

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Fifth Session — Eighteenth Legislature**

**May 26, 1978.**

**EVENING SESSION**

**COMMITTEE OF FINANCE - ATTORNEY GENERAL — VOTE 3 CONTINUED.**

**MR. S.J. CAMERON (Regina South):** — I want to spend a little time with the Attorney General on the Law Reform Commission. I indicated in some opening comments (and I was kind of getting the impression and I think others are too) that perhaps to some extent it's kind of running a little bit out of energy, at least isn't displaying the same sort of energy that it was displaying in the first two and three years of its existence. But perhaps more important is that it has submitted to the Attorney General a series of proposals, well-researched proposals, well-considered proposals and in each case attended by draft legislation so there isn't a great deal left for the Attorney General to do in those respects. I have covered one area already and that was The Matrimonial Homes Act. There are other areas as well in which they have done the same thing and we haven't yet seen any action in respect of them and I want to ask the Attorney General, why?

Let me go back a little bit to The Matrimonial Homes Act. That, of course, was to provide for equal sharing of the matrimonial home irrespective of how the title stood and for equal management and equal control and equal occupational rights with respect to the home.

But you indicated in the Throne Speech in early March that you were bringing in the legislation and you received the report from the Law Reform Commission and the draft act in May of 1976. My question is, what happened to the proposals and the draft act that the Law Reform Commission gave you between May of 1976 and March of this year? Apparently when you read the Throne Speech this year, you were ready to proceed with this act. When did you discover the problem that you now say exists with respect to income tax?

**MR. ROMANOW:** — Mr. Chairman, we had the problem I think spotted fairly well months ago when we determined more or less that we were going to be moving with the bill. When we announced in the Speech from the Throne that we were going to be introducing it this year, we were hopeful that would be the case based on the series of ongoing discussions with the federal government. Mr. Bassford, at numerous Attorneys General's meetings was telling me that these amendments would be forthcoming and they just never were forthcoming. In fact they weren't announced until this last Budget when the sales tax decreases were announced. At that stage in the game we had to make a decision whether to proceed at this session or not. We decided not to proceed. So it is not something that has caught us by surprise or that we are using as an excuse.

**MR. CAMERON:** — There is another area which people are interested in and that is. As you know, The Married Persons' Property Act which was passed as only an interim measure pending the development of a full scheme of deferred participation to apply to marital property. That was proposed legislation which would spell out in some comprehensive way what the rights between spouses were to all kinds of property including gifts and inheritances, personal injury awards and winnings, those sorts of things, in addition to the traditional sources of marital property.

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The Married Women's Property Act, now the Married Persons' Property Act was expressly designed as only an interim measure pending the development of comprehensive legislation in this area that the Law Reform Commission was working on.

Now I would like to ask you where that stands and when we might see some legislation of that comprehensive kind introduced to replace the interim measure that now exists in The Married Persons' Property Act?

**MR. ROMANOW:** — Mr. Chairman, I'd hoped, because quite clearly we had announced it in the Speech from the Throne, that we would be doing it this session, but for the reasons I have stated that wasn't able to come about. In order to keep current on the developments of the law in other provinces and elsewhere we have asked Ellen Schmeiser, over the summer months, to keep an eye on the bill. That's in effect what the announcement said today at 5:00 o'clock.

My personal hope and target time would be for a re-introduction of this in the fall time, early in the fall time session for the next spring session so that all members have it.

I want to make just one point. This bill will be a very controversial bill, I predict. The Matrimonial Homes legislation because in many ways Saskatchewan will be almost the first in Canadian law, almost setting up the form of community property, 50-50 by virtue of marriage, whether that marriage breaks up or not. Every other version is 50-50 after break-up, disposition of the assets. That in itself is controversial, but I think the Law Reform Commission proposal in the bill is likely to be very controversial as well. These are difficulties which we will have to consider. But my personal timetable hope would be to try to get it in by the fall time this year for passage at the forthcoming session.

**MR. CAMERON:** — O.K. In March of 1977 the Law Reform Commission, again having gone through its usual thorough exhaustive way in putting these things to the Attorney General, including always draft acts, so that there is no great excuse for delay once these proposals have been given to you. In March of 1977 they submitted to you a comprehensive conflict of interest proposal and again we haven't seen that one surface. Let me ask the Attorney General why, in view now of some 17 months or 14 months or whatever it is? We haven't seen that one come forward, despite again the fact that a draft act was given to you.

**MR. ROMANOW:** — With respect to the conflict of interest, I guess the basic reason there is that the government is unconvinced of the direction that the Law Reform Commission recommends for us in conflict of interest. The conflict of interest approach, that the government is tending toward, is the kind which we tabled by way of a white paper before referring the matter for a comprehensive review by the Law Reform Commission patterned along the lines of the federal white paper. (The Trudeau White Paper of a couple of years ago).

The Law Reform Commission proposals on conflict of interest are, I think, interesting but we are just not convinced of their applicability. This is the establishment of a parliamentary committee and the posting of information of the parliamentary committee and so forth. We kind of like the idea which avoids a committee but just simply say, here they are, the rules for MLAs to follow or not to follow and file something with the Clerk or with somebody or other, perhaps the Secretary of Cabinet or some official like that. So the basic reason for non-introduction is that we just haven't been able to agree that the Law Reform Commission route is the way that we as

a government would like to recommend.

**MR. CAMERON:** — What provisions, recommendations of the Law Reform Commission in this area specifically are you objecting to? Is it the disclosure of assets, disclosure of income? What is it specifically that you find objectionable about the proposals which were advanced by the Law Reform Commission bearing in mind again that they didn't put to you the thing precipitously, they gave it a great deal of study and gave you a comprehensive proposal?

**MR. ROMANOW:** — We certainly don't object to the disclosure provisions. The big objection is to the concept. I forget now exactly how they recommend it, but the concept of an MLA's committee to supervise the supervision of the bill. I believe that was the proposal. I don't know the exact number or the exact composition of it, but that was the basic concept.

We don't think, at least I don't say I'm convinced, ((I won't be definite on this)), I am not convinced that an MLA's committee should be supervising a law which I think is potentially so important. It should be done by the mechanism which exists in every other perceived white paper, namely the setting out of law, ( . . . inaudible . . . ) and avoid what could be the partisan political aspects of the committee supervising this proposed bill.

**MR. CAMERON:** — What do you propose to do with it? Are you reworking it in some way and do you still propose to introduce some legislation at some point in time? Can I ask you when that's likely to be? What is your target date?

**MR. ROMANOW:** — Yes, we are (I know it is slow) but we are committed to conflict of interest legislation. I might say for the benefit of the press, not so much obviously for the member for Regina South perhaps not even for the benefit of the press but from time to time I get asked by somebody saying MLAs don't have any conflict of interest legislation now in Saskatchewan. Strictly speaking we do have in The Legislative Assembly Act. There are the do's and the don'ts for individual MLAs. It is true that there are loopholes in them incorporating in a company and so forth but there are some guidelines which I think, in giving the history of Saskatchewan, have served the province reasonably well. I only say this gratuitously. Sometimes we do have the tendency of over regulating, over legislating. If something has worked reasonably well and there have not been any major scandals or conflicts that we can see, I don't think we need to go along an elaborate all-party committee to oversee the (inaudible) legislation.

Well to answer the question specifically, again the personal timetable is that it is on my legislation list for next year in the department (for September, October, November or whenever the fall session is convened in 1978) for tabling, introduction and passing sometime in that session.

**MR. CAMERON:** — But then in July, 1977, they gave you, again after the usual process of the Law Reform Commission which is so very thorough and is recognized by all, The Personal Property Security Act proposal. This is an area of the law that you know is antiquated in many respects, is confusing; people find it totally bewildering. Let me ask you where that stands and why we haven't seen that bill introduced?

**MR. ROMANOW:** — Yes, the officials advise me there that — I'll have to refresh my memory. The member is obviously pointing out to me, that I have looked at the reports

but the big problem here is that the bill is predicated on an assumption that we are looking at a computerization of statutes in respect of personal property and so forth. As I reported to the member for Nipawin before he left this afternoon, we are in the process of doing that with the Central Registry and other operations. So again, this fall we hope to be introducing that bill.

**MR. CAMERON:** — All right then. There are a couple of other areas and I ask you here whether there have been any suggestions from the Law Reform Commission for some additional financing. Because where they seem to be running out of steam is in a couple of areas and I shouldn't suggest that they were running out of steam in respect to those things that they have submitted to you and that you haven't acted on. I will come back to some of those.

A couple of areas that they have been looking into which are very important— one is the Administrative Law Project which I consider to be of fundamental importance to the province. This will be of interest to members who saw the application of the Labour Relations Board and that act in the Medstead School Unit case, and the Board of Reference that the Minister of Education has brought in, the Highway Traffic Board — all of these tribunals, the Administrative Tribunals, from which there is no appeal or a very unsatisfactory appeal. The Law Reform Commission was given the mandate to catalogue these tribunals, the powers that they have and the way in which they exercise the powers: to take a look at the case law and analyse it and catalogue it as well and to bring forward some comprehensive proposals here.

Now I'm not suggesting that this is the case but I am asking you whether that is bogged in as a result of a couple of things — a lack of financing in the Law Reform Commission, or alternatively, a lack of a real desire by your government to have that whole area of law gone into that thoroughly and proposals brought forward.

**MR. ROMANOW:** — No, it is definitely not a lack of finance because — I stand to be corrected by my boys here, but I think the Law Reform Commission, ever since it has been set up, has never spent the actual amount of money allocated to it by the Budget. There may be some other problem. Maybe they can't get sufficient personnel hired to do the job or whatever, but in terms of funding, I think they have very adequate funding. I take my hat off to this Trust Account Fund that the lawyers set up. I forget what the name of that is. What is that? The Law Foundation. They have been helping out as well.

**MR. CAMERON:** — O.K., there is another area as well. You can see why some of us are a little concerned about what appears to be a lack of progress with respect to the reform of the law in these several areas. I will come back and just recap them in a minute but there is another area as well that they have been looking at for some period of time and that's an analysis of provincial offences. You will be familiar with that one under which they were to look at schemes, penalties, and first of all to assess the provincial offences that are on the books: to look at what offences are there and what penalties are provided and to catalogue those offences and penalties into a comprehensive series of offences and penalties in terms of their seriousness and then to look at better ways in which we can handle those because there are many instances where it is unsatisfactory. They were to look at schemes like diversion schemes, cautions, community service orders, restitution orders and so on — again, a whole area of law that clearly is in need of reform. That is recognized because in looking at it— and yet again, no progress seems to be really being made in that respect.

Can I ask you when we can anticipate something in the way of concrete proposals in

that area?

**MR. ROMANOW:** — I am advised that the report, as prepared by one Daryl Davies, 'provincial offences tend to recommendations for reform' has been completed. The problem tries to do as the member sets out, the various things that it does. The project is not complete. The Davies categorization — Davies is a criminologist. He is not a lawyer and he was doing but an aspect of this program of cataloguing provincial offences. He was trying to assess the impacts of jail in lieu of fines that come from a criminology point of view.

We have their report but we don't have the overall report finalized yet. It is a very big job and I think it is just a question of getting it all compiled and submitted.

**MR. CAMERON:** — O.K., you can, I think, see why it appears to us as though to some extent, we are bogged in at this area and I'm not sure that the whole area of the work of the Law Reform Commission is getting the attention from your department, or from you particularly, that it ought to be getting. We can only come to the conclusion really, that the focus of the government and your own focus, is so much in other areas that some of these areas, that are crying out for some attention, aren't getting it.

Let me just recap those. The Matrimonial Homes Act, submitted to you in May, 1976— now, two years later, we don't have any thing and apparently we discovered only recently that we are going to have some problem with the tax. Well one wonders why then, it was announced in the Throne Speech, if you weren't prepared to see it through. (inaudible interjection) Yes, well one still has to wonder why; for two years we sit on this. Now the fact of the matter is that these things continue to cause problems. People walk into the offices every day with these kinds of problems. I'm very disappointed that we haven't yet got The Matrimonial Homes Act sorted away and on the books because there are problems in the area, without question. That was in May, 1976. Then we had the Conflict of Interest in March, 1977, again given to you and nothing done in that respect. In July, 1977, The Personal Property Security Act proposal was given to you and again, nothing was done in that respect. The Administrative Law Project which seems bogged in a bit; The Personal Property Security Act which was given to you, as I say, in July, 1977 and still no action in that respect. The Collection and Analysis of the Offences, again another area that clearly needs a thorough examination and some reform — nothing again being done that is very apparent.

I don't think you understood me the first time I canvassed the area with you, but I had understood that The Married Women's Property Act was only an interim measure. Now the marital homes portion is only one portion of it. There is a whole other area of marital property that has to be dealt with. (inaudible interjection) Well they undertook to take a look at some other aspects of it as well. All I'm saying to you is that, and I don't want to overstate it, but it just seems to us that a great deal of very good work has gone on in the past by the Law Reform Commission and I give you credit for that. Good specific proposals were brought forward and in all of these areas, with one or two exceptions, nothing yet is done in respect to them. That is why, as I say, it seems to us as though either you are running out of steam a bit with respect to them, or the Law Reform Commission in some of the areas it is still looking at has run out of a little bit of steam, or else the focus by you or the department is so fractured that we are not somehow coming to grips with these things.

Now these are the things that really affect people very directly: Every day of their lives they are bumping into problems of this kind with chattel mortgages, conditional sales

and harry the law that is so bewildering that not even the best legal minds in the province can sort through it very well, let alone anyone else trying to deal with those things. The registry system which continues to function inadequately has done so for a long time.

Now I know that there are areas that are complex. They require a good deal of thought and they require some seasoning in terms of their development, but year after year we seem to talk about these things. We raise them but precious little it seems is being done in respect to them and in the meantime people are having difficulties with them in very real ways. They raised a few ones last year with respect to the application of The Limitations of The Civil Rights Act which leads, in some cases, to clear injustices, the people having to cancel agreements for sale or take foreclosure proceedings in respect of mortgages — and again I guess it is somewhere in the mill: perhaps I am a little too impatient with it, but again there was nothing brought forward on that one and I think it would be relatively simple to cure the injustice that occurs under those acts from time to time. So I say that it just seems to us that somehow we are slipping here a bit.

Let me ask you about another area. I had asked you some days ago to give me a copy of your factum before the Supreme Court in the Keable Inquiry. I think you probably just slipped up in doing that but I know that the argument has taken place now in the Supreme Court and I want to really remind you, rather shortly, of what I had to say to you when you first indicated that you intended to file the factum, that I thought it was an error by the provincial government in all the circumstances.

True enough there was a small constitutional question there, relatively small in the scheme of things. In so far as that constitutional question was of interest to you, I think that in all the circumstances you may have left it to the other provinces to argue that one, rather than you getting into it because you have a situation quite unique on the other side in so far as this province is concerned, and that is the tradition of Saskatchewan and this city with respect to the RCMP.

Now you know that the Keable Inquiry was seen by the RCMP and seen by many other people to be one of the stratagems of the Party Quebecois in its march towards separation, that it is taking its attack on confederation on several fronts. One of them is with respect to this problem, that is to erode the confidence of the people in Quebec to all federal institutions, including that of the RCMP. It had become apparent to many people that the Keable Inquiry was not being true to its ostensible mandate. It was going far afield. It was deliberately, in the seasoned judgement of many people including RCMP deliberately calculated to undermine that federal institution, that Canadian institution in the province of Quebec. And then when the appeal went to the Supreme Court of Canada and you joined in it on the side of the province of Quebec, given the fact that Regina and Saskatchewan is the historical base of the RCMP, the home of the RCMP, at a time when they needed this kind of, sort of loyal support and some indication from us that we saw Keable in those terms and that we did not like what Keable was doing to the RCMP in the province of Quebec, we should have chosen, as I said to you the other day, either to stay home if we could not do otherwise, or alternatively gone there and argued the case against the Keable Inquiry.

When I asked you the question in question period one day you said you had not yet finalized your submission. Then I noticed, however, on the following day an article in the Star Phoenix, which was printed the very day I asked the question, in which you indicated to the Star Phoenix in the interview that you intended to argue the provincial rights question, which means to say that you had indicated in the Star Phoenix

interview the day before I asked the question in the House, that you had intended to go to Ottawa and argue the Quebec point of view and against the federal government point of view.

All I put to you in final summation on that is this. You were confronted there with this situation. If you felt you had to make a submission on the one hand because there was a constitutional question involved, why did you not leave it to the other provinces, because on the other hand you had the special obligation to the RCMP? I for one was not happy. Many of us were not happy to see our province going to Ottawa and taking a position which the RCMP and other very seasoned minds saw as direct conflict with the RCMP when they now need support like they have not needed it in a very long time. I think that was an error you made. I wish you had not made it. I notice now in retrospect that the Supreme Court is giving the provinces a very rough ride in that hearing and I am very happy about that. I see that, one by one, the provinces are dancing about and withdrawing some portions of the brief and withdrawing other portions of the brief. I could not be more happy about that development. May I say that I hope your own council receives the same treatment.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. ROMANOW:** — Well Mr. Chairman, one who lives in Saskatchewan can be very emotional and protective of the RCM P. That is a self-serving statement but I think I have a very excellent relationship with the police. They have given me to all kinds of opportunities to address the men en masse. This year alone I think I had at least three invitations and must go to about 400 or 500 of them.

That is the sentiment that we all have and I am not going to argue that the RCMP is not the greatest force and does not need the protection; I think it does. But the RCMP will survive, not only the Keable, McDonald's Commission which is a federal commission of inquiry, it will survive it and it will survive it with the provinces taking a position of the right of the Attorney General to administer justice within his province. In fact we will survive the Keable Commission and the PQ government. The issue is a very important issue, I think, one which relates fundamentally to the constitutional authority of the provincial Attorney General. The provincial Attorney General's have felt, I think almost to a man.. it has eased off a little bit but for a while the federal government was very systematically taking the view that the provincial Attorney General had no real constitutional standing. He was kind of there at sufferance because the federal people did not want to there in the area. We have had battles relating to dual court system, dual prosecutorial system, the federal Narcotic Control Act, The Food and Drug Act, and prosecutions which you know are not under me. We have had these kinds of battles and this is but another aspect of the situation. I take the position that there are fundamental principles of law which are involved. I think that the RCMP, I do not think, I know, do not view our intervention as being unfaithful to the RCM Police. Far from it, I think if I wanted, I could make a very plausible argument that they, I think, are more concerned about what MacDonald does to their reputation than Keable will ever do. But I do not want to get into that because it smacks of partisanship. My point is that I think the mounties, in my experience, have taken the position from the top man to the bottom man. If there has been wrong doing this we want that sore lanced: we want it out in the open; we want it exposed; we want to clear it, clean it up, heal it, and let's continue with this body called the RCM Police. Pardon me?

**MR. LARTER:** — Disclose the ministers who gave the orders.

**MR. ROMANOW:** — Well, the member says expose the ministers who gave the orders. I don't know, this is just a guess. I just don't think the federal ministers gave any orders.

So my point is, I know how he feels, but we feel on the constitutional advice that we have that we must intervene. As I say, we are not alone. I think there are seven provinces that are with us on our position.

By the way, I want to make one other point. We are not total on the position. There are other aspects to the kettle in fire which we are not being heard on. We are simply answering, I think, two of three points. I haven't looked at that factor for awhile.

**MR. CAMERON:** — Well, may I say to you, by final comment there, that I have often abhorred the way you and the Premier have argued in respect to the intervention of the federal government in the potash legislation case. You have always made the political point, and I think it is a sharp political point, that there was the Minister of Justice, Otto Lang, in court with the potash companies. Who was he siding with when the government of Saskatchewan confronted the potash companies? He was siding with the potash companies.

Now, you know as an Attorney General that that is a very specious argument. You know that his intervention was on behalf of the constitution. But when the constitutional question came into question it called upon the federal government to argue the constitutional point and as it turned out the federal government was right in respect to the oil legislation and in the position it took. What I objected to throughout is your categorizing that politically as the federal government siding with the potash companies.

If I used the same technique politically, in this situation, what I would say to you is, here was the government of Saskatchewan, the home of the RCMP, siding with the Quebec Separatists against the RCMP. It is exactly the same argument, you see, the same term. I am not going to do that because I resist that and one ought not to do it. I simply draw that to your attention to show you how frustrating was that argument that you were making in terms of the federal government's intervention in the oil constitutional case. Because if you turn it around in the same way against you, then we've got you lined up with Levesque and the separatists against that great Canadian institution, the RCMP. As I say, I wouldn't, I haven't taken the argument and I won't be taking the argument. I am sorry that Mr. Collver isn't here. I am sure he would be taking it all over the place.

Don't you see that it is the exact parallel and that is what so disappointed us with respect to the arguments you were taking earlier in connection with the federal government's position in the oil legislation.

**MR. ROMANOW:** — Mr. Chairman, I don't want to prolong this part of it, but I don't feel that there is a parallel and I will make this point. The parallel is, and I stand to be corrected if anybody can do this in the House, that for the first time in constitutional judicial history in this country, the Minister of Justice Canada intervened in the central Canada potash case as a party plaintiff at the trial level. Appearing as a Minister of Justice at the Supreme Court level, to speak to the constitutional issue, is almost obligatory on the Minister of Justice. I realize he has to take a position one way or the other. The Supreme Court expects to hear the federal government's view. Whether we would have said it then, I don't know, but I do say that when you find - and I make the assertion - the unparalleled legal step of intervening as a party plaintiff, you could have



a situation where central Canada could drop the lawsuit, would have no interest in it whatsoever and Canada, if they wanted to, to pursue it through the trial level. I think that does show a certain degree of partisanship, which is not parallel to us appearing at the Supreme Court level as one of a dozen intervenants on some important constitutional issue.

**MR. MALONE:** — Mr. Chairman, I would like to explore with the Attorney General, if I may, the Chester case and what I perceive to be the persecution by the NDP government of one Walter Chester. I would like to do it on the basis of reasoned argument, if I could, if I could get the Attorney General's attention. I hope that he will listen to what I say, because I don't intend, at this point in time, to make a speech or to make accusations and so on.

I would like to say a few things.

1. I don't know Chester. I have never met him. I had him pointed out to me once, a year or so ago, in Prince Albert. I don't know whether he is a bad employee, a good employee, an indifferent employee or whatever. It makes no difference for what I have to say.

2. The Attorney General, this afternoon, got up and assured the House that he was, to quote him, 'not lying.' And I don't think that anybody has suggested, since these events started taking place, that the Attorney General was misleading the House or telling less than all the truth or anything else. So I think he can put that aside. But I suggest to you that I perceive your department's actions as a persecution. That is my perception and I think it is the perception of probably everybody on this side of the House and anybody who is remotely familiar with the case.

Let me go into my argument as to why I say this, by throwing some of your own words back at you. This afternoon, you talked about the Chester case. You then moved to the Supreme Court of Canada and you acknowledged that what my colleague the member for Regina South has said was fair and proper comment on criticisms that your party and others had levied against the Supreme Court of Canada. You said that was inappropriate. Then you went on to say quite rightly, it's an opinion you could have, that you perceived that the difficulty in constitutional cases in Supreme Court of Canada is that all of those judges were appointed by the central authority and that there is no room for appointment by the provincial authority. Your perception or your feeling about it was that this was bad and that was a perception that you have come to in your own mind, properly so, by what you see in front of you. I'd like to review for the Attorney General what I see in front of me when you talk about the Chester case, and suggest to the Attorney General after I have reviewed this that the only logical conclusion that I can come to as a politician, as a former Crown prosecutor, as a lawyer is that indeed there is a persecution. I'm not going to dwell too long on the earlier facts, but for the record, a charge was laid, common assault. Now a common assault charge is a minor charge. Indeed it's in the criminal code. As a result because it's in the criminal code, it's a serious offence. But in the spectrum of things of criminal code charges, I suggest to you it's a minor charge. There are hundreds of them every week prosecuted and dealt with in the province of Saskatchewan.

Furthermore, to show how less serious the offence was, the magistrate who heard the case gave the minimum penalty in law, an absolute discharge. Now I should remind you as well, as far as I am aware of the case, preceded by some reconviction, that is, it was treated by the Crown as a less serious offence.

While that was going on there was what I would term an officious intermeddling by government officials with those participants in the case, prosecutor, Chief of Police and so on. And that's a fact. It was found to be a fact in the Moore inquiry report. All right, so we reached that stage. Chester is convicted, gets the minor offence, and is demoted. He then takes his remedy and appeals the case. That appeal is heard and it is successful, the judge quashes the conviction. Now I say that at that point in time, the former employer, the Department of Social Services, did nothing. That may be all right. Now up to that stage, I think that valid commentary and criticisms were made about the actions of certain governmental officials. But if that had ended it, I think that there wouldn't be an issue any longer. Now what do we see? We see the Crown taking a further appeal to the Court of Appeal. Now, I go back to my original proposition that this is a minor offence in the spectrum of criminal code charges. I prosecuted for a number of years under your administration and under the former administration. I don't know how many common assault charges I dealt with but I suspect there would be several hundred. Usually I won those cases because it was my discretion whether the charge be laid or not. Obviously, when you're in that position you don't lay a charge unless you're pretty certain of winning. The ones that I lost, I followed the normal routine of reporting to I believe it was Mr. Kujawa at the time, although I could be mistaken, explaining why the case was decided the way it was and letting my recommendation as to whether there should be an appeal or not be known to the chief prosecutor at the time.

I may be wrong but I can't recall a single case on a common assault charge where the Crown appealed at least at the trial level. Now, I was never on them at the appeal level but certainly not at the trial level. I can recall furthermore, more serious cases that I dealt with, cases involving death, cases involving severe bodily harm. I was outraged at some of the decisions, about the sentences given and recommended appeals and no steps were taken. Now, I came to the conclusion and rightly so, I think at that time, that the Crown is reluctant to appeal unless there is a very, very significant point of law that the judge has erred on or ignored or has made a new law which the Crown disagrees with or that the sentence is so unjust under the circumstances, that the Crown can do nothing else but take it to a further court. That's point number one, the usual treatment of what I call a minor offence.

Point number two was the suggestion that you made that five prosecutors had reviewed the case. Now, I may be mistaken but I think what the Attorney General did, is when he made that statement in the House, he made it in the sense that we were so careful, we had five people review it. I take that and I think a lot of the public would take that as there is so much out to get him they've got five senior people. Now remember, I'm not saying you're doing this. I'm saying how I perceive it to be. You've got Mr. Kujawa who is highly regarded across this country as one of the finest prosecutors in the land. You've got Mr. Perras who is rapidly developing a similar reputation. I don't know who the other three were but I assume that they're knowledgeable in the criminal law.

Now, when a government puts five people together of that stature to review a minor criminal case, I think, as a former prosecutor, as a politician, as a lawyer, that there is something wrong here. O.K. point number two.

Point number three is I suspect that on any criminal charge whether you are on the defence side or whether you are on the prosecution side, you can always find a point to appeal. And particularly when you take two people like Mr. Perras and Mr. Kujawa who are extremely experienced (I don't know who the other three were) but I suspect that if Mr. Kujawa puts his mind to it, in five minutes in reading a transcript he can find an appealable point. Now I am not saying that the Court of Appeal will agree with Mr.

Kujawa, or whoever the prosecutor may be, but you can always find something to get you before a higher court if you wish to do so. Again, my experience has been that the Crown is most reluctant to put all the forces of the state to an appeal on a case of this nature.

So, I make those three points. I give you the background as I see the case and I say to you. I perceive the government's action as to be simply a persecution of this particular person. And, indeed, as I see the case, it reflects to me that the government is bringing the full force and authority of government to deal with, what I could call, a common subject of the realm. I don't like to use the word, a little person, but I suppose again in the spectrum of things this is the way you would consider Mr. Chester.

You are not dealing with a multinational oil company; you are not dealing with a multinational potash company: you are dealing with just Joe Citizen in Prince Albert. So I put all these things to you . . . I don't accept that comment. He can make it later if he wants. But I put it to you at this stage that I perceive the case, I can come to no other rational conclusion, that there is something wrong somewhere and that this is the reason the appeal is being taken.

Now, I would like to explore with you, if I may Attorney General, what happened in your department and how this appeal started. My recollection of how the department used to function was that the prosecutor at the trial level would make a recommendation and in due course he may receive a letter or phone call from Mr. Kujawa or whoever is now the Chief of Prosecution to discuss the case. And usually at that time the decision was made one way or the other.

I would like to know how it came about that five prosecutors became involved in this particular instance?

**MR. ROMANOW:** — Well, Mr. Chairman, I can see the hon. member has not lost his advocacy skills because he advocates a web of circumstantial evidence which might look well from his point of view. I know the point he is trying to stress on me is that the system looks bad. I think it can be explained very easily, very easily and very difficultly.

Number one the matter started, I am advised, by the prosecutor, when the District Court Judge Dielschneider overturned the case asking Mr. Kujawa in the department to review the transcript and the evidence, I am so advised just now, because he was convinced that that was an error by the learned trial judge. And, in due course, the transcript came to Kujawa, who, as he does on a number of matters, reviewed the transcript and determined in his own mind that there was a fundamental error in law.

The error in law, alleged by the Crown, is this. In acquitting Chester the trial judge Dielschneider seized on statements made by the trial magistrate, post conviction during sentence — follow the words that I say — during sentence, after he had found the conviction as a fact and took that statement and said that he finds that that is a statement of fact upon which to base the acquittal. The department says that that is a serious error in law. No trial judge can go around on the new appeal mechanism because it is now on the transcripts. This is how they do it; you don't call the evidence all over again in a trial nova. I know that you can under special circumstances, but it is straight out of the transcripts, the magistrates catch such, what the department feels is a blatant error on the face of it. I will try to answer all the questions, if I can, on number (1). So this is the conclusion that Kujawa came to.

No meeting was convened. They didn't get five lawyers around a table and say, O.K. boys, what do you think? As Mr. Perras recollects the event, somebody walked into Perras's office at the time he and another person were considering some murder appeals or some other matters and the transcript was put down to Mr. Perras and said to him what do you think about this? Is there an error in law here or not? They looked at it, reviewed it and remained convinced that there was an error of law and told this to Kujawa and presumably the fact that it had received, this issue had received so much public attention, presumably the guys were aware of that fact and that's how it developed. So as I say, when I said there was five, it made it look like five guys sat down and you argue very eloquently the argument that it looks like five guys sat down to mount a case for the appeal but that's not the fact how it happened. We aren't quarrelling with the sentence, we are not quarrelling whether he gets convicted or not convicted on a personal basis in my department. But what we are quarrelling with is what we think is a fundamental error in law by the Judge Denoble (?) in doing what he did in this new procedure and he is allowed to do that and a precedent is set. My people tell me on a strict legal basis that would be unwise and thus the appeal was taken and I repeat again, without any consultation to me. I'm not sure whether that was good or bad, but it was done that way and they decided to go ahead and do it and as I say if you struck out the name Chester and put in the other person's name in there, I submit that the procedure would have been done normally the same way, and it can very well be five people the way they tell me the way the events took place, maybe five prosecutors have looked at it. I gather a case of lawyers sitting around and talking about a particular file as it would so happen, and yet a substantial correct version of the recollection of events.

**MR. MALONE:** — Let me just say for the sake of argument for the time being, accept all of that and let's say there was a glaring error on the record as examined by Kujawa and Perras and that I'm sure they are, they are 100 per cent right in the conclusion that they came to. But balance that against the public perception of what's been happening to Walter Chester in the past few months and ask yourself will justice be done by pursuing the matter? I mean this isn't a point of law where the trial judge has found that a point of law or precedent is set and that two days later somebody is going to get up in Magistrate's Court and argue the case and refer to Judge Dielschneider's decision. This is a point of law and the judge presumably erring on something that he took into account which he shouldn't have taken into account and I know that that's a common ground of appeal that the Attorney General knows full well.

So I say, assume for the moment everything, and I am assuming everything you say is right. Balance that against the public perception of justice in the province of Saskatchewan and I hate to bore you with the trite phrase, justice must not only be done it must seem to be done. You hear that every day. It drives you crazy, but nevertheless, it's a very appropriate phrase to consider in this particular case because no matter what you do now, I'm sure that at the very least, one Walter Chester and his close associates will feel that he is being persecuted and you know you can't send the person to law school to have them learn the inner workings of the criminal justice system. But perhaps, more important of all consider the community, consider the people of Saskatchewan who have been watching this particular case. And I say to you Attorney General that further steps on the part of your department will lead people to that particular conclusion. Now, they are not lawyers. I haven't practiced for a couple of years, but I say to you that the general perception of what you are doing will lead you to the conclusion that I have arrived at and thus, the whole administration of justice within the province suffers, because, people will say if they do it to this poor old prison guard, they could do it to everybody else in the province. So, have you considered the case in

that light?

**MR. ROMANOW:** — Mr. Chairman, yes indeed we have considered it in this light and I don't want to drag the officials into this, because I'm supposed to speak with the officials, but I will on this one occasion because I think it sums up the position that I think we are in. Now, Mr. Perras turned around to me and said to me, we are not in them popularity business, but I am. That's right I am. That's right, but the fact of the matter is that a very important point has been made in that little comment.

I'll give you an example. There was an RCMP man called Fitzpatrick. Fitzpatrick was involved in a situation in Yorkton area where some motorcyclists were hit, I think some people actually killed as a result of that and we had a charge, a very serious criminal charge launched against him. That man, Fitzpatrick went through days of trial, he lost his job, publicity and there was a hung jury, hung jury. Couldn't get a conviction. We were petitioned by the defence council not to run this man through the system again, on much the same arguments you are giving us to Chester. But the point, what I'm saying about popularity, the law is blind, justice is blind. We did run it through again and went through the whole business again and anguished as it may have been for Fitzpatrick we had to do it and a conviction was obtained, based on legal considerations. And I'm saying that the very point of the statement is, I make that statement not Mr. Perras and I make that statement, the very point of the statement is that the politically easy way would have been to say to you people O.K., let's drop it and that's the public perception. But I can't do it. I think as Attorney General I have to give my prosecutors the full freedom to do what they feel is the right thing to do in the course of criminal prosecutions. There are all kinds of cases like Fitzpatrick. They are tragic in more ways than one and all kinds of cases like Chester's which are in a sense tragic. But what can we do? All we can do is administer to the law as best as we can and to answer questions specifically. Yes the prosecutors are mindful of this, of this factor of what the public perception may be. I gather I don't know how much they weighed it, but at least there was a factor in weighing it and they concluded still that this business of justice being done is the principle that had to be followed.

**MR. CHAIRMAN:** — Order, I realize that, and I realize that prior to adjournment, why, the official opposition had most of the time. It has been 50 minutes now since we convened again and I am trying to be fair with it. I can't do anything other than that and I acknowledge the member from Estevan.

**MR. LARTER:** — Mr. Chairman, just sitting here listening and I'm an ordinary layman, a Joe on the street, and not too a smart a one, but I can't for the life of me feel that something is happening here. I would like to know how many common assault charges have been reviewed by your prosecutors? I would like to know how many of these have been reviewed and sent on the way you're going to do in 1977 and 1976? I want to see what's happening here, I just can't believe this.

**MR. ROMANOW:** — Well, Mr. Chairman, I tell you quite candidly, what I can't believe is your attempt - I'm not talking about the PC caucus attempt - to politicize this whole Chester thing. You know, stand up for the guards; stand up for the police; these kinds of statements. They mean nothing, they mean nothing. The law applies to everybody, including Chester. I can't give you that figure now, we would have to go through . . .

**MR. LARTER:** — I would like to have it.

**MR. ROMANOW:** — We'll try to find it.

**MR. LARTER:** — What . . .

**MR. ROMANOW:** — I don't know for what, I can't even . . . Listen, I think I know something about appeals and I tell you that there are appeals every day to the Court of Appeal, all kinds of criminal cases for criminal assault. Even they are not advocating, not saying that. Their argument is that it looks bad, the system of law looks bad from the circumstances of facts. I think that's a credible argument. But, you know, don't tell me that this one man out of this situation - I have answered the question specifically, the question as to how this came about. I told this to the Leader of the Liberal Party. The prosecutor at the trial level asked our senior people to review the facts of this matter and that's how it took place.

**MR. MALONE:** — Mr. Chairman, I'm trying to get this out of the political scene that my friends to the left put it in but we may come back to it. I hope we don't. I want to pursue it with you again in a reasonable way, if I can. May we suggest to you that it is not appropriate for you to make comparisons to other cases because for every comparison you make I can draw a difference. You mentioned the Fitzpatrick case. I happened to be in Yorkton the day after it happened. The whole city was up in arms. They would have lynched that guy. It was an entirely different situation, where the Crown was really compelled to act to the fullest extent of the law. Not the same situation.

Now, let me put this to you. Let me put this to you as the chief law enforcement officer and a man who administers justice in this province. Where does justice go if this case is proceeded with and if it isn't proceeded with? I say to you that if you proceed, what you are going to do is have people hold your officers up to contempt because, rightly or wrongly, they will perceive the case the way I do and the members to my left do. Now, I ask you as the public official, a person who is not unknowledgeable about how people perceive issues, to put aside your legal mind for a moment and indeed look at it from your practical mind. That's really the way the judicial system works, because every time a criminal charge is laid by the police, RCMP or otherwise, the prosecutor always has the discretion. He has the discretion to proceed with the charge as laid. He has the discretion to reduce the charge to another one, to increase it to a more serious one or not proceed at all. He weighs a number of factors when he makes that decision. Indeed, that's probably the toughest job the prosecutor has: more so than leading the evidence, more so than assuring a conviction and, indeed, the prosecutor's role is not to attain the conviction, as you well know. His role is to ensure that justice is done and to leave the evidence before the judge whether that evidence is favourable to his case or unfavourable to his case. You are in no different position except that you are in the public.

I suggest to you. Attorney General, that the administration of justice in Saskatchewan would be better and more well served if the matter was allowed to drop at this time. I ask you to consider that. I ask you as sincerely as I can to reflect on the matter, maybe not today but on another occasion but to give the matter your due consideration before further steps are taken. I believe, very sincerely, that it is not just a matter of one Walter Chester, although he is certainly the central figure in the piece; it affects the whole administration of justice in this province and you as that particular person must be concerned how the public perceives that administration of justice.

**MR. ROMANOW:** — Well, Mr. Chairman, I don't want to hold out any hope of not proceeding in this matter. You know, we are human beings and Mr. Perras is sitting

beside me and, undoubtedly, he hears the debate and he hears the arguments and I want to give him . . .

**MR. MALONE:** — Make your point.

**MR. ROMANOW:** — Well, my point is that, the point that I am saying and I know this may prompt subsequent statements that I am trying to duck out of it, but as I said earlier to the member for Regina South, I have personally taken the policy as AG seven years ago that I just would not be deciding these matters on criminal prosecutions. Because, in a way, you can't win. If we proceed then some may come to the conclusion that you alleged, they'll come to the department, to me about the whole operation. If we don't proceed some people will come to the conclusion and say, you are not proceeding because somebody was able to kick up enough of a public, political stink in the Legislature, even though the facts in the case and the law in the case is blatant, and you should have proceeded and you didn't. Because poor old Fitzpatrick, if you want to drag in that example, but because poor old Fitzpatrick didn't have anybody pleading his case -the fact that he had gone through and gotten a jury in effect telling him, no conviction, because nobody pleaded his case he didn't get wrung through the wringer again. I just think that puts the administration of justice in an impossible position. I can't be that kind of an AG, who bends to what is popularly perceived to be the correct thing to do. I've got to do what I think, what my prosecutors think, is the correct thing to do whether it is popular or unpopular. Now, I realize there is a principle of law involved here on the perception, because that is the principle of law, justice to be done must appear to be done, that is the principle of law you are talking about. That's a factor that obviously the boys have considered. But, I think, if I get into this bag or any Attorney General gets into the bag, that we should be not proceeding because of a ruckus that's raised, legitimately or otherwise, a ruckus raised starting from Moore, then I think I could be open to accusation the other way around.

There must be hundreds of Chesters out there who think they are being persecuted, guys who have gone through the courts on a .08 charge or a drive while suspended charge. They get acquitted and I get letters everyday from them. A guy gets acquitted on an impaired driving charge and he writes me a letter and says, why are you appealing me to the district court, you know, you're out to get me. Nobody takes up his case. I just don't see how I can do that. I think my only defence and it's the only way law can be administered is for me to say, look, I am turning this over to guys who are not politicians, guys who don't need to be elected, they will be there long after I'm gone. They'll be still doing their job advising as to appeals and prosecutions and my best bet is to say, O.K. boys, you do the job, make the decisions and I'll defend it as well as I can. I think that's the only way the law can be played.

**MR. COLLVER:** — Mr. Chairman, the member for Lakeview has suggested that somehow you can divorce this Walter Chester matter from the political arena. Mr. Chairman, unfortunately for the people of Saskatchewan, that is not possible. Not possible. If you examine the case as to precisely what happened and what transpired— Let us go through it just briefly. Well, we may have gone through it, but perhaps from a different point of view, Mr. Chairman. Oh he knows the facts, says the Attorney General. I wonder if the Attorney General recalls that at the time of the Walter Chester affair in Prince Albert there were two very key by-elections going on. I wonder if he recalls that. I wonder if he recalls the statements that he made on this affair in Duck Lake during the course of the by-elections.

He says, what statements did I make pertaining to the jail situation in the Walter Chester

affair and the prison riots? The prison riots, they are all inclusive, Mr. Chairman, they are all inclusive. Walter Chester was the first official who, through himself and Frank Chester, warned the government of Saskatchewan of impending conditions in the Prince Albert jail, leading to the prison riot that occurred, where two people died. He was the first. He was the one who warned and alerted the officials of the provincial jail system through channels, not publicly, and then when no action was taken, Mr. Chairman, his brother who was a local alderman also became involved and started talking about the unfortunate conditions in the provincial jails.

Then there was an incident that occurred in the provincial jail and Walter Chester inadvertently (or advertently or however you cut it), in trying to put down the prison riot, cuffed a prisoner — knocked his glasses off; I think those are the facts.

As a result of the charge, now the charge of Walter Chester was an issue itself at that time. the fact that the Attorney General would charge a jail official in conducting his duty or attempting to conduct his duty to the best of his ability, in trying to prevent a more serious situation from occurring in the jails, the fact, Mr. Chairman, that the Attorney General made a conscious and political decision through his office to make that charge against that official . . . (interjections - inaudible) . . . Well, hopefully the member for Yorkton (Mr. Nelson), is paying attention to the facts as opposed to the BS that has been transcribed around this House about this case. The fact is, Mr. Chairman, that during the course of that Prince Albert-Duck Lake by-election, the charge against Walter Chester was in fact aimed at that point in time to have been political and to have been an attack on prison guards and prison officials and law enforcement officials everywhere.

When the case was heard by the provincial magistrate, reviewing the case, under some very strange circumstances. I might add, and these were in fact, brought forward at the Moore Inquiry, the judge, in hearing the case, brought in from another jurisdiction, gave Walter Chester an unconditional discharge. In other words, the judge said that Walter Chester technically broke the law but that he should have no criminal record of any kind on a common assault charge. As a direct result of that, Walter Chester should have been, at that point in time, reinstated, not with back pay, but reinstated to his former position.

Admittedly, he had gone through a great deal for doing his duty as he saw fit as a law enforcement official. For doing his duty and trying to quell a very serious situation and an incident in the Prince Albert jail, Walter Chester paid the price. He had to pay for all of the legal costs of that three or four month interval and period; he lost his pay during that period of time when he was suspended and what did the government of Saskatchewan decide to do? The government of Saskatchewan, Mr. Chairman, decided to reduce him in position and Walter Chester, being a human being as any other, in order not to jeopardize his pension benefits, had to accept that position, that reduced position. His union made application for grievance and they said that Walter Chester should be reinstated because he had no criminal record; he was attempting to do his job as he saw fit in trying to quell a serious incident.

Now, Mr. Chairman, just at that particular instant in time, the Prince Albert by-election was on; the present government made some statements; the Attorney General himself, made some very serious statements in Duck Lake about this entire matter, about this entire prison matter. The Premier made some very serious statements in that by- election about this very matter.



**AN HON. MEMBER:** — What were they?

**MR. COLLVER:** — You mean precisely? If I had the newspaper in front of me I would be happy to quote them. I don't have it in front of me. But the fact is that they made some serious statements about this matter. Now, Mr. Chairman, what transpired next is very interesting. The N DP did not win that by-election at all. They lost the by-election, that political affair. Then, Mr. Chairman . . . (inaudible interjection) Oh, I think one of the members just said they didn't have a good candidate there. He's your candidate for the next election. He is going to lose worse next time.

Mr. Chairman, at that point in time, the government lost the by-election. Did they, at that point in time, as a reasonable measure, reinstate Walter Chester who now had no criminal record at all but was technically guilty of an assault, admittedly in the continuation of his duty in trying to quell a serious incident. Did they obey and heed his warnings of serious matters occurring at the Prince Albert Jail? The answer was, no. No they did not, Mr. Chairman.

What happened next was a series of mismanaged events by the Minister of Social Services who was warned, first of all by ourselves and then by the members to my right, then by another member from our side, then by another member from the Liberals, saying, you've got a serious problem in the Prince Albert Jail. We saw the Minister of Social Services, in this very Assembly, laugh at a question of serious problems in the Prince Albert Jail. Now, don't forget, keep in mind that Walter Chester and his brother, Frank, were the ones who were warning you of these serious events that were going to happen. The Minister of Social Services laughed when told that there was a serious problem. What he said was, look, it's only \$1,500 damage. That's all we have here. What kind of an incident are you talking about — a mere \$1,500 damage? Every member of this House will remember that.

In the meantime Frank Chester and Walter Chester, both of them, even though Walter Chester had been reduced in position with the government of Saskatchewan, is attempting to do his duty as he saw it, as a long time senior law enforcement official was warning the government of Saskatchewan, again, you have to take action here or serious consequences are going to occur. Frank Chester, at the time of that so-called \$1,500 incident, printed in the Prince Albert Daily Herald an advertisement alerting you to the fact that there were serious problems in the Prince Albert jail. What did you do about them? Nothing, zero! And not a month later there is an incident at the Prince Albert jail in which two men died, a serious riot in which two men died. Did you reinstate the man who warned you of the potentiality and the potential danger of this incident? The answer is no. Did you promote him or say to that law enforcement official, my goodness, you were right all along. We were wrong. We can accept that we were wrong. Did you give him any further help? You did not. He appealed his conviction on the strength that he felt if that conviction was ruled out, under an appeal, then it is null and void, there is no conviction. If he appealed it, he is presumed innocent. He is not guilty of an offence at all if he wins the appeal.

So he, as an individual citizen, pursuing his correct and proper course of action, appealed his conviction for which he has been given an absolute discharge and for which, by the way, he has been given exoneration by offence, and it is unfortunate that it happened, but he is. He is totally exonerated by the offence of the day in which two people died, even though you had been warned month after month, after month, after

month, from December - and if you want to get the press clippings, get the press clippings - from December through May, warnings at least every month from the Chesters, from the Liberals, from the Progressive Conservatives, month after month. Nothing happened. Then what transpires, Mr. Chairman, the man wins his appeal. He is now totally exonerated, totally. He is now totally innocent. There is no charge; there is no conviction. Now, he had no record of any conviction anyway, but now even that absolute discharge conviction is wiped out. He now has nothing, a clean slate. All you have in front of you is the report of the man's record. The said record was deposited in front of the Moore Inquiry as being a first-class outstanding law enforcement official, who warned of impending disaster at the Prince Albert jail, which the NDP government refused to listen to and subsequently saw two deaths occur in a very serious prison riot.

Now the man is clean, totally. You have his work record. Is he reinstated? He is not! What happens to this man? The government of Saskatchewan, through the Attorney General's Department decides on a common assault charge to review the file and comes up with some caucimainy reason to appeal. Now I can listen to the lawyers in this Assembly talk about the marvels of the law and how intricate the law is, but you know and I know and every person in this Assembly knows that every single conviction in the province of Saskatchewan could, if you looked long enough and hard enough, find some small technical reason to appeal.

At no time has any lawyer ever been able to say that he can run, or a judge, or anyone else can run a perfect trial, a perfect trial. At some point, in some way, and even the member for Lakeview will admit it, there will be some small technical error.

Now, Mr. Chairman, the fact is this. The Attorney General and the member for Lakeview are wondering why we would consider this to be political. Here is the Minister of Social Services, who has misjudged his responsibilities, as they relate to the provincial jails, and he has done so consistently from December through May. He had been warned of impending danger and that impending danger happened. The Attorney General and the Premier, both, are on record in the Prince Albert by-election as saying, there is nothing wrong with the Prince Albert jail; everything is fine. We have the thing under control, even though it wasn't. They take the person who gives the warning and run him through the most unbelievable attack by the use of the court process, the most unbelievable attack that any human being has had to put up with.

**MR. BOWERMAN:** — That's stretching it a little.

**MR. COLLVER:** — Stretching it a little, he says. Stretching it a little, says the member for Shellbrook. I would like to ask the member for Shellbrook to go up and see the Chesters. Talk to them. Yes, talk to them, says the Minister for Northern Saskatchewan. Yes, I am sure they are friends of yours, Mr. Minister for Northern Saskatchewan.

The fact is, Mr. Chairman, that Walter Chester's life since last December, since December of 1976, has been a living hell. He has been put through: his pension has been put placed in jeopardy and why? Why have they placed his pension in jeopardy? Have they charged him, repeatedly before the courts? Have they gone and sought out a technical reason to appeal the common assault charge? Why? To prove that somehow they were right and the Chesters were wrong; to prove that somehow they were right to begin with in their assessment of the jail situation in December of 1976.

Now, Mr. Chairman, that is unacceptable to everyone in Saskatchewan. It might be a laugh to all of the people on my right but the fact is, Mr. Chairman, it is not a laugh to an

individual who has been attacked by this kind of governmental action. It is not a laugh to that individual.

I couldn't possibly assume, as the member for Lakeview did, assume that the Attorney General's facts are right. Of all the nonsense I have ever heard — somehow the Attorney General is correct in his assessment that he gives this over to these non-political officials of the Attorney General's Department that he hires, that he turns this over to them and he has no influence. Can you imagine that, Mr. Chairman? He has no influence at all over these non-elected officials. He turns it over to them because they are somehow independent of his actions. In addition to that, he turns it over to an outside lawyer who is totally independent of the Attorney General's actions. The Attorney General is paying the bills. The Attorney General is hiring them; he is engaging them: he is instructing them but they are somehow independent. He is clean he says. He is clean from all of this kind of behaviour.

**MR. BOWERMAN:** — That's your problem. It hurts doesn't it?

**MR. COLLVER:** — Mr. Chairman, it doesn't hurt at all.

Mr. Chairman, the fact is it is one thing to take on someone who can take care of himself. It is another thing to take on someone who has worked for you for all those years, 23 years, take him on and run him through the court system, run him through the kinds of arbitration procedures, all because he was the voice in the wilderness that warned you of impending disaster and you have to somehow keep that man down. Because if somehow you admitted that Walter Chester should be re-instated, with full back pay, and full privileges, what you would be admitting is that you made a mistake in December of 1976 in your assessment of the situation at the Prince Albert jail, that you made a mistake in your judgment in the kinds of statements and comments you made during the Prince Albert Duck Lake by-election, that somehow you can justify those statements and justify that action. Mr. Chairman, the fact is that no assumption that the Attorney General could be right on this case could possibly be taken. Every single case that the Attorney General could review, he could find a technical reason to appeal it, and he has found a technical reason here. In the vast majority of instances, Mr. Chairman, appeals are taken in order to establish new principles of law, in order to establish new points of law most of the time unless it is a really serious offence that the Attorney General in his judgment and in his wisdom feels that somehow justice will be denied, somehow, by not proceeding with an appeal.

The fact is that a common assault charge, the Attorney General well knows and it has been said before in this Assembly, can be verbal. A common assault charge can be attacked verbally and be charged with common assault. This isn't assault causing bodily harm. This isn't a serious criminal offence; this is a very minor criminal offence and the Attorney General knows it. There is no staggering principle of law that his officials have decided to attack, none whatsoever. They have found a technical loophole in the judgment and they are pursuing it in order to keep the voice in the wilderness down. All I can say, Mr. Chairman, is if that is perceived by the people of Saskatchewan as it is, the Attorney General is going to attack individual citizens, individual employees of his government for 23 years, for what? For what?

The Minister for Northern Saskatchewan sits there and shakes his head. My goodness I hope he rises in this debate and corrects what has just been said. I hope he stands up and corrects the facts that are there, the facts that are there. The point is, Mr. Chairman, those facts are beyond comprehension; people forget the Attorney General is hoping.

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They forget the PA-Duck Lake by-election. They forget the Minister of Social Services laughing in this House that there is only \$1,500, that's all. A month later there is a riot in which two people are killed. He thinks they are going to forget that. But, Mr. Chairman, the one thing the people will never forget and will never forgive is a government that uses its power to attack little people just because they stood up to you. Mr. Chairman, you will be voted out of office on that very issue.

**MR. ROMANOW:** — Mr. Chairman, I want to make a comment or two. I say. Mr. Chairman, you will not be ever elected to office with your theory of law and the administration of justice. Never! Just consider the words, anybody who would believe that an Attorney General doesn't know what his officials are doing in prosecutions would believe anything.

**MR. COLLVER:** — That isn't what I said!

**MR. ROMANOW:** — Anybody who looks at the facts of this case will find out that the people in the Department of the Attorney General sought out a technical reason for the appeal, sought out a technical reason for the appeal. Flying contrary to the facts, the facts being that the prosecutor in the area in Prince Albert raised this matter . . .

**MR. COLLVER:** — Who hired him?

**MR. ROMANOW:** — Who hired him? That's the point. That's the point, Mr. Chairman, why I am saying he will never be elected Premier of this province. You know why, 'Who hired him,' reveals your thinking. If you were the Premier you would think you could control the prosecutors to your tune because you hired them! That's your philosophy on the operation! I don't want to get into your personal problems with respect to SGIO, other than the immediate reaction, it's political! Immediately, it is political, why? If you were Premier, that's exactly the way you would be operating. That's why you assume we're operating that way.

When you say on the business of inference — I have told this House, if I have told it once, I have told this House five times. I think the facts are there; nobody is disputing the facts and I don't see how in the world you can dispute the facts about how the decision was arrived at. It was not arrived at by me having any knowledge about it on the appeal or the Department of Social Services having any knowledge of the appeal. Whether it was a right decision, that can be attacked. The Liberals are saying it is a wrong prosecutorial decision which brings discredit to the justice system. I don't agree but that's an argument. But to allege when there are absolutely no facts that this man or men who were in that department for 20 years would be part of a political conspiracy of which somehow I was a part is an absolute bull-doggel, unless you hold the view that that's the way you can run your Department of the Attorney General if you were the Premier.

**MR. COLLVER:** — Look at the facts.

**MR. ROMANOW:** — You tell me where the facts are wrong as I have — I am going to sit down a moment, and I am going to challenge you to make a specific allegation right now in this House as to exactly how I or the Minister of Social Services was involved in the decision to appeal the Chester matter to the Court of Appeal. I am going to sit down in just a moment to have the member make that allegation. Before the member does,

**MR. COLLVER:** — Sure . . .

**MR. ROMANOW:** — . . . . Oh, I am going to invite you to do this because your mouth will get you into trouble all the time. It has so far. Mr. Chairman, I am going to read the words of the trial judge. The press never reports this and neither do you. The words of the trial judge talking about the situation and Chester says this.

I do not accept the version of the situation as given by Walter Chester either. I find that his evidence was inconsistent throughout. It was in many cases not borne out by reasonable actions and commonsense interpretations. I do accept the evidence of the two independent witnesses, the two corrections officers, who I might commend in their manner in testifying in this court in this case . .

And on it goes. You read the judgment. This judgment was the conviction basis. Those aren't my words. That's the judgment of an independent judge. It was appealed.

**MR. COLLVER:** — That's right.

**MR. ROMANOW:** — The appeal on the de novo was not hearing the evidence all over again. The appeal was this transcript. They read the transcript; that's the new Criminal Code procedure. In coming to a conclusion to acquit, on the trial de novo, the trial de novo judge did not take into consideration the facts which have been established by this transcript but took into consideration statements made during the course of sentencing. That is not a technical breach; that's a fundamental error in law if that's true, fundamental error in law that cannot be accepted as a precedent. Now the member for Nipawin says that we launch or could launch technical appeals on technical grounds, just willy-nilly.

Mr. Chairman, that displays no confidence in the court system. Anybody who would launch an appeal on a technical basis and think he can get it by a court of appeal absolutely has no knowledge of the courts or no respect for the courts and I say it's a lie with respect to the member for Nipawin, no respect for the courts.

Mr. Chairman, when a member gets up and reveals this kind of thinking about seeking out technical reasons, reveals this business of the conspiracy, where there is absolutely no fact on it, I say that he's the one that is politicizing the whole operation. That's his stock in trade. When he gets sued it's a political action; when one of his friends gets into court, it's a political action. Someone has to speak for Walter Chester Well, who is speaking up for all the other guys who have to face their day in courts have to face their day in courts as well. Nobody does, nobody does. I say that you have brought this whole debate to a discredit to the administration of justice because even the Liberals and I've argued with them on this point, even the Liberals, any fair minded person can't draw the kind of conclusion that you draw.

You tell me once when I talked about riots. You tell me once where I even talked about the riots during the course of the Pelly by-election. Once, just once give me a newspaper clipping, anything. I defy you because you can't. I never spoke once on the riots. Not once, during the Pelly by-election . . . I was in Duck Lake, I delivered the speech. If you were in Duck Lake or had someone there who contradicts my version then lets have the evidence right now. Let's have the evidence.

**MR. COLLVER:** — Mr. Chairman, first of all, the Attorney General tries to suggest that it is an attack on the courts to attack the way the Attorney General is running the office of Attorney General.

Now, Mr. Chairman, for what it's worth, we believe that the courts are eminently fair, it is the way the Attorney General and his officials are conducting the Attorney General's department in relation to the Walter Chester affair, that is unfair. Not the courts. Mr. Chester is very happy to have his case appealed, appealed and appealed if he could afford it. Who is paying for Mr. Chester's legal fees? Mr. Chester. A long-time 23 year employee of the government. Listen, Mr. Chairman, there is quite a substantial difference between a man charged with murder, a man charged with murder and a man charged with common assault, quite a substantial difference, Mr. Chairman. Now, mind you in the Attorney General's mind, Mr. Chairman for some reason, the Attorney General only chose to read a portion of Judge Andreychuk's judgment. Well if he were to read the entire judgement, we would find that Judge Andreychuk found that there was a technical assault. That Mr. Chester's version of the case, she felt that it was a little more than just knocking the guy's glasses off which is the way Mr. Chester said it. That's right, that's what she said. There is no question about that. There is no question about that, but what Judge Andreychuk also found was that Walter Chester should be awarded an absolute discharge. Now the Attorney General will know, he will know that anyone awarded an absolute discharge has no criminal record. How in the world can anyone who believes in human rights — where is the human rights in this matter? Where is Jimmy Taylor saying to the people of Saskatchewan, 'my goodness, Walter Chester's human rights have been taken away here'. When he is given an absolute discharge in the courts, when he is given an absolute discharge in the courts he has no record. Therefore if he has no record, how can anyone take a record into account? Should an employer take a charge into account? The member for North Battleford says, sure. Sure if he is charged with .08 even though he is not guilty, should he lose his position? He says no. Does a charge constitute a conviction? The answer is no. Our system is predicated on the belief that an individual is innocent until proven guilty.

Now, we introduced in this country, a new procedure and for once the Liberals in Ottawa introduced something really good. They said that the judge had the right to issue an absolute discharge to people of a first offence on minor convictions. Why? So that their employers would not have to look at their criminal record to judge their employment record. So that, Mr. Chairman, if they were bonded employees, their bondability could be continued. So that anyone in that kind of position who is convicted of a minor criminal nature should not have to face not only that day in court and that loss of wages, and the cost of layers lawyers, but should not also have to face a lifetime, a lifetime of penalty through his employer because of that technical breach of the law. Walter Chester, by Judge Andreychuk was given just such a discharge. What was the reaction of the government of Saskatchewan to that? The reaction was to reduce his pay, to reduce his position, to in effect jeopardize his pension. That was the reaction of the government of Saskatchewan to that law. Human rights, where were the human rights for Walter Chester?

**MR. BOWERMAN:** — You still haven't provided the evidence.

**MR. COLLVER:** — From there. Mr. — Oh, now they want evidence with reference to the suggestion that this is a political attack. Now, Mr. Chairman, as the Attorney General well knows because he builds them all the time, cases built on circumstantial evidence can, in fact, prove the case. It's very difficult if not impossible for any opposition member or anyone else to find an occasion on which the Attorney General, in passing,

states to some local official of his government and says, 'we've got to do something about that guy; you better go hard.' Or conversely, and the Attorney General knows that he is akin to these kinds of things because these kinds of off-the-record discussions occur. What about this case, Mr. Attorney General? Well, maybe we shouldn't get into that too deep eh? Maybe we should go easy. Make sure everything is absolutely in order'. Little comments like that and the officials believing that they want to have the Attorney General's ear and that they want to do as the Attorney General wants, and the Attorney General's officials want. Go ahead and do things on the tough way or on the easier. The Attorney General will know completely, Mr. Chairman, that this kind of case, that this kind of case can go either way in terms of prosecution. The Attorney General knows that. He talks about the hundreds and hundreds of people in Saskatchewan that are charged with this kind of an offence. I'd like to talk about the hundreds and hundreds of people in Saskatchewan that are not charged with common assault. I would like to say right here in this Assembly that I have walked out of here and seen, not have been part of, but have seen two members so mad at each other that a technical common assault occurred and the Attorney General knows that. Then if they say, I am going to punch you in the mouth for that, that is a common assault and they can be charged. The Attorney General knows that. They can be convicted the member for Shellbrook laughs but unfortunately it is true. Unfortunately, Mr. Minister, it is true. I am going to punch you in the mouth for that is a technical common assault. You could be convicted of just that offence. You would probably be given an absolute discharge under those circumstances and maybe if you had a decent employer, instead of the Minister of Social Services, they wouldn't look to that technical conviction in order to determine what your future would be.

Now, Mr. Chairman, the fact is that you have to take all the political events in Saskatchewan since December of 1976, or November, actually, when the assault occurred, I believe either late October or November when the assault occurred of 1976. Since that point in time you have to look at the political events. You build up those political events and Walter Chester is still being attacked for something, that at the moment he has no conviction of at all, for something at the moment that he is not guilty of. If the Attorney General would say in this Assembly, yes, Walter Chester will be re-instated with full back pay and full privileges, yes, he will and we are going to carry forward this appeal to find out whether or not he is guilty of this assault charge. If he is guilty of this assault charge at such time as he is found guilty of the assault charge, we will reduce him to the rank that he is at present. Now, if the Attorney General would say That the people of Saskatchewan would believe that his is not a political attack, that this is not an attempt to get someone, a long-time, respected law enforcement officer out of your hair because this law enforcement officer tells it like it is and tries to warn you of impending disasters before they occur rather than after they occur, as is what happened with regard to the Prince Albert jail.

Mr. Chairman, I challenge the Attorney General today. I have said to him the circumstances of this case would lend one to believe that when politics is involved, so too have many and most of the people of Saskatchewan said that politics is involved in this Walter Chester case. Now, Mr. Chairman, I say to the Attorney General and I challenge him tonight, will he state categorically that either he will withdraw this appeal and leave Walter Chester where he is, which is unfortunate, or that he will see that Walter Chester is re-instated, because he is guilty of nothing at this point, with full back pay and full privileges pending the outcome of the appeal. That is what would be fair to that law enforcement officer. Put him back where he was, give him back his pension rights, give him back his position, re-instate him in full. Then if you want to proceed with the appeal and you win the appeal, fair game. But if you don't win the appeal you haven't

put this man through absolute and mitigated hell in the meantime.

Furthermore, Mr. Chairman. I would like to suggest to the Attorney General that because of the politics in this case, and this is an additional suggestion, so I hope you will answer the first one clearly and succinctly before this particular session ends, in addition to that, I suggest that somehow the government of Saskatchewan pay for Walter Chester's legal fees on this appeal. If they wanted to prove that this was an important point of law that they were attacking, if they wanted to prove — because the man was given an absolute discharge, was totally finished with it some time ago, that is the worst sentence that could happen to him at this stage. That is the worst that is going to happen. He is given an absolute discharge. Now you are appealing a point of law. Because of the appeal of that point of law, I suggest it is incumbent upon the government of Saskatchewan to pay this man's legal fees and to see that he is not placed in a position of financial bankruptcy as a result of the government's actions. If the Attorney General would agree to do those two steps, then the people of Saskatchewan might believe him that it is not political. But if he is not prepared to do those two steps, then there is no question that the people of this province will believe, because of the circumstances, because of the events, because of the happenings that it is political. One final thing, Mr. Chairman, the Attorney General suggests he said nothing during Prince Albert-Duck Lake about the Walter Chester affair or the prison riot or anything else pertaining to prison guards. That is what he said. Now the Attorney General knows that a speech made by him in Duck Lake and a furtherance of that discussion with the Premier over an open-line show between the Premier and myself in Duck Lake on that very issue, on that very matter became quite, as I said a cause celebre during the Prince Albert-Duck Lake by-election. For him to suggest that he didn't even discuss the matter at all is certainly being misleading to say the least. (Inaudible) . . . re-instate Walter Chester with full back pay and back privileges, then the outcome of the appeal.

**MR. ROMANOW:** — Mr. Chairman, I am not in a position to do that. Walter Chester is not an employee of the Department of the Attorney General: he is an employee of the Department of Social Services. I cannot make that commitment today. With respect to the question of the appeal, I take the position, I take the advice of my law officers who have acted independently. I don't expect you to believe that because you don't operate that way. You would manipulate charges; you would manipulate charges; you would use the criminal justice system for political purposes; that is why you suspect it of us. You would do that. The fact of the matter is that that is not the case. If it was the case it would be a press person, anybody could have sniffed that out by now by one discreet or indiscreet phone call to anybody in the department or anywhere else. There is no evidence of that, absolutely none. That is common ground among all of us except you. You don't choose to accept the facts. I am not saying I can much more be sympathetic to the appeals made by the Liberal Leader on this case about the perception of the matter.

**MR. COLLVER:** — What are you going to do about that?

**MR. ROMANOW:** — I have already answered him. The fact is that the law applies to every one, Walter Chester included. By the way, one passing comment, if your observations on absolute discharge were right, why was the appeal taken by the accused?

**MR. MALONE:** — Mr. Chairman, about two and one-half hours ago, I tried to bring this particular problem to the attention of the Attorney General on the basis of what would be good for two things, number one. Walter Chester, and number two, the perception



of the administration of justice in Saskatchewan. It was very tempting for me to get up when I first rose and make a political speech, and I may yet before the night is over. Two things have come out very clear in the last hour and one-half since the member for Nipawin entered the debate.

Firstly, in my view the member for Nipawin couldn't care less about Walter Chester. It plays to his advantage to have it as a political issue. That is why he gets up and yells at the Attorney General and puts him in the corner so he can't possibly after hearing that diatribe, back off from the position that he has taken. I don't believe for one moment the member for Nipawin really cares about Walter Chester. Indeed, what he wants is to continue to have this political issue bubbling across the province of Saskatchewan. That is very clear from his remarks.

Number two, the only time the Attorney General will ever listen to anybody or respond is if somebody gets up and yells at him like the member for Nipawin did. So perhaps I have to get up and yell on behalf of Walter Chester. Believe me Mr. Attorney General, this is a beautiful political issue.

The member for Nipawin said two things, which in my view are correct. (1) This is no longer a matter for your law officers to deal with. It is no longer just a matter of whether the Crown should be proceeding on an appeal or not proceeding. It is a political issue whether you like it or not and it is a beautiful political issue for the opposition parties. Indeed, it is the type of issue that puts governments right out of office and you know it as well as I do. But that is not going to do any good for Walter Chester and it is not going to do any good for the administration of justice in the province of Saskatchewan.

And, perhaps, for one moment we can rise above the political arena, which we are so used to in here, and direct our attention to those two particular issues.

Now, whether you like it or not Attorney General, it is political and it is no longer fair for you to come into this Legislature and say. I am going to follow the advice of my officials in the department. It is good advice on a legal basis. I have no qualms about that and I do not share the member for Nipawin's opinion about the reliability or the independence of your officials. One of them is a classmate, one of them I have great respect for, Mr. Kujawa, and I have a great respect for Mr. Perras.

Let me say to you, that you no longer can use your officials and say I am going to defend their decision, because it is not strictly in the legal realm now. It is a political issue. I suggest to you that if you come to this House and say, I am going to follow my officials' advice, what you are in effect doing is using them as a shield instead of defending them and you being the shield. What you now have to do is look at it in political terms. What you now have to do is determine - and I say, political terms, I mean in the broadest sense, not on a party basis. What you now have to do is look at this issue and determine in your mind how justice will best be served and what is in the best interest of Walter Chester.

Now, I suggest to you, it is patently obvious what is in the best interest of Walter Chester and that is, no further appeal; the matter should be dropped. We will then, no doubt, pursue the Minister of Social Services as to what he should be doing if he is not reinstated and it still keeps the political pot bubbling depending on what the Minister of Social Services does. But the more important concept is what I say, the perception of the administration of criminal justice in Saskatchewan. You have already heard the

mumblings of the members who sit to my left.

I think that what they say will be repeated by them across this province between now and the next election and, indeed, you say, well, if that is what they are going to do I can't back off.

But the point is. Attorney General, you can defuse this political issue right now, or later next week when tempers cool, if tempers are now boiling over there. You can take it away and it no longer will be a political issue, but it will do some good for Walter Chester, who I say, in my opinion, has been badly treated to say the least and more important than ever, will put back the administration of justice at the proper level that it should be.

Now, the member for Nipawin said one other thing that was correct. That is, if you decide - and I hope you do not - to proceed with this issue, you should make an ex gratia payment to Walter Chester for the payment of legal fees. Believe me it is not the same as the Fitzgerald case, or the Fitzpatrick case, or whatever that Mountie's name was. It is not the same as other criminal matters that come before your officials in your department. It is political and, perhaps, by that small thing on your part you can take it out of the realm of a political issue and ensure that at least Chester does not have to go through the concern of getting more money to pay qualified counsel to represent him.

As I say, I don't know the man, but I suspect that if he has been a jail guard for 18 or 20 years that the member refers to, he is a man of modest needs. And if he is continuing to use certain excellent counsel in Prince Albert, I know that his fees are not low and I think it would be reasonable for that counsel to be retained, once again, at no cost to Walter Chester.

So what I say to you, Attorney General, and I was trying to do it on a reasoned approach without yelling at you and without speaking in a loud voice. As I say to you, put your guts together and get up and do the decent thing, defuse the political issue, get Chester in a position where he does not have to worry about further criminal appeals and put the administration of justice back in this province, in the light that it has been for many, many years in the past.

**MR. ROMANOW:** — Mr. Chairman, this is a self-defensive comment. I suppose it is all self-defense in Estimates, but I believe the administration of justice in Saskatchewan, at the present time, probably enjoys, notwithstanding Chester and the hub-bub in the House here and ongoing and it will continue for a while, enjoys probably the highest reputation and respect that it has in a long time. I am not trying to say better than Darrell Heald's, but certainly no worse than Darrell Heald's. I think a heck of a lot better. But that is a very personal opinion and you boys may not agree and there is nothing else I can do in that regard.

I think the question is, what is the issue? That is the question. To me the issue is the administration of criminal justice non-politically. My argument is that for me to, contrary to the lawyers in my department, who do not view this politically - keep in mind they would be advising and they are advising and have made the decision for the appeal.

**MR. MALONE:** — . . . political issue.

**MR. ROMANOW:** — No, that is exactly my point. I think that a dangerous precedent

would be set if for political reasons -I know not in party sense- but for political reasons, I dropped the prosecution notwithstanding the fact that clear advice, unequivocal advice of all the senior lawyers in my department was to proceed with it, and why? Simply because Chester was fortunate enough, or unfortunate enough depending on your point of view, to having spokesmen in the Legislature on his behalf.

There are hundreds of people who don't have such spokesmen, who feel just as aggrieved (I have tried to make this point over and over again) but who also have to go through the criminal justice system.

**MR. MALONE:** — How many times do departmental officials get involved . . .

**MR. ROMANOW:** — Well, it is true that circumstances of working for the government are different and it is also true, and Moore makes some comments about discussions that took place at the official level between Social Services and AGs. I think that it makes it more complex. I think that is a point.

I am asked to overrule the five lawyers-forget the five lawyers-the lawyers whose job it is to make these decisions to overrule them because the two opposition parties put up an eloquent and boisterous argument. Believe me, I don't respond to being yelled at. I don't think anybody responds to being yelled at.

My feeling is that that would be the dangerous precedent, the defusing of the political issue for the administration of justice. I think that would be the dangerous precedent that I would be involved in.

I do say to the Leader of the Liberal Party, Mr. Leader, I have a great pronouncement to make here, that if Chester has got a financial problem with respect of his defence on this matter, I think that is something that we can consider. I have not heard that from Chester personally. I think the point that you make there, because I believe that you were the first one that did raise that and subsequently the member for . . . I think we can consider that. I won't make any commitment. I don't know what precedent that involves. For everybody else who thinks they haven't got money we do have a legal aid system and all of that which I think should look after it but I'll ask Mr. Perras to look into the situation. I'll tell you one thing, I surely would make no decision on the appeal, even if you say, to screw up my guts to make that decision. I would not make it in Estimates; I wouldn't make it for days after Estimates out of the calm and the ration of the thing. All I can say is that's my view and my thinking and I know your views and your thinking on it. I think that business of perhaps looking up the legal cost of it, well, I'll ask Mr. Perras to look into that with the counsel for Mr. Chester.

**MR. CAMERON:** — Mr. Chairman, the problem the Attorney General has on the case and, you know, it's some discomfort to be almost, in effect, trying Walter Chester's case in the House. But the dilemma you have is this, that in the first instance and you didn't address yourself to this, you said Mr. Rolfes did not confer with you and I accept that statement. You say that the five prosecutors took a look at this case quite independent of anything from you and I accept that. You rise in your place as the Attorney General and the honour that applies here, I accept that statement. I believe you.

You have the dilemma of Bogdasavich, the deputy minister in Rolfes' department in having gone to your officials at some earlier stage, as I understand it, and having suggested to them that an appeal ought to be taken because the absolute discharge was an impediment to the disciplinary action that the Department of Social Services

wanted to take. That was my understanding; correct me if I'm wrong. Because you are fixed with that and that, in my view, was an improper approach by one set of officials in government to another set of officials in government. I said to you earlier in the day that if it was Simpson Sears or CBC or somebody, they couldn't do that. And if they sought to do it through you, you wouldn't permit them to do it because it would be improper. Now, if I'm right in those facts and I think I am, that's my recollection of the situation, you know, you're fixed with that. You can't wipe that away. That happened and that's a fact and that was improper. That's number one.

Number two is when five prosecutors do confer, as you have indicated they have done in this case on a relatively minor matter, it leads, as the member for Lakeview has put so eloquently, to the conclusion that there is oppression in the case. When you get the thing before the courts for the third time on a situation of this kind, it leads to the appearance at least, of you crossing the line from prosecution to persecution. That's the problem you have in respect to it, as I see it.

I've listened to the Member for Nipawin so often in three years in this House and from time to time I am appalled at what he has to say. I was never so appalled as what I was tonight to listen, to listen to the attitudes that that man would bring to bear if he had the power to the administration of law in the province. The Attorney General is dead right about that. It's scary. It's frightening and I wish he were here to listen to this. It is appalling his lack of appreciation for the way in which the administration of law has to be done, administered. It's scary. I am frightened by that whole attitude that he has to this thing.

I think to myself, if he were the Premier ever, if ever that should happen and God spare this province from that, it would lead immediately—firstly, there would not be one self-respecting professional in the Attorney General's Department who would remain; they would all leave and leave quickly. They could never accept the standards that he would espouse with respect to the administration of justice. As I say, it's a frightening concept that he has. The Attorney General rightly pointed out, 'who hires the people, therefore, you have absolute control over them', never understanding the division that is caused by the professionalism, never understanding their oath of office and this is the oath of office of the officials, never understanding the obligation of an Attorney General to accept the advice of his officials in these circumstances.

As I say, you know, you hesitate in using words of this kind, but it is sort of an attitude like gangsterism going wild in the government. It is what has led to all kinds of governments becoming corrupt, this kind of attitude. It would lead inevitably to a total corruption of the administration of justice in Saskatchewan if we ever had that attitude applying in the government. As I say, I've been appalled very often to listen to this man speak but never so appalled in my life as I am tonight, having listened to a man who seeks to be the Premier of this province, who has potential leadership, at least in his grasp, and who would conceive of the administration of justice in that way. It would be a sad, sad, sad day in this province if ever that man had the power to institute notions of that variety in the administration of justice.

**MR. BIRKBECK:** — Mr. Attorney General, does your department with regard to the registration of land titles, have the authority to carry out and does it in fact carry out the transfer of land from acres to hectares?

**MR. ROMANOW:** — Mr. Chairman, I think I've answered this before. The hectares are on surveys, for new surveys: they are not on the duplicate to its title. They can be obtained

upon request.

**MR. BIRKBECK:** — Mr. Chairman, just under the Attorney General's Estimates. I want to clarify a point which has been confused for quite some time and that is that the provincial government is responsible for the order in council which requires for the land transfers from acres to hectares upon a plan survey request. That is not federal jurisdiction. On many occasions Otto Lang has stated that metric is out with regard to agriculture. Mr. Attorney General, the province of Saskatchewan has not withdrawn that order in council to date, is that correct?

**MR. ROMANOW:** — We've not withdrawn it. Again I repeat that's an order in council which was passed now two years ago dealing with the surveys only.

**MR. BIRKBECK:** — Well, Mr. Attorney General, will you withdraw that order in council?

**MR. ROMANOW:** — Why?

**MR. BIRKBECK:** — Well, why, you ask. Because if one section of land, as an example, was sold to another individual and a plan survey was requested than that whole section of land would, in fact, be in hectares. As you know, we have mounted some strong opposition to the metric conversion in the agricultural sector and in particular as it pertains to the changing of land from acres to hectares. There seems to be no need whatsoever. We are never going to export land and, Mr. Attorney General, I don't see why you can't withdraw that order in council. I'm just asking you if you would give us some assurances that within the near future you will withdraw that order in council?

**MR. ROMANOW:** — Well, Mr. Chairman, I can't give that assurance to the member. This is, I'm advised, part of the national conversion or a national program which has been involved now in every province, including good old PC Alberta and good old PC Ontario and good old PC Newfoundland and good old PC New Brunswick, all these PC boys foisting this terrible metric plan on us. I really think it's a communist plot. I have my suspicions about metrication in this regard. But I am always being assured by the fellows behind me that it's not so. But of course one knows all they have to do is give them a little hint and they will adopt anything that I say. I don't think it is applying anywhere, networking anywhere. I just don't think we are going to have to withdraw it.

**MR. BIRKBECK:** — O.K. Mr. Chairman. Just to conclude on that particular item and ask one further question with regards to the registration and Land Titles. I want to make sure that it is understood then and that it is on the record that in fact we have made a conversion from acres to hectares in the province of Saskatchewan and that was done by this NDP government, by Northern Council and has absolutely nothing to do with the federal Liberal Party.

**MR. MALONE:** — Well they are the bad guys.

**MR. BIRKBECK:** — Yes, Leader of the Liberal Party, he says, well they are the bad guys and you should know because it was the Liberal Party, the federal Liberal government that introduced this metric conversion. If you can sell that conversion to anyone, if you can sell that conversion to the general public, other than with regard to the export of our own goods to other countries which are on metric, then you are going to be doing awfully well.

Mr. Attorney General, if I could just ask one other question with regard to the Land Title

offices that we have in the province. Some ten years ago (and I might, just for the sake of the Liberal Leader since I have been rather hard on him today) tell him that . . . I really hate to cut you up with that comment, member for Lakeview . . . but nonetheless some ten years ago the provincial Liberal Party had plans to have registration Land Title offices in the rural part of Saskatchewan with a more diversified system than we have now. Moosomin was one of those places. There were a number of places about that size and provisions were made and the space was there and they fully intended to put registration of Land Title offices in those spaces and now, Mr. Attorney General, since your government took off ice those plans have been completely thrown out and we have it centralized, particularly in the city of Regina. we have a centralization of all of those registrations and you would agree, I am sure, Mr. Attorney General, that when an individual sells a parcel of land to another individual it takes a long time, far too long, for that transaction to take place from the time that you get the land title from the former owner into the hands of the new owner. Now you might use the example of the first individual, this Duval area farmer that bought a piece of Land Bank land. Maybe you could use that as an example. Has he got the title to that particular property at this point in time? Has his transaction been made any quicker than the average person that buys land from just his neighbour or just through the ordinary real estate agent?

Those are my comments, Mr. Attorney General, in that regard. I would appreciate a comment. I think that you have centralized it since you took office, unlike what the Liberal Party at that particular point in time was going to do and I don't think it is very efficient. I think you would agree with that that it takes far too long to get these transfers made of the titles and I would just like to have your comments and what improvements do you see in that regard?

**MR. ROMANOW:** — 1. With respect to Land Title offices, there are eight around the province. Moosomin was at one time thought, as a potential Land Titles office to be opened up, and then not proceeded with. I don't know whether our administration decided or the former Liberal administration, but they closed in that regard.

2. With respect to this man at Duval, no special treatment on Duval at all. First in, first out, last out - last out.

**AN HON. MEMBER:** — (inaudible)

**MR. ROMANOW:** — No, they have no Land Titles in Moosomin. But the Liberals had a plan of setting up one in Moosomin and it never came to fruition, about the time that we changed office, whether we made that decision or not.

I think this matter of metrification in 1971 . . . unanimously in the House of Commons by everybody.

**MR. MALONE:** — Mr. Chairman, there are any number of things that I would like to cover with the Attorney General before the evening ends, not the least of which is cable TV. But there is one matter of particular concern that I would like to raise with you which was alluded to by the member for Nipawin the other day. I'm sorry, can you not hear me? One matter I would like to raise with you, among a number that was alluded to by the member for Nipawin the other day and which has been brought to my attention on numerous occasions, which is a matter of continuing concern for me and that's the handling of juvenile offenders in Saskatchewan, juvenile offenders of tender years. I am of the view, I may be mistaken, but what happens is really nothing, is that we have cases of very young people (I am not talking about people 15 or 16) but younger than that

getting in some dreadful scrapes with the law on offences of wilful damage, petty theft, car theft and so on and the police find themselves completely handicapped in dealing with those cases because when they are convicted there is really no place they can send the young offender.

Now I would like to know if the government has any plans on-stream for an institution for youthful offenders, aside from jails and penitentiaries, which I certainly do not advocate, but some place where they could betaken (I suspect what most of them need is a home rather than any incarceration) but some place between your department and the Department of Social Services where these young people can be handled?

**MR. ROMANOW:** — Mr. Chairman, I am advised that there is a problem in this regard. The problem is, I think, with the present Juvenile Delinquent's Act which only gives two options in sentencing, in the case of a juvenile and the tantamount effect of that is that it is really nothing but supervision. You order him to custody of some probation officer or social worker. We have no other options under the act which is passed by the federal people and we simply try to administer it.

Facility-wise we think we are O.K. in terms of housing in Kilburn Hall or whatever. But that's not the problem. The real problem is the lack of sentencing options. We are told that the sentencing options problem will be resolved by the proposed amendments to the Young Offenders Act. There will be seven different options on young offenders and that will open up and give us some additional options and give the courts some additional options. So I think we are gearing up for the Young Offenders Act.

**MR. MALONE:** — When the Young Offenders Act becomes law, what facilities have you available for youthful people once they become trapped by the provisions of the Young Offenders Act?

**MR. ROMANOW:** — Mr. Chairman, I am sorry I can't answer with precision the question because in our system in Saskatchewan that is a matter for the Department of Social Services. Mr. Perras advises that they are (he knows by inter-departmental communication) that the Department of Social Services is now fairly well advanced in assessing what kind of facilities are required for us to adopt the Young Offenders Act which is coming on-stream. We don't have that information tonight. I perhaps can mail it to you or give it to you at a later date, but my answer to you is that we think we are on top of that in terms of facilities. If you ask me what kind, I can't answer that.

**MR. MALONE:** — Just one final question and then I will let the member for Nipawin get in. Is it fair to say then that the 12 year old or the 11 year old who gets into trouble under a Criminal Code charge, you are in the position where you really can't do anything? Is that a fair statement?

**MR. ROMANOW:** — Yes it is.

**MR. COLLVER:** — Mr. Chairman, I am sorry to revert to the Walter Chester affair for just a moment, but the unmitigated stupidity of the members to my right in suggesting that somehow this is not a political matter, can be taken out of the political arena, is beyond comprehension. I wonder if the Attorney General is aware that in order to prevent the grievance procedure from taking its appropriate course and being heard through the proper grievance procedures of the union representing the prison guards. That this appeal forestalls any decision, any decision whatsoever of that grievance procedure. I

wonder if the Attorney General is aware that by launching this appeal, the grievance procedure cannot go forward.

**MR. ROMANOW:** — Mr. Chairman, I don't know the details of the grievance procedure whether it stops because of the criminal appeal or not. Again, my argument is that our job as administrators of criminal justice is to make the kinds of decisions based on law and fact that we think the criminal case involves. That's the decision we made here.

**MR. COLLVER:** — Mr. Chairman, would the Attorney General consider, since he has not bothered answering that question before, would the Attorney General consider or will the Attorney General recommend to this Assembly and therefore, to the Minister of Social Services, that Walter Chester be reinstated with full back pay and privileges pending outcome of the appeal.

**MR. ROMANOW:** — Mr. Chairman, I don't think I'm in the position to make that recommendation to anyone. I think that suggestion has been made. This is not a new suggestion; it has been made by the member for Qu'Appelle during the Social Services Estimates. I don't know whether you were here at the time. So, it's not new. That is the Minister of Social Services' decision. I think he responded to it and I support whatever his response was.

**MR. COLLVER:** — Mr. Chairman, I don't think it's the Minister of Social Services' decision. I think it's this Assembly's decision if it is deemed by the Assembly that in some way an individual is somehow not being treated fairly and that their human rights are being deprived. I suggest to you, Mr. Attorney General, that you cannot escape the consequences of your action in launching this new appeal. The consequences are, that if you will recommend that the man be reinstated with full back pay pending outcome of the appeal, then, and only then, will the people believe that it is not a political manoeuvre designed to keep the matter out of the grievance procedure so that Walter Chester will not be reinstated through that grievance procedure. The appeal will go on and I predict, quite frankly, from the way the Attorney General has been talking this evening, that if the Attorney General loses this appeal, he'll appeal again. So, that this continues on and on that this poor man is harassed to such an extent just to keep it out of the grievance procedure from the union so that he will be reinstated. Now, I ask the Attorney General if he wants to be fair, will he recommend to this Assembly that Walter Chester be reinstated with full back pay pending outcome of that appeal? Will he recommend that?

**MR. ROMANOW:** — Mr. Chairman, I've given my answer to that, just a few moments ago, and I stick by that answer. Just so I get the records straight, we have no interest in this matter beyond the Court of Appeal. The Court of Appeal will right the law for the province of Saskatchewan in this area so don't make it out to the Supreme Court of Canada, or whatever.

**MR. COLLVER:** — Mr. Attorney General, how will you go about . . . I'm sure, Mr. Attorney General that you like to make your position known, on this matter to the people of Saskatchewan. I intend to move a motion that this Assembly recommends that Mr. Chester— and if you'll just give me a moment, Mr. Chairman, I'll just write it out. It's your department, Mr. Attorney General, insofar as a recommendation with reference to the pay back and privileges. I intend to move that this Assembly recommends the reinstatement of Walter Chester with full back pay and privileges pending outcome of the appeal launched by the Attorney General's department. I intend to move, seconded by the member for Estevan. I'm sure the Attorney General and every member in this



Assembly wants to insist that the human rights of Walter Chester be satisfied and be looked after. I'm sure that no individual citizen whether he be a law enforcement official or anyone else should be subjected to harassment by the government. I'm sure that the Attorney General, in attempting to prove to the people of Saskatchewan, that in fact, that appeal was not launched in a political fashion merely designed to stop the grievance procedure so that Walter Chester would not have to be automatically reinstated but was done, he says, because of an independent action of the lawyers so I am sure that he will be in full support of this motion. I move that, seconded by the member for Estevan.

**MR. CHAIRMAN:** — Order. The motion before the committee is a motion by the member for Nipawin:

That this Assembly recommends the reinstatement of Walter Chester, with full back pay and privileges pending outcome of the appeal launched by the Attorney General's Department.

The appeal is now presently, as I understand it, before the courts, and in order to discuss this motion as it is put here, you would have to be discussing the appeal. Therefore, I recommend the motion out of order.

**MR. COLLVER:** — Fine, Mr. Chairman. We will make another one. If you will return that form to me, Mr. Chairman, I'll just take off 'before the courts' and . . . If not, I will rewrite another one. O.K.

Mr. Chairman, I intend to move the following motion:

That this Assembly recommends that Walter Chester be immediately reinstated with full back pay and privileges in order to preserve his human rights.

**MR. CHAIRMAN:** — I say that the reinstatement of Walter Chester is not within the Attorney General's Department. Again, for that reason, I have to move the motion out of order.

**MR. COLLVER:** — Fine. I move, seconded by the member for Estevan (Mr. Larter):

That this Assembly recommends that the human rights of Walter Chester be fully protected by the government of Saskatchewan.

**MR. CHAIRMAN:** —The human rights department comes under the Attorney General's Department. The motion is in order. Debate continues on the motion.

**MR. ROMANOW:** — Mr. Chairman, the motion that is before us is. That this Assembly recommends that the human rights of Walter Chester be fully protected by the government of Saskatchewan.' I think that is fair enough as far as it goes. There should really be an amendment to the effect, 'and urges the Leader of the PC Party to cease making political statements on the case while it is before the courts, so as to respect the independence and integrity of the courts and respecting Mr. Chester's rights.'

(Drag in the officials, boys that's the way you guys play politics.)

Amendment ruled out of order.

Motion agreed to.

**MR. COLLVER:** — Mr. Chairman, now that we have agreed to fully protect the rights and the human rights of Mr. Walter Chester it is my intention to move another motion to ask that the Minister of Labour rise in this Assembly and deny that the human rights of Walter Chester are being protected as it relates to the Trade Union Act in the province of Saskatchewan, when his grievance procedure will not be allowed to proceed because the matter is before the courts.

Mr. Chairman, I ask the Minister of Labour to help the Attorney General out in this matter.

**MR. ROMANOW:** — Mr. Chairman, the grievance procedure if it is stalled, is stalled by the consent of both parties, both parties. Yes, yes, both parties. And if the grievance procedure is stalled it is because the grievor doesn't want to pursue the matter.

**MR. COLLVER:** — . . . matter before the court . . .

**MR. ROMANOW:** — Nothing in the contract says that. If that is the case that is because the parties have agreed to that position.

**MR. COLLVER:** — Read it!

**MR. ROMANOW:** — You read it, I have read it. Have your officials read it.

**MR. MALONE:** — I am not going to dignify the idiotic comments that I have just heard in the last few minutes and I am not even responding to them.

I just can't understand how the people in this Legislature can treat this matter so lightly. I say this man gives the appearance of being persecuted. The Tories give funny little motions which they laugh about and everybody forgets about Walter Chester. Now, if we are off this matter, let's go on to something else that, perhaps, may be more meaningful. I purpose to ask the Attorney General a series of questions on cable television.

I want to know, before I get into the subject matter, whether the Attorney General is prepared to answer questions about things like filters and converters and etc. or whether it is up to the Minister of Telephones.

Some time ago we tried to talk about the arcane devices known as converters, filters, filter converters, amplifiers, boosters, all of which nobody seemed to know what they were talking about except, possibly, the member for Wascana and I hesitate even to say that. However, I put to you the proposition at the time that all TV sets in Saskatchewan that are receiving cable, it doesn't matter whether it is CPN or the CRTC licensees, all TV sets in Saskatchewan are receiving cable. There are still sets in Saskatchewan that are receiving cable would require a filter. Now at the time I made that statement, you said and I believe you were right that you didn't need a filter unless you took CPN if you had CRTC. Now, I understand the situation to be that if you receive simply cable Regina, you get coming into your TV set the signal for cable Regina and the signal for CPN and that if you wanted to not join the CPN group but wanted to receive the service, you could go out and buy your own converter and attach it relatively easily to your TV set and receive both cable Regina and CPN without having to pay the CPN subscription fees. Now, it's

illegal, that's not part of the argument. Now, to avoid that happening is it not correct that a filter must be installed on the TV set to prevent people going out and buying their own converter and getting in the CPN signal. To avoid people simply going out and buying a converter, installing it themselves which I am told is a relatively easy thing to do on their TV set and getting CPN signal which is illegal, I can see, but to avoid that happening it's necessary to install a filter so that the CPN signal will in effect be blocked out so people, if they did go out and buy a converter wouldn't get the CPN service because the signal would be blocked out because the filter was installed. Is that correct?

**MR. ROMANOW:** — Mr. Chairman, perhaps I should draw the attention of the House that we have a Minister of Transport Canada with us in the back and we all welcome him to the Saskatchewan Legislature. I have been lately needing some help, Minister, so if I get into rough waters, maybe you will not be as tough as your colleagues here are.

Let me try to answer the question by setting out the information that has been provided to me by Sask Tel by the range of options for the services and then I'll zero in on the specific question.

If a person has conventional cable television only, the service can be provided without any special filtering arrangements. An optional mid-band blocking filter may be required, may be required to prevent CPN's mid-band frequencies from reaching the subscribers television set. Secondly, if you have CPN service only, a combination filter-converter is required. The filter portion of the unit, being essentially a mid-band capacity filter, prevents conventional operators' signals on channels 2-13 from reaching the TV set. The converter portion of the unit converts CPN's mid-band signals to a higher frequency on the UHF spectrum enabling the subscriber to receive CPN programming on the UHF dial, that's what the converter does. If you are getting conventional cable, plus CPN service, both of them together, you need the same combination of filter-converter unit that you would need if you were getting CPN alone. The filter portion of the unit separates the mid-band from the VHF frequencies; the VHF frequencies are then allowed to pass onto channels 2-13 on the TV set, permitting the reception of the conventional operators' programming. The converter portion is of course again required with respect to the CPN mid-band operation. Now that's roughly the mechanism that is set up, so it could be done I suppose with a Radio Shack purchase straight on a converter and you might be able to get the CPN signal if you were a conventional cable Regina subscriber only. But Sask Tel says that the obvious answer to that is the legality of it and I know your answer is that that may not be a sufficient answer because people go ahead and break the law in any event.

**MR. MALONE:** — Well, it's not a maybe situation, it's a situation where you can rob the CPN signal by installing a converter. It is not maybe, it is there. What is the contractual situation between CPN and Sask Tel as far as the CPN message; that is, is Sask Tel in any way liable to CPN if a Cable Regina subscriber goes out and buys his own converter and brings the signal in?

**MR. ROMANOW:** — I don't have the contracts here in front of me — we have them somewhere, I haven't looked at them. The advice I get is that contractually there is no obligation on Sask Tel in that kind of a circumstance, no liability that attaches by Sask Tel to CPN. I think the liability would run Sask Tel vis-à-vis the person who bought this. That is another kind of legality thing, it might even be a criminal matter, I don't know. It might be theft of the right of a signal. I am not sure of that, I won't argue that point of view because I think it is a little more convoluted than that. I am not arguing theft

situation — that might be another heading. There is no contractual liability as between CPN and Sask Tel on those circumstances.

**MR. MALONE:** — How do you propose then to enforce the law so that Cable Regina CRTC subscribers simply don't go out and buy converters? You have no way of determining whether they do that without actually going into people's homes, checking the TV set to see if there is converter on there. Is that not correct?

**MR. ROMANOW:** — I think, Mr. Chairman, that there are ways to determine if there is a widespread use of this. One of the obvious ones would be to determine the number of converter sales — radio shack sales that are going. These can be and are easily obtained, readily obtained. The next step of course would be to install a filter, if it became a widespread problem by Sask Tel. We haven't built that in to the component, because in any other kind of electronic experience that Sask Tel has had, albeit telephones— I don't know what kind of illegal ways one could use to steal a service— the experience shows that there has not been widespread abuse of breaking the law by going out and buying your own converter. That may be too pie-in-the-sky, too optimistic but that is the basis upon which the thing is set up now.

**MR. MALONE:** — All right, what is the cost of installing a filter to avoid the problem I have described in people buying their own converter?

**MR. ROMANOW:** — The estimate is between \$28 and \$32 for a filter, all in, installation and everything of that nature.

**MR. MALONE:** — What is the cost of the converter filter . . .

**MR. ROMANOW:** — \$68.

**MR. MALONE:** — Who is paying for that?

**MR. ROMANOW:** —The arrangement is with respect to the equipment that it is installed by Sask Tel, it is purchased by Sask Tel, it is recovered by Sask Tel in its charges of rates from the respective clients of Cable Regina or CPN as it is.

**MR. MERCHANT:** — I want to ask about a more pressing area about which I have never been able to get any meaningful information is the price being charged currently to CPN and the price being charged to Cable Regina and the other cable companies.

**MR. ROMANOW:** — Mr. Chairman, the answer to the question is as follows — I will make an observation first. My first observation is that normally we would not give that information out on the argument that is a matter between client and Sask Tel. I would take that position but I am advised that the contracts are all tabled and part of the court documentation which is currently before the courts, therefore, there is no reason for me to take that position, quite obviously. The rate is \$2.75 for CPN and \$3.10 for — it may vary but for cable, I am not sure if it is for Cable Regina, Saskatoon Telecable. That gives you an approximate idea.

**MR. MERCHANT:** — My colleague suggested that it may in some way be an offence to steal the signal. Do you think it is an offence to steal the signal?

**MR. ROMANOW:** — I don't know. I would have to get some legal opinion from the

lawyers in my Department. I don't have it.

**MR. MERCHANT:** — There is a term in the Criminal Code that says it is illegal to steal a signal. I frankly doubt whether that was intended to deal with a situation such as CPN, particularly in view of the fact that no government other than yours would have bothered to set up the Cadillac program that we have with a firm set up in Canada, probably wouldn't have set that up in a population of six or seven million which exists in Ontario or Quebec, never mind a population of 960,000. I really wonder whether there is any offence created and, indeed, I don't believe that an offence is created. So the only claim that you would have, the only possible claim would be a contractual claim, so that you have launched CPN, in my view, in the very tenuous circumstance of facing competition of people going and buying a converter. I, for instance, in my home have a converter, have had a converter for some time. I bought the converter in Halifax in good faith. I have signed up with CPN, have signed up with Cable Regina, have been plugged into Cable Regina but I am not paying the CPN rate because, as a result of the court litigation, CPN is not empowered to connect anyone. I am receiving the three channels, 15, 16 and 17 and a couple of informational channels that CPN provides. I have been receiving those channels for some time and I pay nothing for them. A person would be almost crazy to pay \$10 a month to get CPN when they could buy the same equipment for \$70, \$80 or \$90 or, in my case since I bought the Cadillac item, I paid \$99.50. I sit by my television set whenever I can get there and I can slide the dial and pick up those channels at no cost to me having invested the money in the first place (my colleague says, plead the protection of The Canada Evidence Act) but at no cost to me. I suggest to the minister that it will become widespread. You placed CPN in an untenable situation so they are not going to be able to function. We see them now almost floundering in their ads, in a very difficult circumstance because of the litigation and because of the situation that Sask Tel has placed them in, not giving them contractual protection. I say to the minister, look, you launched this operation at great expense to the taxpayers. You've taken what you called a risk; I call it a foolhardy risk. You've got them out on a limb with a \$2.6 million investment. What protection now is Sask Tel going to give to CPN to make sure that CPN doesn't get eaten up on the one hand by competition from conventional cable which provides sports for them and on the other hand by the stealing of their signal?

**MR. ROMANOW:** — Well, Mr. Chairman, I don't mean to slough off or to sound like I'm sloughing off your question because I think it is an important question, a serious question, when I say that this is something which I think time will have to tell. Maybe Sask Tel has worked on the wrong assumption here in the establishment of these various equipments, various gadgets to convert to VHF, I don't know. The advice we get from Sask Tel is that there should not be any widespread problem. If there is and we have to protect CPN and we are contractually on the hook to CPN we will have to pony up some form of contractual protection whether it's a filter or whatever. So, as I say, I don't mean to put it in a category, and I don't want the member to get hot under the collar on this, when I say that that's something which I think time has to see how it develops. I frankly am not as pessimistic that there will be people buying these converters at \$99.00 or \$68.00 so that they can get free CPN service. I don't see that happening.

**MR. MERCHANT:** — Mr. Minister, you don't leave a great deal to imbue confidence in us. First we have the minister in charge of Sask Tel, till he got pulled out of this because he got a little too hot politically, telling us about one month ago that for somebody who takes CPN and conventional cable, they would need two filters.

**MR. ROMANOW:** — No.

**MR. MERCHANT:** — No? Yes you did minister, that there would have to be two units as well as the converter. Well, that's what the record will show and if the minister's memory is bad about what he said, our memory is better about what he said. And now, and now we are told by the hon. Attorney General that the intention is to sort of trust people. And Mr. Chairman, the minister says the reason we can trust people is because telephones have not demonstrated themselves to be an area of particular theft. Of course, in part the reason that telephones are not such a problem is because telephones until a few years ago were not really available in Canada, you couldn't go out and buy a telephone. You are able to now, but in those days you had to buy a telephone in the United States and smuggle it into Canada. It was illegal to purchase a telephone privately in Canada. It's part of the reason that there wasn't much in the way of telephone theft. Secondly, the second distinguishing characteristic was that there is a term in the criminal code put in especially for telephones that says that if you have a telephone, that's a criminal offence. And the third thing, it's the most significant distinction, is that there is a simple way to check with telephones. The telephone company rings your number and they then check the ohmperage and by checking the ohmperage, they find out how many telephones are ringing. Now, whether they do that very often or not, at least they have a check system and whether they ever make the check or not, they have the myth that they make the check, so they have on the one hand an offence that is clearly a Criminal Code offence that was put into the code specifically for the purpose of catching people guilty of installing illegally a separate telephone. Secondly, they have the appearance if not the substance of being able to readily check to find out whether somebody is carrying a second telephone.

I say to the minister that you have got CPN in a very dicey situation . . . well, look at what has been happening to CPN. I don't know whether you thought or believed that conventional cable was prepared to accept them or not but obviously they are not. You have got a lawyer from the Premier's old law firm launching legal proceedings. You have got a lawyer who may have been Liberal a few years ago, and I hate to insult somebody so much as to call them a NDP lawyer, but many people in the public now would insult them to the extent of saying, there is a university graduate. He is silly enough to be an NDP supporter. You have that fellow now on behalf of Cable Regina launching proceedings against CPN with fairly good success. So you have got one co-operative launching action against another co-operative, with good success. You have got them stopped from installing any new subscribers. So they are providing their full service with about 550 subscribers who are connected and paying. We don't know how many subscribers they have like me who are getting the service but they can't connect me so they can't charge me. We don't know how many people are getting the service but are stealing the service. So, in the start up period because Sask Tel hasn't given their friend, CPN, a very good start, you have got them developing a sort of a bad reputation in the beginning because they don't have the cash flow to provide the variety of films that they would have to provide. So as a taxpayer I am looking on at the government of Saskatchewan launching this Cadillac program, a Cadillac program birthed in politics because the government needed CPN as a way of negotiating with the CRTC and with conventional cable, birthed in politics because you wanted something started so you would have a counterbalance to the CRTC decisions that went against you and you would have a means of rewarding those co-operatives that hadn't been given conventional cable, to that extent you had something birthed in politics. Then, you added to that a \$2.6 million loan so the Saskatchewan taxpayer is on the hook, both financially and I suppose psychologically, because the government of Saskatchewan has so clearly backed CPN and now, as a result of what Sask Tel has

been doing, CPN isn't protected, isn't protected in terms of their source of revenue. I say to the minister, what is next? You have your friend, CPN, even further out on a limb than they were two or three months ago. I have said to the two ministers in charge, look, you have put CPN on a limb. I said to you that it would be good if CPN survived. Now that we, as taxpayers, are picking up the pieces, now I would like to see CPN survive and you got them into an even worse situation.

Mr. Chairman, I would ordinarily in my tenancy, for a cheap political shot, call it 10:00 o'clock, but I would be interested in hearing what the minister has to say, because I say to the minister, seriously, you have CPN into an ever worse circumstance. It seems as though every month CPN gets into a worse circumstance.

I was out there the other day, touring their facilities and they are ready to go but they can't connect anybody. I don't think you are giving them proper protection. You say to them, you have set them up where they are going to get a \$2.75 rate, why would you give CPN a better rate than you give conventional cable when it is CPN that is causing Sask Tel all of this expense; CPN is causing them all this filter expense, all of this converter expense.

I say to you that the cost of the filters and the converters won't even be paid for by the \$2.75 never mind the additional cost of carrying the signal. You birthed them in politics; you make it successively worse; you commit the Saskatchewan taxpayer to additional costs through Sask Tel. I really wonder, you have flitted the disaster of being in charge of Sask Tel around until finally the disaster stops at the supposed political genius, the guy who is supposed to be able to solve all the Saskatchewan problems while the Premier solves the Canadian problems.

I don't think there are enough dollars in the package to end up in anything but disaster. You are now faced with CPN with few customers, under a lot of pressure, pressure brought on them by Sask Tel. I say to the minister, where is it going to end? I suggest, Mr. Chairman, it is going to end with the Saskatchewan taxpayer picking up an even greater piece, not just the cost to Sask Tel, but ultimately picking up the \$2 million or \$2.6 million guarantee, sort of an overall financial disaster for Saskatchewan people while an NDP government experiments with a Cadillac program in telecommunications.

**MR. ROMANOW:** — I'm not going to harangue but the member wanted some quick answers. I could give him until 10:00 o'clock, that's fine by me. I just have four very quick points to give you in answer. Do you want to hear them, or not? Just to make two or three very quick points. First of all, on the question of the charges or not, Criminal code charges, you mention the code being amended to specifically deal with telephones. I think that you're in error there. I think the criminal code talks about telecommunication services. The question is whether or not this is telecommunication service. There is legal opinion. I gather Sask Tel has got a view on it. I've looked at it from the Department of Attorney General's point of view. That's point number one. I think that is an effective consideration.

Point number two is you said that there's no way that you can check the overages and things of that nature. You can do it in telephones. That also I'm advised is incorrect. It can be done centrally on the systems. They can detect and know who's on CPN and who's on operation.

Thirdly, the member for Wascana is saying that CPN is stagnant because of the court

case. That's partly true. I think the judge's interim order was that they could hook up new customers and continue to hook up customers only with the converter, this famous converter which is coming on, the microcon converter which is now coming on. That's happening there.

The fourth point is with respect to why we're charging CPN a lower rate than the cable company and it's a very complicated area which I fully don't pretend to understand but . . .

**MR. MERCHANT:** — Can you tell me why they only have quiet signals?

**MR. ROMANOW:** — No, I'm not saying that. I'm saying that there are charges, micro-wave charges and other major head-in charges related to cable, conventional cable which do not relate to a purely local system put out, not through air waves, not through anything, just down the tube which is already in place. All I can say to you is that the rate is set by Sask Tel as best as Sask Tel can on a customer-client relationship. That's the basis for the operations.

I just gave those four points. I think you made it in rebuttal. Oh, I'm sorry, the last point is, I don't think CPN is out on the limb. It will have a tough time. I've acknowledged that, I've called it an experiment. I've been jumped on for calling it an experiment. I think it will have a tough time for a number of reasons.

The Committee reported progress.

### **INTRODUCTION OF BILL NO. 78**

**MR. ROMANOW:** — Before you call it 10:00 o'clock I just have one brief indulgence of the House. I would like to introduce, by leave of the House, a bill to amend the Member's of the Legislative Assembly Superannuation Act and what this bill does is four relatively minor things. I would like the PCs to listen to this.

It does not relate to us at all.

1. It provides a supplementation for retired members. We do that once every two years. And it is two years for us to, on a supplementation formula, for retired members, all retired members.

2. It deals with the spouses. There is an inconsistency in our bill which is inconsistent with other public service superannuation bills. The inconsistency is that when a member dies the spouse gets a portion of his pension, so long as she remains unmarried. If she marries she loses it. It doesn't exist anywhere else and it is thought to be not the correct procedure.

3. It allows for some retired members who were caught by a ceiling, a certain ceiling, to contribute their back contributions and escape the ceiling and to receive the kinds of pensions that they would have gotten if they were being retired at an appropriate time.

**MR. SPEAKER:** — You destroy the atmosphere of the House. The minister is taking second reading and he hasn't got permission to introduce it yet.

**MR. ROMANOW:** — Well O.K. I beg to inform the Assembly that His Honour the Lieutenant Governor, having been informed of the subject matter of this bill,



recommends it to the consideration of the Assembly, and I would ask leave of the House to move first reading of a bill to amend The Members of the Legislative Assembly Superannuation Act.

Motion agreed to and bill read a first time.

The Assembly adjourned at 10:09 o'clock p.m.