and thank you to the members for granting me leave. I'd like to introduce a former hon. member of this House who served this House with great distinction, former member for Redberry Lake, Mr. Walter Jess. And I'd ask all hon. members to welcome Walter here today.

Hon. Members: Hear, hear!

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Hon. Mr. Thomson: — Thank you very much, Mr. Deputy Chair. Perhaps the easiest way to explain this is to explain that the question of granting the parole is actually one where the prisoner will make the application to the federal parole board. The parole is then granted by the federal board. They then fall under the jurisdiction and supervision of the Correctional Service of Canada. The actual question about the parole aspect is not one which would be provincially driven, and as such is not provincially tracked. That's perhaps the easiest way to explain this.

Mr. Heppner: — Thank you. And I'd also like to take the opportunity to welcome past MLA (Member of the Legislative Assembly) Walter Jess, to this House. I've spent some time here together with him and we all make our own marks of distinction and I know that he's definitely made his in our minds.

I don't think, Mr. Minister, that that's adequate. I mean the people of the province look to this government for some of that kind of support. If you have no information . . . So maybe part of this is not your responsibility; it happens to be a federal responsibility. But we very well know that there's a fair bit of communication between provinces. There's communication between the provincial government people and the federal system. For you to get into any of those kinds of discussions, debates, conferences, whatever you have, with the federal people and with other provincial people and not to know this kind of information, I find it very hard to understand what significance Saskatchewan's attendance at those would be if we don't have that information.

So is the minister planning on getting some of that so that when he's involved in those kinds of decision-making and

policy-setting situations that he actually knows what's going on?

Hon. Mr. Thomson: — Mr. Chairman, I think what might be helpful in this is to understand the number of inmates that we're talking about who are paroled. In any given year we're talking about somewhere between 15 and 30 who would be out on parole.

Of those I'm told that we may see one or two remanded back for a parole violation in a given year. But because the sentences by nature in the provincial system are generally shorter, the amount of parole time is generally shortened. So the opportunity to reoffend while on parole is reduced largely out of time.

That's not to say that the federal correctional service and parole board doesn't maintain these stats. They obviously would. And as we deal with it on a policy matter we would view it compared to how they are presenting it in terms of other jurisdictions. But from our perspective this is a very small number of inmates that we deal with in a given year that would be on parole.

Mr. Heppner: — Thank you, Mr. Chairman. I would hope — and I know that the minister is fairly new to this portfolio and he'll probably hang on to it longer than the other one that they took away from him — but I would hope that in time he has that kind of information much more at hand, because it is a very sensitive thing I think as far as the public is concerned and needs some fairly close scrutiny.

In getting to something fairly general, the title of this department is a new one — it's Corrections and Public Safety. And when I checked through my notes I didn't see that we had gone into this particular last time. And I would like for the minister to sort of explain what is all involved in that category of public safety because I believe that moves us out of corrections into some other area. And what aspects are all involved in that category?

Hon. Mr. Thomson: — Mr. Chairman, there's a rather varied list of different items which fall under the Public Safety purview. Those include items such as the province-wide 911 system, the provincial disaster assistance program. We have responsibility for fire commissioner's office, building code standards, the inspection of boilers, pressure vessels, elevators, amusement rides. These types of items would fall under there at this point.

Mr. Heppner: — Okay. I guess that means we will now, when we go on an elevator, we'll see the minister's name on the sign over there. I guess it's one of the high points of the position.

On amusement rides . . . and I guess we're getting into the summer session where the exhibitions are in action and the various fairs and rides come in from out of provinces. And some of those rides, if there was a difficulty with them, could be quite dangerous if something went wrong with them.

And I'm wondering if . . . would the minister please describe exactly how the safety checks are done on rides coming in from out of the province? The ones that are in the province, you

obviously have lots of time to go ahead and say, we'll do our checks at this and this time. But these groups come in, set up on a particular venue, and may only do one venue in the province for a day or two, maybe a week, and then they're gone. Now safety is a key thing. How do you, you know, check those things and ensure the public safety in those kinds of rides?

(20:45)

Hon. Mr. Thomson: — Thank you, Mr. Chairman. I know that all members will rest easier as they take the elevators in this building, knowing now that it is my signature on there and not the member for Melville, and certainly much more secure than when the member for North Battleford was licensing them.

In terms of amusement rides, I have not had a chance yet to go out and do any personal inspections of them; it's still a little early in the season. But I am told that our officials do a periodic inspection and that as . . . usually at first set-up they'll have a chance to inspect the operation.

So for instance, if a particular company comes in and sets up a set of rides at Moose Jaw, they will go and do the inspection at that point. They will not necessarily re-inspect them if they set up again, say in Prince Albert. In this way the inspection is done. They try to do this once every 12 to 15 months.

I'm also told that there is an increasing degree of co-operation between jurisdictions, to make sure rides that are coming in from other provinces have been inspected also.

But I am assured that once every 12 to 15 months every ride would be inspected.

Mr. Heppner: — Thank you. Having had some experience with rides — and we won't go into detail exactly what those were — for example, if let's say that the double Ferris wheel comes to . . . probably only Saskatoon and Regina. What kinds of inspections would be done on that? Exactly what is being inspected on that particular ride for you to sort of put your name on a tag and say it's okay?

Hon. Mr. Thomson: — Well, Mr. Chairman, it's probably best described as a climb and ride inspection. They'll do a visual inspection and then they will indeed climb the equipment to make sure that the various pieces are working. As well, as they will take it on a ride. The additional inspection which is done is to make sure that documentation is intact; where it's been ordered for repair, that the repairs have in fact been undertaken.

Mr. Heppner: — Thank you. And I said I had some experience with some of those. And I remember in days gone by it used to be the situation that the people who set up the ride had to be the ones who took the first ride in it, so that if there was a tendency to collapse, you were very careful how you set it up. It did help. Possibly we could put some joy into the minister's job and he could be the one that takes the first ride on these things. It would be the plus side of the rest of it.

I do have one question that sounds a little strange, but it came from one of my colleagues so I won't take credit for it. But the question was why specifically is the minister's name on the little certificates in the rides . . . not the rides . . . in the

elevators? I think it's probably one of the few places where we see that happening and I think everyone has noticed it. Is there a specific, legal reason for it or is it just part of protocol?

Hon. Mr. Thomson: — I asked this very same question actually when I was appointed and realized that I'd be the minister guaranteeing this. I guess that it is simply the process that's used to certify that the inspection has been done. The stamp is applied once it is the case.

I will tell members of the Assembly that I have actually asked whether or not we would be better served switching that system over so that it is actually signed by the inspector and dated as in terms of when the inspection is. That report hasn't come back yet so we'll probably have one full season with my name stamped on it.

But I know different provinces do it different ways. I don't know that there's any one which has more merit than the other. I personally suspect it would be preferable to look at a system where the actual inspector, either in conjunction or separately, does sign or initial that the inspection has been done.

Mr. Kwiatkowski: — Thank you, Mr. Chair. Good evening, Mr. Minister, and welcome to your officials. Mr. Minister, could you explain to me the process that's followed when a municipality declares a state of emergency.

Hon. Mr. Thomson: — Thank you, Mr. Chairman. I want to thank the member for the question. When a municipality decides that there is a state of local emergency, the appropriate process would be to pass a bylaw advising of such. This would then kick into place a provincial response, a coordinating response in terms of emergency planning. And that is really the first set of steps. After that obviously the type of emergency may dictate other measures, but that is the most common response.

Mr. Kwiatkowski: — Thank you, Mr. Minister, Mr. Chair. Are there specific resources that become available to a community other than the planning and coordination responses? Are there specific fiscal resources that become available to a community upon the declaration of a state of emergency?

Hon. Mr. Thomson: — No, Mr. Chairman.

Mr. Kwiatkowski: — Mr. Chair, when the Premier accompanied me to Nipawin, he suggested to the community that they might be eligible for some cost-share assistance on the cost of the water bombers and some of the firefighting equipment that was utilized in the fire that I know you are very familiar with that occurred in Nipawin.

And given that, I was wondering if there was a policy that spoke directly to that kind of assistance potentially being linked to the declaration of a state of emergency, because the Premier did in fact say that he felt that given that the state of emergency had been declared, and that there was threat to life and property, that the cost share on that equipment and on those resources that were brought to bear would be appropriate.

So was that predicated on any existing policy within your department, Mr. Minister?

Hon. Mr. Thomson: — Mr. Chairman, the area that we are starting to enter into the discussion on may in fact be better addressed to the minister of SERM (Saskatchewan Environment and Resource Management). But I'm told that the minister of SERM told you to ask the question to me, so I will do my best to answer.

In the particular case with Nipawin, and indeed what we are going to I think see across the forest fringe this year because of the unique circumstances we're running into with the dryness, I know there is some thought being given as to how we handle the firefighting costs in there. There are certain costs that would normally be borne entirely by the province in terms of sending out the water bombers in particular, which is what we're dealing with here, and the other heavy equipment. For the most part, this is run on a cost recovery basis.

Now the question is in terms of Nipawin, should the bill be sent on to the municipality for having called out the water bombers, or should it be cost shared? This is a good question and one that we're still looking at. Indeed I assume that we'll be into this question more as we look at additional fires across the forest fringe. Certainly the province bears more responsibility on Crown land where there's been a fire; that's a provincial responsibility. Where we end up in other municipalities, this tends to be more of an ad hoc basis. It is unusual that we are into this so early into the season, and it appears that we'll be into it in a fair number of fires this year. So this is something that we are certainly trying to work out with the Department of Environment as well.

Mr. Kwiatkowski: — Thank you, Mr. Chair. Mr. Minister, I would like to take this opportunity actually to compliment your department. I know that the community very, very much appreciated your assistance and your department's assistance. It was very timely, and it was most helpful at a time when they were faced with a great challenge, to say the least. And I know that the personnel that you had out there did an absolutely wonderful job, and the community very, very much appreciated their help.

But with respect to Nipawin specifically, Mr. Minister, have you been involved with the negotiations in terms of how that cost-sharing arrangement, what it may ultimately look like? Have you been able to sort the numbers out at all to this point? Do you have any idea as to what the overall cost may potentially be and what the cost share on the part of your department may possibly be?

Hon. Mr. Thomson: — Mr. Chair, I've only been involved in a preliminary set of discussions. I want to say a couple of things, though. At this point, to my knowledge, we have not received an application from the community for any kind of disaster assistance, formally. There are a set of complicating issues, particularly related to Nipawin, given where the fire started and how the insurance issues may work that are . . . will make this a unique issue. And I think rather than go into much detail tonight on the floor, I'd certainly welcome the opportunity to talk to the member directly about some of the issues that are there.

It's my understanding, at this point, no bill has been sent to the community for the cost of the water bombers, but there are certainly some issues that will need to be sorted out in terms of

liability and responsibility.

Mr. Kwiatkowski: — Thank you, Mr. Chair. Mr. Minister, as you aware, I think subsequent to the Premier's announcement in Nipawin, other communities facing similar types of challenges with the great number of fires that we've had this spring are hoping that they may receive some assistance as well, possibly in the form of a cost share on some of the resources that are being brought to bear to fight the fires — the bombers and other equipment.

What will your response be to those communities when they approach you for similar types of assistance?

(21:00)

Hon. Mr. Thomson: — Mr. Chairman, this . . . Let me start by saying that the discussion really is one outside of the provincial disaster assistance program. PDAP (provincial disaster assistance program) is not designed to assist in terms of fire and so this is a separate set of questions from that. PDAP of course is aimed at provincial natural disasters, and while fire is certainly a significant problem for us, it is not normally classified as a natural disaster.

What we do have however this year is particular dryness, as we all know, both in the grasslands and in the forests. The Department of Environment — and my colleague can speak to this again when he is up next — has been taking a very aggressive approach in terms of fighting these fires even where they extend beyond provincial land. And so they have been making the resources available to the rural municipalities and the towns and villages to try and beat back the fire as quickly as they can, and part of this is because of the tinder-dry conditions we're facing.

My understanding is at this point we have not made a decision about how to deal with the cost sharing of this — what percentage should be borne by the rural municipality, what percentage should be borne provincially. At this point I think it's fair to say that we are addressing this as primarily a first response, and that's simply wanting to tackle the fire and sort out the cost and the billing after the fact.

Mr. Kwiatkowski: — Thank you, Mr. Chair, Mr. Minister. So what would your advice to communities be then, Mr. Minister? They at this point, if they're facing a challenge similar to that of Nipawin and Archerwill, obviously all resources are going to have to be mobilized as quickly as possible in order to deal with the threat.

But at what point would you suggest that these communities contact your department in terms of trying to get a handle on some of these costs? How would you suggest that they go about doing that? And then the other question, Mr. Minister, as well is — I think you are as well aware as I am — that there are some communities out there who are thinking well all we have to do is declare a state of emergency and we're in.

So perhaps you could provide a word of advice to those communities in terms of how they may approach the business of the expense that they're going to be incurring, and what steps that they may follow with respect to state of emergency.

Hon. Mr. Thomson: — Mr. Chairman, I think the first and foremost, what we want to do is to encourage municipalities to take preventative action. Now we have certainly ordered a fire ban across a very wide part of the province at this point. This is a very significant issue, although it is a little better now in the southern part with the rains we've had in the last two days. This is still very, very dry and what we need to understand is that maintaining a very strict requirement over everything from burning barrels to stubble burning is absolutely essential at this point in terms of making sure we reduce the fire risk.

Now most of the municipalities will have some form of a mutual aid agreement signed among themselves or within other towns to make sure that when initial responses are required that they are able to meet that through municipal resources. In the forest areas . . . And this year in particular, as we've seen the fire move more into the forest fringe, this has caused us to take more of a provincial response with the heavier equipment.

For the most part this is a unique situation. I think my colleague from . . . the minister of SERM would . . . Minister of Environment would certainly say that we are highly taxed now in terms of our own resources that we're committing. In fact this weekend a special team came in from Ontario to assist us in dealing with it.

The fact is that if the fires expand, we will need to be making sure that provincial resources go where there is the greatest threat. Municipalities should work to make sure their mutual aid agreements are in place, should work to make sure the municipal bylaws are working and that they're being proactive in terms of making sure that individuals who often are the cause, either . . . mostly inadvertently for starting these fires, that in fact we are taking appropriate preventative action.

Once the fire has escaped and has become a problem, certainly they should go through the process in terms of declaring a state of emergency to bring in provincial coordination and we'll work with each situation as it moves on from there.

Mr. Kwiatkowski: — Mr. Chair, Mr. Minister, given the situation that the province is facing with respect to all of the fires that are burning at this point, I know that your department has had to mobilize a number of resources, probably more resources than what were anticipated at the time that the budget was brought down.

I guess, Mr. Minister, could you inform us as to are you on target and will the three- twelfths appropriation, will you be able to fulfill all your obligations with that appropriation? Or does it look like, at this point, you will be exceeding that based on the increased demand?

Hon. Mr. Thomson: — On this point, Mr. Chairman, I am advised that we should be fine in terms of our budgeted resources on the emergency planning piece. There are no . . . I'm not expecting a big drawdown on PDAP so we should be fine there. The question in terms of firefighting costs would be better addressed through the Department of Environment that does in fact bear the line item for the firefighting budget.

Mr. Kwiatkowski: — Mr. Chair, Mr. Minister, could you just provide a brief description of that overall coordination role that

you suggested your department plays. Does that mean then that your department will keep track of all the various resources that are available in the province, be they municipal, be they provincial? Are you sort of the one-stop clearing house for all the resources that are utilized in situations of public safety?

Hon. Mr. Thomson: — Mr. Chairman, in terms of the coordination role performed by the department, it is very much that, one of coordination. It may mean everything from coordinating the, for example, in the situation with Nipawin that we were in, there was some social services involvement because of the seniors needed to be relocated. There may be some activity in terms of that.

For the most part it is a case of making sure that provincial emergency plans are being followed, that we are coordinating provincial resources where we can. SERM certainly has a very significant role to play where they come in into the forest fringe and where they involve the heavier equipment.

One of the areas that we are going to need to do some work in provincially, to be very upfront about this, is the level of regional coordination. This is an area where municipalities have maintained a lot of autonomy and the province has largely stepped back. I think as a result of incidents in the last year, there is certainly a heightened interest in better coordination, and this is something which under the auspices of the new department that we're interested in.

That's not to say that we are interested in taking over municipal responsibility. Municipalities still have the first response and what we need to do is to make sure there is a coordination there. Again this may fall under such things as the 911, that we need to make sure that there's appropriate response in terms of policing and ambulance in that kind of a situation. In the fire response it's somewhat more complicated, depending on the location and what kind of mutual aid agreements are in place and how SERM fits into it.

Mr. Kwiatkowski: — Thank you, Mr. Chair. Mr. Minister, as I understand it, one of the resources that communities can access in order to be able to do exactly that kind of thing that you're talking about — and that is develop that regionally coordinated response system — one of the programs that they could go to was the joint emergency preparedness program. And when I look at the budget this year, Mr. Minister, it's been reduced from 400,000 to \$280,000.

Firstly, I think you've very eloquently illustrated that that is something that is absolutely necessary. We do need to go to a more regional type of approach and there has to be a larger degree of co-operation, but how is it that these communities are going to be able to do that when that budget has been reduced so drastically? And secondly, Mr. Minister, is the joint emergency preparedness program still being used by communities to purchase and upgrade 911 equipment?

Hon. Mr. Thomson: — Mr. Chairman, I am told that the reason for the budget reduction was to better reflect the actual spending within this line item. The previous budget of about 400,000 was based on the total of submitted project applications. And in terms of approved ones, we are generally in the range, or normally in the range, of about 280,000 a year.

So the reduction is to simply bring it back into line with what our actual expenditures are.

Mr. Kwiatkowski: — Thank you, Mr. Minister. The second part of that question was, are communities still using the JEP (joint emergency preparedness) program to purchase and upgrade 911 equipment or is all of that funding when it's made available to communities coming from the emergency services telecommunications program?

(21:15)

Hon. Mr. Thomson: — Mr. Chairman, for the most part it is the ESTP (emergency services telecommunications program) program which is being used for the improved communications and the linkage into the Sask911.

Mr. Heppner: — Thank you, Mr. Chairman. Back some time ago you listed the numbers of items that were under Public Safety. And I think quite a few of the questions that were just directed to you went under the disaster assistance thing. So we're still under the same topic. We covered amusement rides and something on the elevators.

Building codes. Does this apply to all types of buildings or just certain classification of buildings?

Hon. Mr. Thomson: — Mr. Chairman, it does include virtually all buildings in the province.

I should add that I did omit obviously to mention that we have responsibility for the emergency planning program under the department as well, which I guess is self-evident given the last set of questions.

Mr. Heppner: — I would like for the minister to go into some detail on how building codes are created and under what situations. What sort of precipitates a change in a building code? Like when they are changed, why are they changed, what brings that about, and who's all involved in the creating of a building code.

Hon. Mr. Thomson: — Mr. Chairman, in Saskatchewan's particular circumstance, we have adopted the National Building Code standards, so these are laid out by Ottawa. In our case, we have adopted those as the provincial basis.

Now municipalities may adopt higher standard codes in terms of the requirements for building and other structures should they so desire. And I guess the most common ones we'd be familiar with in municipalities are standards for outbuildings or fences or decks. These would be fairly common ones where municipalities may opt for a different standard.

However, in our particular case here in Saskatchewan, we simply adopt the National Building Code.

Mr. Heppner: — So a municipality can opt for a more stringent code. Can they also opt not to pay any attention to the building codes at all?

Hon. Mr. Thomson: — No.

Mr. Heppner: — Highly interesting answer because I was just involved in doing some building of a particular structure in an RM (rural municipality) within the last year. And when we checked with the RM, they just basically said the structure that you're doing has to be a certain distance away from the road and after that we don't care what you do. So either this RM is not following the regulations they're supposed to follow or there's some miscommunication between the department and the RMs and towns.

Hon. Mr. Thomson: — Mr. Chairman, I'm not in a position to address the specific of the RM. I suspect the issue is really related to one of enforcement, that the RM is indicating that they are not inclined to enforce the building code on these buildings. Municipal . . . we do count on municipal enforcement but certainly the National Building Code would apply and there would obviously be liability issues involved if it's not built to code.

So this is a case where if the member's constituents are in doubt, they should very much consult the National Building Code to ensure that it's up to standard.

Mr. Heppner: — This creates a rather interesting situation because I believe the minister has talked about liability. So we'll probably need to take one step back. Then what is the purpose of a building code because once we know what the purpose is then we can get into things such as liabilities and what the significance is. So the province obviously has adopted a building code. So then I guess I would like the answer; what's the purpose of having a building code? Who does it protect, and how is it ensured that it is put in place and those sorts of things?

Hon. Mr. Thomson: — Mr. Chairman, this is indeed an interesting question. The building codes are there of course to protect the people who are having the buildings built and who are going to be occupying them. They also provide a standard for those who are constructing them to follow to ensure that liability issues are met.

The question of enforcement is a municipal one. This is a situation where clearly before permits are issued for the construction, they should be ensuring that the codes are followed. In the case that they aren't, the responsibility falls back to the individual who constructed the structure and did not follow the code. It is the onus of the builder to follow the code.

Mr. Heppner: — Okay, I would like some explanation on the liability concept that's been mentioned. Also, who keeps the records then — let's say — 15 or 20 years down the road, if I want to buy a particular site? How do I know that the building codes on all aspects of that have been kept? Is that kept by your department? Who keeps it? And also the other question — as I asked already — is what liabilities are out there for people who don't follow the code?

Hon. Mr. Thomson: — In the case, Mr. Chairman, of this particular situation that we're discussing tonight, where an individual is looking at purchasing a structure that may have been built 15 or 20 years ago, they should ask to see the permit. In the case permits are not available in inspection, they should ensure an inspection is done to make sure the building's up to code.

The other thing of course is that code changes. And so there may well be a case where they need to bring a building up to code, and this would be in the best interests of the person purchasing it to ensure that that's dealt with.

The liability issue is one which has a potential insurance impact. It may be a situation where, if there is an issue related to it, that legal action may be needing to be initiated or taken between the buyers and sellers, the builder and the purchaser.

This is really an area that again is best governed by the old, buyer beware. And this is very much the case that we're in.

Mr. Heppner: — Thank you. And as I mentioned, I hope the minister doesn't follow me around the province now to see where I did my hammer and saw work.

But is there any liability to the municipal body that has chosen not to inspect it and now has new buildings in their jurisdiction that haven't been passed?

Hon. Mr. Thomson: — Well I'm reluctant to do the member's legal work. We could certainly seek an opinion on this. It's our belief that the municipality, because it has an enforcement responsibility, would bear some burden in terms of liability if there were an issue. But again, most of the contractors that are involved in construction would follow the code.

This is just a case where if you've got a handyman special you would want to make sure that you are following the process, asking the municipality for the permits to make sure that's covered, and then certainly consulting with the code or a contractor to make sure it's up to standard.

Mr. Heppner: — Thank you. The member from Saltcoats just pointed out that maybe we could have these people thrown in jail then, these mayors and councillors along with the ones who aren't treating their water properly, so we could have, you know, a particular facility for elected individuals.

I think we've covered most of those, most of those areas, Mr. Minister, that you outlined under Public Safety. And I think there was some good discussion that we had there, everything from amusement rides to elevators. I would like to spend some time on the financial document, and on page 33, I believe . . .

The Chair: — Order. I'm having difficulty concentrating on the speaker because of the loud noise, so I'd ask hon. members to come to order and maintain order.

Mr. Heppner: — I'd like to thank the Chairman for the help. I know it's been very distracting to myself as well.

Under the administration section, you have a particular estimate for 2002-2003. How would that compare with other provinces? And if you did a comparison to see whether your administration costs were higher or lower than other provinces, you would have to compare them with something other than square miles in the province or something of that sort.

So if you do a comparison to see how efficient you are in that particular area, what factors would you use? And then how do we compare with other provinces?

(21:30)

Hon. Mr. Thomson: — Mr. Chairman, one of the things I've learned since becoming a minister is that there is no such thing as an easy answer. Part of the difficulty that we have here is that we are sharing services with the Department of Justice on many, many issues, communications, administration, and these items. And so there is some difficulty in terms of finding a direct comparison.

I am told however that for a department of this nature that we are running at about 2 per cent for administration costs. The national across the country would be around three, three and a half. So we're a little lower. Once you factor in the shared services, we may be up a little above the 2 per cent if we were to bear the full costs of that.

So this is a difficulty . . . I want to also say, one of the other issues that makes it a little more difficult to compare this particular department with others is every province, as they're establishing their public safety departments, is putting different things into them. And so we end up with a different focus. Some may have policing in them. Ours, for instance, doesn't. And this has some impact on it.

Indeed tonight the deputy is at a deputy's meeting with his colleagues across the country to talk very much about how we do look at some national standard in terms of these public safety branches. So this is a very good question and unfortunately a bit of a difficult one to answer.

Mr. Heppner: — Thank you and I appreciate the part of the answer that says every province does something a little different and therefore it makes it somewhat difficult to go ahead and make a direct comparison with any other jurisdiction as far as efficiency is concerned.

But that still keeps the question out front and centre, how do you as a minister then look at that particular component and make a judgment call on whether or not you're being efficient? So what criteria are you going to use in your new department to look at this particular number and make a decision as to whether or not it is efficient or isn't, because you obviously have to create your own criteria?

Hon. Mr. Thomson: — Mr. Chairman, one of the most important benchmarks obviously is how we compare with other provinces. And while there are general similarities and there are some differences, we understand that. The fact that we are looking at our costs being about 2 per cent of the departmental budget, as opposed to three, three and a half in other jurisdictions, would be one of the indicators we would look at.

One of the things that we will have to evaluate over the next year or so is how the shared services arrangement with the Department of Justice will work. This is certainly a measure we've put in place for efficiency. There are nevertheless some differences between the departments that we'll need to work out to make sure appropriate service levels are maintained in both departments. I think for the time being, as short as time as we've been in it, it appears that we are on track for this to work relatively well and it should help to keep the cost of administration down.

Mr. Heppner: — Thank you and I think we'll be taking a close look at that. If the thing, if it actually does, you know, show that you have some savings, then it's obviously a good program. But with the fact that you have to create your own criteria, it'll mean that our questions probably are going to continue.

On the next line you have accommodation. I take it that's for staff and services; it's not inmates.

Hon. Mr. Thomson: — Mr. Chairman, the member is correct.

Mr. Heppner: — Thank you. Under the Young Offenders Program you have some 35 million, I believe, there. Could you list the programs that you have under that Young Offenders Program so we know exactly what's all covered. I think we are aware of a few of them, but what programs are all underneath that particular department? It's a substantial size that covers about a third of that budget so I think we need to know what's all there.

Hon. Mr. Thomson: — Thank you, Mr. Chairman. I take it that the member is asking me specifically about Subvote (CP07) under the young offenders program, and certainly there it's detailed on page 35 of the document — both the general areas for the program expenditure plus the expenditure by type, including salaries.

Just to elaborate on that in terms of the programs that would be operated, obviously open and secure custody are a very large part of the budget. We have intensive case management. We have judicial interim release. We have community youth probation and alternative measures which includes community-based organizational support.

Mr. Heppner: — The last item you mentioned referred to alternative measures, community support. I would like for the minister to elaborate exactly what's involved in that particular program and how new it is and what's happening with that.

Hon. Mr. Thomson: — Thank you, Mr. Chairman, and I want to thank the member for the question.

What these particular alternative measures are in youth. This is a series of programs that have been in place and built upon obviously since 1984. What we're dealing with here are post-charge — I've got it scribbled here — post-charge dispersals. And what we are dealing with is approximately 2,800 cases that were reported closed in the 2001 year.

This is a case where after a youth has been charged, rather than sending him to a facility, there may be some other decision reached with the community and the prosecutor and the victim in terms of how to deal with it. And it could involve any number of different things. This may also include such things as community service options.

So there are a large number of different options. This is a case where we try to keep youth out of our facilities and that is primarily what this program is in place to deal with.

Mr. Heppner: — Thank you. And because of the open-endedness of the programs — you mentioned you have a number of different programs — how do you budget for that?

Do you have a certain amount of funds in place and when those are used up it ends or how do you deal with that?

Because it's obviously quite different from having a given staff in a facility where you have a fairly structured way of knowing what the funds are that you are going to need to operate that over a yearly basis. When you have these kinds of programs, you're never sure which youth are going to come into there and how many of what . . . are going to need what particular type of programs. So how do you budget for that?

Hon. Mr. Thomson: — Mr. Chairman, the budget is based on a rough estimate of the number of youth that may be referred into these alternative measures. We then will move the money to the appropriate agencies based on previous experience. We are fortunate that there is — well I guess fortunate it's not increasing and fortunate it's not decreasing —but it is a relatively stable size of population that are dealing with these alternative measures. The number is under 3,000 a year.

And so this is the basis that we use. Certainly if we saw a spike we would need to deal with that. But these numbers are relatively stable.

Mr. Heppner: — Thank you. And in the discussion of this, I believe the minister mentioned something about community service kinds of things. And I'm thinking of a specific case that I think is developing in my community. If an individual chooses not to do community service, do they end up in lock-up? Or what happens if they just sort of thumb their nose at the concept and say I'm not going to do that work?

(21:45)

Hon. Mr. Thomson: — Mr. Chairman, certainly custody is one of the options which may be the result of a youth refusing to undertake the appropriate alternate measures. If the youth fails to undertake this, the offender fails to undertake it, they would be returned to court and at that point the court would decide what to do; but custody would be an option.

Mr. Heppner: — Thank you. I want to spend whatever time we have left on a basically quite a different topic. There's basically a justice review being done in the province at this particular time. And I know there's been I believe an interim report that was presented within the last week or so. And the results of that particular bit of research, when it's completed, I think is going to be very significant in where we go and how we deal with corrections.

I do have a question that relates to that and it came out in some of the discussion by some of the individuals commenting on where that research had gone to date. And one of the things that always comes up when this is discussed is the racial breakdown that exists in correctional facilities.

And I guess a question that's fairly simple, but I think it's an important one. There tend to be worded just two basic groups. Now how many different groupings does the department look at when they do their racial breakdowns of people in custody?

Hon. Mr. Thomson: — Mr. Chairman, this primarily falls into two areas, Aboriginal and non-Aboriginal. Within Aboriginal,

we will take into account First Nation — so status, non-status, and Métis as subcategories under Aboriginal.

Mr. Heppner: — There's a question on that particular topic that has sort of been running through my mind for quite a long time. Because essentially when we draw those conclusions — and I have no problem with the department making those kinds of surveys — we then immediately move into what is the cause for one group's overrepresentation.

Now I do have another question, and it does sort of go down that same road in a minute or two. Why is there not a similar breakdown done of other racial groups as well?

Hon. Mr. Thomson: — Mr. Chairman, really the reason we don't track other groups in terms of numbers is simply one of statistical significance. This is a . . . for the most part in Saskatchewan, it is . . . those two categories — Aboriginal and non-Aboriginal — deal with most of the inmate population, the vast majority of it.

I think it is important to note two things on this. Number one is that we do not notice a particular differentiation in terms of race as a determining factor other than in terms of its socio-economic impact. The socio-economic issues are relevant regardless of race and obviously — at least we believe — have some causal significance.

The second issue I want to emphasize — and I don't think that we emphasize it enough in terms of our discussions on these issues — is that particularly where we are dealing with Aboriginal offenders, that often and in most cases there are also Aboriginal victims. And so this is I think a very important issue for us to take into account. In considering this, that there is I think often an over-dominance, particularly in media reporting, to focus on interracial crime. But certainly the vast majority of what the system deals with is not that.

Mr. Heppner: — Thank you, and I appreciate the last part of that particular answer. And as I mentioned earlier on, I had a purpose for where that question was going which you've probably never been asked . . . is why don't you extend that kind of information into other groupings because there is a conclusion that we draw and it may be partially correct where you said this is socio-economic and therefore this is as far as we need to go.

Now I think when we look at crime statistics such as the ones we're just discussing, we need to look at two aspects: this discussion, and as your answer indicated, deals to a large extent with why are some groups in prison. Now if we . . .

The Chair: — Order, order. Would the committee please come to order. I am having difficulty listening to the member while he's attempting to ask the question. So I'd ask all hon. members to please come to order and stay in order.

Mr. Heppner: — Thank you, Mr. Chairman, for your renewed help. So as I said the question that was there is that this one aspect could be a cause, and we're going to discuss that in a minute of two. The other thing you might find though if you went in the other direction and drew some of those more groupings, we also need to look at why are some people not

there.

And you can't just automatically assume that if it's socio-economic that seems to push one group in that direction that is what necessarily what keeps other groups out. I think you have to look at a lot of other variables to see what some of the value systems and family structures and all sorts of things that are put into that mix need to be looked at, and you might find certain groupings that are way under-represented.

And I think that would be a good place to look and see what is unique about that grouping that they're under-represented there. Because there maybe some positives there that could be used in dealing with these issues as well, not just for socio-economic even though that is definitely a factor.

Hon. Mr. Thomson: — Mr. Chairman, I think it's . . . I appreciate the comments from the member opposite. I think though that we need to understand when we're talking about socio-economic factors that there is what I would describe as an over-representation of Aboriginal people in some of these lower socio-economic brackets.

So as a result we may well see within that socio-economic grouping more . . . my deputy calls them criminogenic traits. A greater propensity for crime, I think is what he means. But we pay him the big bucks to come up with the big words.

And this is, I think, what we're talking about and so what we may see well reflected is in fact a socio-economic phenomenon. But that's not to say that there's not, because of the overrepresentation within that group of one particular racial class that we may not also see that play in.

Now certainly when we talk with folks in the FSIN (Federation of Saskatchewan Indian Nations) and other Aboriginal groups, they do believe that there are specific biases within the system which also lead to their overrepresentation, the overrepresentation of their people within the system. And this is part of what we are endeavouring to come to grips with as we deal with the justice reform initiative. This is a very complicated matter, as certainly the member knows having been the spokesman for the opposition for some time in this area. The field of thought around this does change and evolve as it moves on and I think this is one of the areas that we'll certainly take into account.

But it is our belief that for the most part this is a socio-economic issue. That's not to say that family doesn't play an important role. Clearly it does. We know that it's . . . certainly as we're dealing with even the auto theft strategy that places where children have, young offenders have strong family groupings, that there is less likelihood to re-offend. So these matters are all needed to be taken into account. Whether that's addressed by the justice reform commission or whether we address that through broader policy perspectives certainly the member opposite is correct that these do come into play.

The committee reported progress.

The Assembly adjourned at 21:59.