

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Fifth Session — Eighteenth Legislature

May 26, 1978.

AFTERNOON SESSION

THIRD READINGS

BILL 46 - AN ACT TO ESTABLISH A HERITAGE FUND FOR SASKATCHEWAN.

Motion agreed to and bill read a third time.

COMMITTEE OF FINANCE — PROVINCIAL SECRETARY—VOTE 30

HON. E.L. COWLEY (Provincial Secretary): — Mr. Chairman, I would like to introduce my staff. Seated next to me is Mr. Leo Beaudry Deputy Provincial Secretary; behind me is Mr. Earl Saunderson, the Superintendent of Insurance; behind Mr. Beaudry is Mr. Phil Flory, the Director of Corporations; seated at the back is Miss Mary Murray, the Protocol Officer.

MR. CHAIRMAN: — Thank you, Mr. Minister.

Item 1

MR. W.C. THATCHER (Thunder Creek): — Mr. Chairman, we have all been waiting so long with such great anticipation for this one to come before us that I suppose when the big moment finally arrives, one just chokes and I can't really think of all that much to say.

Perhaps the minister could very briefly elaborate on what the function of his department is. I certainly don't want to provoke anything. Mr. Minister, but if you could think of something to kill some time for a couple of minutes and make everything look respectable, we could go from there.

MR. COWLEY: — Well, Mr. Chairman. I think the best analogy I can make is that in other jurisdictions one would find many of the functions of the Provincial Secretary carried out by the half of the Consumer and Corporate Affairs Branches — the corporate side looks after the registration and administration, etc., of all of the companies within the province, insurance companies, trust companies, etc. Also one of our major duties is that Mr. Beaudry and I are the keepers of the great seal and we try to keep the great seal in good shape. We have a large bathtub full of water.

MR. RA. LARTER (Estevan): — Mr. Minister, do you administer the pension plan? Does your department administer the pension plan?

MR. COWLEY: — It is the Superintendent of Pensions, Department of Labour.

MR. E.C. MALONE (Leader of the Liberal Opposition): — I have got one question about the Protocol Office. I am flabbergasted that this minister would be put in charge of protocol. I think it is a very bad decision indeed. But nevertheless it is in front of us.

I notice that the other expenses under item 3 are some \$140,000. Is that to pay for state banquets, visits of the Queen, visits of ambassadors and so on? Is that what the item is for?

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MR. COWLEY: — The bulk of that would be for various banquets, government sponsored. Some of them would be government banquets; some of them would be CNIB for example, a grant to the Canadian National Institute for the Blind if they held their national convention in Saskatchewan, that sort of thing. There is a policy that covers that. They can't do it every year but national organizations, once every five years we'll make a grant to them, that sort of thing.

MR. MALONE: — You obviously have a Budget. Do you have some estimated expenditures already? Are you in a position to let us have your Budget and what this amount is going to be used for?

MR. COWLEY: — We have something in the order of half of the money for this fiscal year that would be committed. We don't have a list with us but I would be prepared to provide the member with a list of the organizations to which government funding will be going. Would that be satisfactory?

MR. MALONE: — I asked you whether this would cover the expenses involved in the visit of the Royal Family this year. Did you . . . is that . . .

MR. COWLEY: - No.

MR. MALONE: — Well would that come under the Protocol Office or is it some other department?

MR. COWLEY: — The Protocol Office is involved with setting this up; it is sort of a special event they will probably be a special part of the Budget. Likely it would be the Executive Council that would deal with that, or else a supplementary estimate with respect to this agency or some other. But while the Protocol Office is involved with that, it is being handled, a good part of it, out of Executive Council.

MR. A.N. McMILLAN (Kindersley): — One simple question to the minister.

Is it a tradition for the Protocol Branch of your department to host the annual Cabinet Christmas party? Is that done under your branch?

MR. COWLEY: — If it was, we both missed it.

MR. S.J. CAMERON (Regina South): — Mr. Chairman, in 1976-77 you had some interesting employees in the Provincial Secretary Office, one John Burton and one Russ Eaton and so on. Are those people still employed in the Provincial Secretary's Office?

MR. COWLEY: — Mr. Russ Eaton is my special assistant. He is still employed. Mr. John Burton is not employed by me.

MR. CAMERON: — Or Garry Beatty or Jack Kinzel who were employed in the previous year. Where they employed this past year in the Provincial Secretary's Office?

MR. COWLEY: — Mr. Garry Beatty is the Managing Director of the Government Finance Office and is employed there. Mr. Jack Kinzel is not an employee of this agency.

Item 1 agreed.

Items 2 and 3 agreed.

DEPARTMENT OF THE PROVINCIAL SECRETARY - VOTE 30 AGREED.

SUPPLEMENTARIES

Item 14

MR. MALONE: — Can you tell me what that is for?

MR. COWLEY: — Mr. Chairman, the amount in the Administration Branch is \$22,710 of which \$18,400 was retroactive pay for the previous year and \$4,310 was additional funds required because of the creation of a Director of Corporations position which was added during the year. In Executive Administration \$38,940 was the extra amount there; \$8,830 was for retroactive pay. A Research Officer who was required for three months - \$6,660. An Administration Officer IV who was added through a Treasury Board Minute - \$19,350 for the balance of the year and another salary adjustment - \$4,100 for a total of \$38,940.

Item 14 agreed.

ITEM 23

MR. MALONE: — It seems to me that seems pretty far out. Is that where the cemeteries companies agreed to plots available and then they go bankrupt? Is that what it is about?

MR. COWLEY: — Yes. This I think occurred about 1968 when there were a series of cemeteries around the province, I am not sure how many, . . . four? . . . which had been doing two things. One, preselling to individuals plots in cemeteries, in which they paid today and all of the expenses, etc. were looked after whenever they required them. That was part of it. The other one was that they were paying for perpetual care; both those who bought in advance and those who bought when obviously they may have required them. Some of them go into difficulty because the funds, etc, set up were not sufficient. There was an act passed; there were some in which there was some particular financial problems which in effect, became I guess, wards of the Provincial Secretary. And there is at present only one of these which is still administered by the Provincial Secretary's office, which is the Green Acres Memorial Gardens, Limited, in Weyburn. That's the one we are dealing with here. The others have been disposed of, either to the communities, community organizations or individuals and they now have to follow the rules and regulations of the Cemetery Act with respect to the amount of money they set aside for perpetual care, etc.

Item 23 agreed.

GOVERNMENT FINANCE OFFICE - VOTE 65

ITEM 1

MR. MALONE: — What is it for, minister?

MR. COWLEY: — This is to provide for the capital requirements of the various Crown corporations, some eight of them, which are administered by or directly under the government Finance Office. Say, it would be corporations like the Saskatchewan

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Government Insurance Office, the Saskatchewan Fur Marketing Service, Saskatchewan Mining and Development Corporation, forest products, Saskatchewan Government Printing Company and there are two or three others.

Item 1 agreed.

MR. MacMURCHY: — We were expecting to have Mr. Romanow here. He is on his way and while we are waiting for him, I think probably we can handle the item Legislation. Mr. Smishek, the Minister of Finance can handle it; he has the officials involved here and then we will follow that up by the Attorney General.

LEGISLATION — VOTE 21

MR. CHAIRMAN: — Would the minister care to introduce his staff, please?

HON. W.E. SMISHEK (Minister of Finance): — Mr. Chairman, I'd like to introduce Mr. Wes Bolstad, Deputy to the Premier and Philippe Dore, Clerk of the Executive Council.

ITEM 1

MR. MALONE: — Just one item under here, Mr. Chairman. Radio broadcasting, \$35,000. Does that have to do with the broadcasting of the Budget debate and the Speech from the Throne debate in the Legislature?

MR. SMISHEK: — That's correct. It's the broadcasts that are done from the Legislature.

MR. MALONE: — I don't understand why the government has to pay the radio stations to come in and share the speeches that we make here. One would have thought that they would want to pay us to come. Why are we paying them the money?

MR. SMISHEK: — Well, Mr. Chairman, it's the booking of the radio time on a number of stations; I am not sure how many stations that we have. That has been a long standing experience that we have had. As you are aware, the time is allocated between the parties. While maybe the programs and the speeches are that great that we should get royalties for them, but the fact is we have to buy the radio time and that is what it is for.

MR. MALONE:—Well, I think that is a very bad point of view to take. I think we should be getting royalties but perhaps, on a more serious nature, some of the press have expressed a desire to me to have greater facilities in the press gallery as to taping members speeches, having more access to recording speeches, that take place, not only in question period but during debates, the Estimates, Committee of Finance and so on. I have always felt that these requests were legitimate. Indeed, if you will recall, I was the one that introduced the bill some years ago to provide TV access. I still feel that TV should be in the Legislature. I would remind you that Alberta has it and I believe, if I am not mistaken. Manitoba is getting it very soon, if it doesn't already have it. My question to you now, under this particular item is, has the government reconsidered its position firstly; with more access for the radio reporters and those using tape machines to tape speeches during the day rather than just the restrictive things they do now? And secondly, the idea of TV. Has the government reconsidered its position on that?

MR. SMISHEK: — Mr. Chairman, on the taping of speeches, I believe that that is really under the jurisdiction of Mr. Speaker and there is the Committee on House Rules and Member Privileges. I think that this is the committee that deals with the matter. I am

personally aware that some of the media persons you know talking to me about it, perhaps a personal view but I am not a member of the committee. I would hope that the committee is going to give those matters consideration. In the case of television I know there that there have been differences of opinion and as far as the government is concerned, I am not aware of any current review of the matter.

MR. R.A. LARTER (Estevan): — Mr. Chairman, I would like to ask the minister. On the Legislative Assembly Office, the Leader of the Opposition, the Leader of the third party and also on items 4 and 5; are these two lumped together now and spread equally? Is that what . . . ? Are these two items in the two different spots, are they . . . ?

MR. SMISHEK: — The hon. member notes there is, in the case of Leader of the Opposition, Leader of the third party and there are the asterisks. There is also, in the case of the Office of the Leader of the Opposition, grant, to the office of the third party, grant. You will notice an asterisk in the case of equal representation among the opposition party, 'this sum shall be divided equally'. I think it is self-explanatory that those figures are added together and then divided equally.

Items 1 to 4 agreed.

Items 5 to 8 agreed.

Item 9

MR. LARTER: — Mr. Chairman, I would just like to ask the minister, I don't know how your bargaining runs, but I notice you have not allowed in this vote particularly, you have not allowed for any increase in wages at all. Can you explain it?

MR. SMISHEK: — Mr. Chairman, the reason for that is because we really, at the present time, have an acting legislative council, a new person, and salary is less than to people who have been on staff for some time because of the increments. Similarly in the case of the Law Clerk, a new person, it is for that reason because of new people and they start at the starting rate of the salary and in both cases those are new people. They are entitled to increments even though their starting salaries are higher this year than they would have been last year, because of the scale of adjustment. That is the reason, because of new people.

MR. LARTER: — Mr. Chairman, does the lower salary then of this acting person, does it cover the increase in salaries for this vote?

MR. SMISHEK: — Yes, it does.

Item 9 agreed.

Item 10

MR. MALONE: — When can we expect to receive the next revised statutes of Saskatchewan?

MR. SMISHEK: — They are expected to be published in November of this year, 1978.

MR. MALONE: — Effective, until when?

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MR. SMISMEK: — I am not sure whether we have the information here. I will be glad to dig that up and provide the hon. member with an answer, except that the new revised statutes are to be available as of November. I will provide the hon. member with that information.

MR. MALONE: — Are we sometime in our legislative lifetime in here, ever going to receive a consolidation, an updating of regulations so that they are in a readable form containing an index and containing only regulations that are current and containing them on a consolidated basis?

MR. SMISHEK: — Work on that is in progress. In fact, as I recall it, in case of statute I am not sure whether that these are the statutes or the current ones that will be published, but as I recall it there has been a new system that is being devised to be able to keep the statutes as well on a more current basis. There is, as I recall it, a review in Treasury Board and that system is now being implemented, but I can't tell the hon. Member whether it is the current ones that will be published in that kind of a form. In other words, they will be in a loose leaf form and similarly in case of regulations, that work is in progress.

MR. MALONE: — I am intrigued to find that it is in progress. I wasn't aware of it. As the minister is quite aware the regulations now are just a jungle. Nobody can find anything in them and including, I suspect, most of your departmental officials unless you know where to look.

Can you give us an indication as to when this consolidation updating, putting them into readable form, will be completed?

MR. SMISHEK: — It is hoped that we can get that done by next May.

Item 10 agreed.

Item 11 agreed.

Item 12

MR. LARTER: — Mr. Chairman, just one question. Did you budget for the increase that was asked the other day for the Ombudsman in this vote?

MR. SMISHEK: — I believe that to be true.

Item 12 agreed.

Motion agreed to and bill read a third time.

Supplementaries

Item 10 agreed.

Supplementaries agreed to.

MR. MacMURCHY: — Mr. Chairman, we are still awaiting the arrival of the Attorney General. He left Yorkton at 3:15 o'clock so he should be here any minute.

I think the only other item that might be dealt with in Committee, is the Department of Telephones. Now the minister hasn't his officials with him. I suspect we could try that if the members agree and then go to Attorney General, otherwise we will have to break for a few minutes until the Attorney General arrives.

MR. MALONE: — I am prepared to try it. Some of the questions are of technical nature and I am sure the minister is very much up-to-date on the technical nature of the equipment he put in, but if he isn't. If you guarantee that we can bring it back at a later date, when the officials are available.

I wonder if the House leader would also indicate what we have left to do in government business.

MR. MacMURCHY: — Well, to my knowledge we have the Attorney General's Estimates, Executive Council Estimates; we have the Office of the Rentalsman; we have the Saskatchewan Heritage Fund and we have to pass the bill, or proclaim the bill; or get Royal Assent to the bill before those Estimates can be completed. We have arranged for His Honour to come at 4:30 o'clock, so that can be done. I think that is pretty much the - the Election Bill on legislation. The Legislative Assembly Act, The Cow Deduction legislation and I think that the Attorney General is considering some changes in the MLA's superannuation legislation, but I don't know where that is at and we have to wait until he arrives to find that out. I can't respond to the hon. member on that I think that is it.

MR. MALONE: — Well, can I suggest to the acting deputy House leader that he arrange to have Rentalsman done, if the Attorney General doesn't get here and we finish with Mr. Byers, or is the minister available.

MR. MacMURCHY: — I am sorry I didn't get the question.

MR. MALONE: — I suggested that you should get Rentalsman ready if the Attorney General isn't here and we finish with the Minister of Telephones.

MR. MacMURCHY: — Yes.

WATER SUPPLY BOARD

Agreed

ATTORNEY GENERAL — VOTE 3

HON. R.J. ROMANOW (Attorney General): — Mr. Chairman. I have with me the Assistant Deputy Minister in the Department of the Attorney General, Jeff Bugera, and sitting behind Jeff is the Director of Administration, Harvey Murchison. I'm sorry that the Deputy is not with us. He is tied up in Yorkton, enjoying that very busy and important conference.

While I am on my feet I should perhaps say, and this may be the basis of some questioning but I would like to make this public in any event. We have appointed, as you know, a new Deputy since we last met. Dr. Richard Goss took office on July 1, 1977. The new position of Assistant Deputy Minister, which Mr. Bugera occupies, was created. Mr. Bugera formerly was the Executive Director of the Administration and Support Services of the Division of the Department of Education.

We are reorganizing the department into six branches. Public Prosecutions is headed

and has been headed for the last little while by Mr. Del Perras. The Civil Law Branch is headed by Hugh Ketcheson. The Policing Branch which is new, a policing function, will be responsible for developing policing policy for the province in co-operation with the Saskatchewan Police Commission. That is going to be headed by Mr. Bill Logan, a former police officer of the RCMP and a former lawyer with the Canadian Wheat Board and now with us in the Department of the Attorney General. The fourth branch is Court Services and we don't have that filled yet but we have a couple of good prospects, I think, both from within and outside of the department. The fifth branch is Property Registration and Management, something new. This will be Land Titles, Central Registry, Official Guardian, Administrator of Estates. The Director there will be Mr. Allan Carr who was the former Director of the Land Titles. In Administrative Services, the Director is Mr. Harvey Murchison who is sitting behind us.

By the way, Serge Kujawa who has been a long time employee will be moved over to the position of Associate Deputy Minister and General Counsel, Criminal Law. His job will be to advise on and conduct major prosecution cases and appeal cases, together with advising policy on criminal law developments that come from Ottawa and elsewhere.

Finally, I think I should report two other things. We have engaged Professor P. MacDonald. I think he should be known to some of the members opposite from the Faculty of Law, University of Alberta, who will join us and will assist in sort of coordinating various constitutional problems, which problems of course are well in hand. Also the position of Chief Coroner is now being actively sought.

I thought I should give you that outline in the light of these new faces and new responsibilities. I am open to any comments or questions.

ITEM 1

MR. S.J. CAMERON (Regina South): — Mr. Chairman, we meet again on the Attorney General's Estimates at the sort of eleventh hour when people are out of energy and the interest in the place is flagging. But there are some areas here which we ought to cover and we ought to cover in some detail. In my view and in our view over here it hasn't been a banner year in many ways in the Attorney General's office with respect to the administration of justice.

I want to touch on that a little because I think it is important. It will require the review of matters which have been debated at length in the House. I don't want to deal with them at great length but I want to touch on them because I think that the past year has seen some decisions taken in broad terms which are not good in the sense of the long term for the administration of justice in the province. That is why I said I don't think it has been a banner year in your department in that respect.

I want to deal as well with some specifics, particularly about some financial aspects of the Land Titles Office, the Surrogate Courts, the Civil Courts and the Criminal Courts as well, in some broad terms.

The past year has seen some decisions and as I say, I think they are decisions which are not in the long term good for the administration of justice in the province because what we have seen in the past year, more than in my experience at least, is the incursion of politics in a fairly significant measure into the administration of justice. It's a fact

I, of course, turn first to what happened in respect to the Pelly by-election which was an example, I think, that the Attorney General ought to use as a precedent of what never to do again, and that is to assume a responsibility which is vested in the law with the Premier and to take it on and to get himself tied up in a conflict between, on the one hand, his long term tradition as the Attorney General, which is to administer the law with no room for political influence of any kind and his obligation on the other, the Premier having handed him a hot political potato with the mandate to juggle it until it cooled.

Now we all know that there were offences and there were suspected offences in that by- election. The law was clearly breached; there were other areas where there were grave suspicions at the least, about other offences. The plain fact of the matter is. Those matters were not pursued. They weren't pursued either by way of a thorough investigation which ought to have taken place, and secondly, they were not pursued with respect to charges that ought to have been laid and charges that ought to have been considered.

Now I know that there are some broad defences for that but if you sit back or stand back and look at it now more objectively than what we were doing at the time, I think you will see the error in the Premier not wanting to deal with that issue and turning it to the Attorney General and his accepting it. There was clearly, in that situation, an entry of political considerations into the administration of justice and the judgment of the Attorney General in that respect, in my view.

The second one is the Walter Chester case which I think is another example, although not so clear, again of a suspicion at least, of political considerations and improper considerations coming to bear upon a decision in the Attorney General's Department, whether or not to appeal in two instances. Just by way of a very quick review there, you will recall that the Department of Social Services, the employer of Walter Chester, found in the absolute discharge, which he got in the first instance, an impediment to them in terms of the disciplinary action they wanted to take against him. Walter Chester had long been a thorn in the side of the Department of Social Services. He may very well have been, and personally I am convinced that he was an incompetent employee but the Attorney General knows that has no bearing, no relevance in considering whether or not an appeal ought to be taken in any circumstance.

What was going on with Walter Chester and the Department of Social Services was completely and entirely irrelevant to the decision that the Attorney General had to take in respect to that case. The Deputy Minister of Social Services was conferring at one point with the Department of the Attorney General and urging on the department an appeal, not because they thought that he was properly or improperly dealt with in the court but because they saw in the absolute discharge he got a difficulty placed in their way in disciplining him.

Now I ask you what would be your attitude if that was Simpsons Sears or CBC or some other employer? If any employee of theirs had been a trouble maker and who had been charged in a technical sense with an assault and who was given an absolute discharge and came to the Attorney General and said, look, this employee has long been a trouble maker for us and we want to get rid of him and the absolute discharge is a problem because now there is no conviction recorded and otherwise there would be. So, Mr. Attorney General, we want you to appeal this absolute discharge so that we can discipline this employee. Now, what the Attorney General would have said to Simpson

Sears or CBC or any other employer in that circumstance is, out of my office in a hurry. That would be the improper intermeddling in the administration of justice because those considerations are utterly, completely, irrelevant to the decision he has to make which is one solely at law.

Then when we came to the second round in the Walter Chester situation where you had indicated to the House that there were five prosecutors to take a look at the question of whether or not a further appeal ought to be taken. We found that rather strange. I can't draw any absolute firm conclusions from it but, again, it leads me to believe that there was more being taken into account in that decision than purely matters of law. Just review that a little bit from our perspective. The man is convicted of an assault but he is given an absolute discharge which wipes away the conviction. As you know you get absolute discharges in only very limited circumstances. That is to say where the offence is considered by the judge to be of a technical variety or, you know, technical – reading carefully the law and applying it very strictly. An offence was committed but there shouldn't be a conviction registered because the circumstances were such that that would be unfair and the man is given a total and absolute discharge. That's what happened to Walter Chester. Then later in the district court the conviction or the decision of the magistrate is overturned in total. The Attorney General decides to take a decision from that. Now that is in the scheme of the administration of the law, a small relatively minor offence that was committed. In fact, at this point in time, no offence at all. It is a minor matter, very minor matter in terms of the administration of the law. Having got an absolute discharge in the first instance, then having won an appeal in the second instance what happens in these situations and it has long been recognized that if the Attorney General's Department continues in those circumstances, you approach the line between legitimate prosecution on the one hand and improper persecution on the other. And it has the appearance, at least, of the Attorney General having crossed that line to get to the point of improper persecution rather than legitimate prosecution. The only reason, surely, has to be because the Department of Social Services continues to want and wanted then to nail Walter Chester and they wanted to do it, in my judgment, for good reasons, because he had not been a loyal and effective employee. But those considerations, however much a scoundrel he may be and whatever incompetent employee he may be, those considerations have absolutely no place in the judgment of the Attorney General in deciding whether to take an appeal. So I say that this one isn't as clear as the Pelly by-election situation but it, again, leaves one to wonder how often and how far considerations that are extraneous and essentially political are coming into the judgment of the Attorney General in making these decisions.

There is another area that I want to refer the Attorney General to and that was the reaction of the government, the Attorney General and the Premier and particularly the other members of the government, to the Supreme Court decision striking down Bill 42. Now this is a more subtle variation of the same problem, that is to say with politics entering into the proper administration of the law in the province. It's one thing to express a disappointment or even, indeed, to differ from the conclusion that is reached by any court, including the Supreme Court, and the Attorney General knows that, that's fair. But it isn't fair and it's damaging to the institution to have a government questioning the motivation of the judges who made the decision. Raising questions, like, who appointed these judges? Why the Saskatchewan judges all found one way and then all those central Canadian judges found another way. Questioning and questioning what their previous political allegiance had been. Questioning for whom they had acted when they were in private practice, all those kinds of questions. I can't say to the Attorney General that he did it directly but the Premier showed a pretty

healthy contempt for the decision himself. Some members and some ministers showed an open contempt for it. What you did in that situation and the reaction you had and, again we now have the advantage of looking back at it more objectively than at the time, is you caused a lot of people in this province to question the integrity of that institution and that is not healthy. It's not good for the system we have and it is not good for the administration of justice in the province because it is not founded upon the close adherence to a closely defined set of rules. Those institutions are existing with a sort of fragile firmament of respect from the people. That's how they can exist and if you begin to erode and undermine that respect in due course you produce a state of some anarchy in the country and in the province. It was not responsible in my view and you have to bear the principle responsibility for it, that response of your government to the decision with respect to Bill 42. Unfortunately, it came from the Premier in more subtle terms than from some of your ministers and from some of your members in very non- subtle and blunt terms.

What responsibility do you have in this area? I think that you have the responsibility in very broad terms as the Attorney General of Saskatchewan to foster respect for the law and respect for the judiciary and judicial institutions. You have to do that, not only publicly and not only in respect to the work of your department, but you have the same obligation to foster those attitudes within government. Now, if you see your government making comments of the kind and displaying the kind of contempt they did with respect to the Bill 42 decision, it is your obligation surely to educate within your own government and educate within your own caucus. You can't be silent when these things are going on, for silence amounts to an attack, a direct attack by you. We see this happen time and again and this has troubled me particularly in this past year, an attitude in the government and again some of your private members but some government members and I point out particularly the Minister of Education and the Minister of Consumer Affairs and there are one or two others, the government whip is another, Mr. Kwasnica, is another. You see in these people, every time that they address themselves to issues of law, a deep contempt for the court system, for the judiciary, for the whole institution. The Minister of Consumer Affairs when he talks about SGIO, talks about how cumbersome the courts are, how the little man can't get a shake in the courts, how expensive it is, how he has no faith in the court system; that's what he really says. The Minister of Education displayed the same view when we debated with him the prospect of an appeal from a board of reference, an attitude that is contemptuous of the whole institution and it is seen, as I say, from the member for Saskatoon, the whip and other members as well. I think it's incumbent upon you, if this attitude is born out of ignorance, to somehow educate those people to what the system is all about and to begin to instil in them some confidence in it.

The Premier displays again in a more subtle sense but nonetheless a very real one, the same disrespect for the system. I wish the Minister of Consumer Affairs were here and the Minister of Education because I have long thought I wanted to tell them one thing that they don't seem to understand. The jurisdiction of the courts in this province including the district court and the Queen's Bench and the Court of Appeal, the jurisdiction of those courts is very much under the authority and jurisdiction of this government. The administration of those courts is the function of the Attorney General. The rules of procedure in the courts are again under your jurisdiction and under your power. If the courts are not functioning properly, if they are too cumbersome, if it is too expensive, if justice is taking too long, and if, in consequence, people are losing respect, they ought to be looking to you to remedy the problem. They don't seem to understand that the jurisdiction, the administration, the rules of procedure in those courts, all is vested with you; it's a function of your government. You have the power in

that respect. If in fact they are losing respect, which they clearly are, it's evident to all of us, then surely to goodness that's a failing of yours because you should be moving to correct the errors or the weaknesses that they are seeing in the system.

It leads me to ask you, as well, what are we doing in terms of providing greater accessibility to the courts. I know there was an effort a year or two ago to combine the district court and the Queen's Bench: we haven't heard a word about that since. What are we doing to simplify the procedures in the courts because, no question, the courts, to some extent, are becoming removed from the people? What are we doing with respect to some quicker adjudications? This arose when we were considering the Education Act and was highly frustrating to us, some quicker way to adjudicate in the courts, if there is a problem. It was demonstrated very well when we struggled so long for a right of appeal under the Education Act. The Minister of Education felt and the government apparently agreed with him, that you couldn't have a right of appeal essentially because it took so long and because it was so expensive. Well, if those are facts, then you ought to be doing something to remedy them because it is your jurisdiction and under your power. I rather suspect that this is an area which has been neglected in the last year and one-half or two years. I haven't seen any reform on this front, with one or two small exceptions. As a matter of fact they were suggestions that emanated over here. Those were increasing the jurisdiction of the magistrates' courts and providing the district court with some additional jurisdiction, but another area where I think there is a problem.

Another decision which was made by you this year which fits into my submission that it wasn't a banner year for you. It is decision that you took not to refer Bill 47 to the Supreme Court of Canada, directly, which you could have done with the concurrence of the federal government which was prepared to give you its co-operation in that respect.

Here we are some five or six months later now and while the bill is passed it isn't operative. So that we could have used this period to have that legislation tested as to its constitutional validity in the Supreme Court of Canada. It may well be that by now that test would be complete and we would have some judgment. That may be a little optimistic, but I would guess that it is not optimistic to say that in another three, for four or five months we could have a decision on the question of whether or not that bill is constitutionally valid.

I know it is your view that it is valid, but if you are so confident that it is valid it is all the more reason why it should have been referred in that way with the co-operation of the federal government, which way would have been given to you. Because we continue, today, to be no more out of the woods than we were five and six months ago in respect of that bill. True, enough, at the moment there seems to be some co-operation between the companies and the government in striking some taxes that are reasonably satisfactory to all and, hopefully, there won't be a challenge to the act. But even if we get by this period ahead of us there is nothing to say that that act can't be challenged at any time with respect to its constitutional validity. And the problem we were in with respect to Bill 42, having collected \$700 mil in tax without a statutory base that was sound, we may well be into again with respect to Bill 47. That is a serious problem that remains with us, one which could have been dealt with, in my submission, if the act had been referred to the Supreme Court directly for a direct constitutional test that would have come quickly.

You may remember the Premier said that wasn't a decision which he wanted to take

because, to use his expression, that we are not prepared to give the oil companies a tax holiday for five, or six or seven months, like the members of the opposition are prepared to do, apparently in wanting the bill referred. Yet that is exactly what you have done. You have given them that holiday. So that we are in no different position now, not having got that act tested in the Supreme Court, than we would have been had we chosen to do it, and I think, that too, is a failing.

I want to talk a little bit about some of the other decisions that you have taken in respect of The Land Titles Act and I want to ask you some questions when we come to these items particularly. But we continue to see a system of taxation perpetuated in the Land Titles Office which we ought to strive to end, because it is essentially a dishonest system of taxation.

The Land Titles Offices are there in the first instance to provide a service at cost. The Land Titles Offices, in fact, are making a profit, but secondly, and more glaringly is that assurance fund under which people are still being deceived by their government. This has been true of governments in the past as well, may I say.

Every time you buy and sell a piece of property you face the prospect of having to pay a fee and it is called an assurance fund fee to the Land Titles. Ostensibly it's being collected by the government to give people protection by way of insurance against errors in the Land Titles system. By that's only ostensible. The fact of the matter is the assurance fund is in surplus and has been in surplus for several years and it's a growing surplus. Every year there is stripped out of the assurance fund somewhere between \$500,000, \$600,000 and the most recently over \$1,000,000 taken out of that assurance fund. Money collected from people under a false pretence is what it really is. It's being collected from them, called insurance. It isn't insurance at all. It's a title tax, is what it is. What we ought to do in plain honesty is to call it a land transfer tax and collect it as such, not continue to hoodwink people to the extent of about \$1,000,000 a year in that respect. Secondly, and I want to ask you about some details in this respect, too. This past year you increased surrogate court fees, probate fees, 100 per cent.

The estate of the average farmer, that used to pay a probate fee of something like \$12,000 or \$15,000, now pays \$30,000 in probate fees. Doubled. I said for the average farmer in the province who has six quarters of land, his probate fees are something in the nature of \$25,000 to \$30,000. That's what he's got to pay. I want to know from you exactly how much you're budgeting in the coming year for having increased those fees by 100 per cent per probate fee. Because at the moment it seems to me that what you've done is reintroduced death taxes in an indirect way. You may have very well have wiped out the succession duty last year only to be reimposed into a large extent, this year, through a subtle, never-announced, secret increase of 100 per cent in probate fees in the courts. I want to you to give me the figures in that respect, to see how close I am in that tentative assumption.

Then we talk about accessibility of the courts and as you know the fees in respective courts have gone up again substantially in the past year. Doubled. So again, while we talk, tirelessly, about the need to make the courts more accessible, and you are in agreement with that, all the while behind someone else's back you're increasing these fees and making them less accessible. Again, I ask you, why? Why do you do that? Because you want to squeeze a little more revenue here and squeeze some more revenue there and you're doing in ways that are never made public. Ways that people don't understand. Because it's so easy and painless that way rather than calling these

various things taxes, as they ought to be called. Court fees ought to be called litigation taxes. Probate fees ought to be called death taxes. The insurance fund thing you pay at the Land Titles Office should be called a transfer of title tax. Because that's what those things are now amounting to. It's a system of taxation that people can't see. It's an increase that's announced 100 per cent increase that's made, that's never announced. It's never known generally by people until they confront it, one or two years down the road and they don't know it's being done. You're confused in this respect. What they amount to is they are deceitful ways the government is using to raise funds. Doing it in an ostensible purpose which isn't the real purpose.

With respect to the criminal courts. I would say to the Attorney General while we are making some progress there, it's progress that isn't coming fast enough. Nor is it effective enough. We continue to see, particularly, in our larger cities and particularly in Regina, a situation in respect of the criminal law which is totally unsatisfactory and which is rapidly becoming more unsatisfactory. One doesn't even have to deal with the problem because it's so well known. I suggested to you, a year or two ago, that we ought to begin to come to grips with this problem in a more fundamental way than we were doing. And it seemed to me that one of the ways in which we might do this, is establish commissions of undertaking or commissions of study made up in the communities themselves so that a city the size of Regina might do the very thing a town the size of Balcarres might do. Or any other town in the province . . . Maple Creek, if they had a problem of this magnitude in their town, the elders of the town would get together and would sit around and decide what they were going to do. In the course of some weeks of time, they would develop a plan and they would cure the problem. It's that kind of community self help or community self-solution to problems that applies everywhere else. In a community the size of Regina, it's more difficult. But what we should be doing, if nothing else is challenging the community to do something with respect to the problem. Regina is becoming a little Chicago in terms of its crime rates. The downtown area is clearly deteriorating. There are pockets in this city where it isn't safe for old people or young people or indeed, anybody. Parents are no longer sending children to shows at night.

I don't have to describe that problem for you. Surely you understand the extent of the crime problem in Regina, which is growing worse.

AN HON. MEMBER: — What are you doing about it, Roy?

MR. CAMERON: — I saw a statistic according to a study prepared by the Research arm of the Executive Council which I have in my hand, prepared a year or two ago, which shows that there are 110,000 native people in the two urban centres of Regina and Saskatoon. Mr. Chairman, 110,000 people and it's a population which is growing at a much faster rate than other populations. The study acknowledges the problems that these people are having in terms of employment and housing. It acknowledges, as well, the government programs that are drawing these people into the cities. Welfare programs. Indian-off Reserve Housing programs. They are very real encouragements to native people to locate in the city. That's why they're doing it in greater numbers. You know their population, under the age of middle age is 50 per cent, relative to the population of the province at 25 percent. You can see how youthful a group it is. This study is rather alarming in some of the conclusions it draws. It says unless we come to grips in some urgent way with this problem, we're going to see it grow worse. It's a ticking time bomb, is what it is.

I don't know what one has to do to draw from the Attorney General a greater concern in

this area than he has, or, indeed, try to draw from the government some greater measure of concern. The problems these people are having in the cities are reflecting themselves directly and clearly in these increasing crime rates. All one needs to do is look at the percentage of people going into the provincial jails, to see that that is a fact. The percentage is increasing every year. It is projected that in a few years 80 per cent of the entries in the provincial jails will be native people. You can see the extent of the problem that we have got to get at.

If the Attorney General is not prepared to look at the establishment of commissions in the variety of time that I have suggested, then I think at least you ought to, in one manner or another, involve the government far more directly in the problem than in the way in which you are doing. You ought to be looking at establishing then a commission or task force or a study group drawn from the three or four principle areas of government that have the concern, including yours, because of the high crime, and they ought to be taking a fundamental look at the thing.

That is what this research paper and the executive council suggested a couple of years ago: that every department of the government has got to bring forward ideas and that there has to be some group to co-ordinate them. You have got to attack the problem in some frontal way, not the least of which is because of the crime that follows in consequence. Again it is a challenge that is very much for you and your department. You and the Department of Social Services have the principal obligation in these respects.

Another area I want to deal with, with you is this. It was not so long ago when the Department of the Attorney General, considered to be the legal advisor to the government, provided all the legal advice to the government. That was its function. It would advise the Crown corporations; it would advise various departments and agencies of government; it was the general overall function of the Attorney General to provide that advice.

Here is how far you have gone from that original notion, a notion which was applied not so long ago. In 1975 you paid to lawyers in private practice, outside government, excluding legal aid, excluding criminal legal aid, \$629,000. It went to lawyers' fees in private practice to advise various agencies, Crown corporations, and departments of the government.

In 1976 it was even worse. The government of Saskatchewan spent in excess of \$1 million in legal fees to private lawyers. No kidding, some astounding figures, what members might think the Potash Corporation of Saskatchewan spent, for example, in hiring outside legal people. In 1976 it was \$321,000. Saskoil \$195 in legal fees to lawyers; \$118,000 by the Department of Social Services; Power corporation, \$98,000 in legal fees. All these totalled up in the last year that I have got to over \$1 million, \$1,026,000 in outside legal fees paid. I think that would almost pay the salaries that you are paying to all the lawyers in the department.

My question to you is, why, in view of the vast sums you are paying in legal fees to private practitioners, are you not increasing the level of your staff? Would that not be more economical, spending \$500,000 or \$600,000 or \$700,000 of that in hiring good lawyers in the Department of the Attorney General and assigning them to the various departments and agencies for advice?

Again, I think it is administration which is probably costing the people a fair bit of

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money. Secondly, it is a perversion. It is amounting to a perversion of the original notion of the Attorney General's Department.

With those sorts of opening remarks, Mr. Chairman and Attorney General, I look now for some specific information from you in these several areas. My colleague, the member for Wascana (Mr. Merchant) will, when we come to the Communications Secretariat, have some questions for you in that respect.

MR. ROMANOW: — Mr. Chairman, I do not agree with much of what the member says. I think he has made a fairly good speech, if I may put it that way, in terms of some of the problems which face the administration of justice, not only in this province but I submit in provinces everywhere, regardless of the stripe of the government of the day.

I would like to respond to the nine points that I have as quickly as I can, and I hope as concisely as I can.

First of all, with respect to the suggestion that politics has crept into prosecutorial decisions (in particular two cases, the Pelley by-election and the Walter Chester case), I would like to address my remarks to that.

I generally make the observation at the outset and I am very defensive about this I tell the member for Regina South. When I became Attorney General, I vowed to myself and to everybody in the Department of the Attorney General, that there would be no interference on prosecutorial decisions of any kind, from me personally. That has been my policy. All prosecution decisions, whatever the matter relates to, are decisions made by the Department of the Attorney General lawyers without any kind of clearance or approval, and in many cases without even notification to me: you can believe it or not believe it, but that is the fact. If anyone is skeptical I would invite you to pick up the phone to any senior level or junior level Crown prosecutor in the department on the QT and ask him, is there any case where Romanow or anybody in the government directly has been involved prosecutorially. I feel so confident about this I say again you could go to the RCM Police or to the police stations and I am sure that if this was a practice which was creeping in they would be the very first to bring it to the attention of the public. That is the simple fact.

Dealing specifically with the points, first of all the Pelly by-election, I agree that the member makes a good point about a potential conflict. That is the kind of conflict that in our parliamentary system, where the Attorney General is both a politician and an Attorney General, he is likely to find himself in, from time to time.

I know your theory is that I took over the answering on the Pelly by-election and took over the whole matter on the Pelly by-election because I was to protect the Premier. I cannot discredit you for that point of view but I tell you that that is not true.

What happened was, when the possibility of prosecutions cropped up, the matter was referred to me; i.e., to my department to handle. Carole Bryant was requested to give a report as a result of interviews and things of this nature on the Pelly by-election. She did; she did it independent of any consultations from me. I simply forwarded that report as I do any other charge, or potential charge, to the Criminal Justice Branch: in particular it was Mr. Del Perras and Mr. Serge Kujawa. I am not trying to shift the blame. I am saying that in the very first instance my policy is to do this all the while, so it would only be logical and consistent that I would do this in this case. I tabled the Perras opinion. It is a legal opinion which some lawyers may disagree with and some may

agree with, but I tabled it. I think that if there was any suggestion that I had communicated to Perras or to anybody in the department that there must not be an opinion which allows prosecutions, we would have Mr. Perras's resignation on the table immediately, or anybody else's who had been a party of that.

Again, you do not have to take my word for it. You do not even have to wait on the Estimates here. If somebody wants to call up Perras or any other lawyer not even tied up to this as to what the scuttlebutt is in the department, you will find that that is in fact the truth.

I say with respect to Walter Chester, the second point. I tell you candidly that I knew nothing of the department's decision, and if there is anything, I have a beef here to the department, I knew nothing of the department's decision to appeal to the Court of Appeal until I was told by a reporter from the Star Phoenix the night of the time that the story first appeared in the Leader Post. I immediately called up Kujawa. It was either that night or the next morning and I said, look, give me a report on this. In fact I did not even speak to Kujawa personally: I asked my secretary to do that. . He gave me the report, portions of which I read to the House in question period because I knew it would come up in question period.

I know that the Leader of the Opposition, the Leader of the Liberal Party, suggests that the very fact that five lawyers looked at this matter in itself suggests a speciality of sorts. It is true but I do not think it can be argued logically in the next step that this was somehow a Roy Romanow-Herman Rolfes concocted five person review in order to get Walter Chester. The fact of the matter is that it was not.

I say to people in the Legislature here and I say again to people outside the Legislature that there are ways and means, if I were lying to the House on this matter right now, there are ways and means of this thing being revealed very, very easily. Furthermore, I just do not believe that people like Kujawa and Perras and Quinney — you name them because you are lawyers in this department— many of whom I do not even know what their political beliefs are but I would be very, very surprised if they were pro government — They are probably pro nothing, but I would be very surprised if they were pro government. They came to that decision. That is the fact of the matter. Mr. Kujawa himself points out because it would be obvious that the question would be raised. Mr. Kujawa himself points out that none of us received any word directly or indirectly from the Department of Social Services concerning this matter, the matter of the appeal. There was the evidence with respect to the first sequence of events that you have related, which is true. Judge Moore has commented on that. You are right, if anybody from the Department of Social Services had contacted me on the question of the appeal, I would have booted him out, whether you believe that or not, that is the fact of the matter, especially in the light of what went on as between the Department of Social Services and the AG during the initial stages of Moore.

Thirdly, with respect to the CIGOL decision, I agree with the member when he makes an eloquent plea for the integrity of the courts. I agree with that, maybe that's my legal bias. I disagree with him that members on this side, or for that matter, members on any side of the House tend to bring courts into disrespect, or have such a deep belief of disrespect, that this is cropping up by way of a way of thinking. I say to the member for Regina South that there is a legitimate question which can be asked about the method of Supreme Court appointments, when the Supreme Courts determines constitutional issues as between the parties, namely the provinces and the federal government. I just came back from a Law Society convention. I was on a panel on the

constitution. I left the panel early, it is still going. I made this point. It is easy, perhaps not excusable but easy for a person who would argue that we need to have a different appointment method for the arbiter of constitutional matters so that everybody who is affected by those constitutional arbitrations would have an input in the appointments. It is easy to say as a consequence in the argument, that centralist court from central Canada. I don't condone that. I may have said it myself from time to time but I do think that there is room for legitimate criticism of both methods of appointments. I think there is legitimate criticism about the decisions. You can tear the decision apart. I was at a conference with Bora Laskin about a month ago, where in effect — CIGOL had already been through the debate. Bill 47 — he said publicly, not privately, publicly, that is the kind of thing that he expects to happen. I think the transgressions into attacks on motivation for political purposes have been very few and far between. If they have come about, I say they have come about as a logical — not logical but an inevitable, almost slippage into the question of this whole matter of appointments to the Supreme Court which is highly political in itself.

Fourthly, I'll be very brief on this, to deal with court accessibility. The member raised the question about merger; merger is still being looked at. He talks about quicker decisions I say to the member for Regina South that one of the biggest difficulties in getting quicker decisions relates to at least two factors: One, the judges themselves, the time that some of them need on court cases; and Two, on lawyers, particularly in civil cases. The practice of the private bar very often is to use the scheduling of court cases, not with the true intention of having those court cases hear and determined when they are called, but with a view to use them as a negotiating tool to get a settlement, as between the litigants or the parties or their clients — sort of bludgeon one side to the other to a view. I think if you speak to the bench and if you know from your own practice, you will agree that that is in fact what happens. They have the opening of Queen's Bench Court, or District Court lists. They have re-arranged that now I realize. How many cases collapse? Tens. How many are postponed or adjourned? Tens. That all contributes to the clogging up. I don't know how one can do that, because I do believe that a certain amount of inefficiency is necessary in order for justice, proper justice, to be done. There is a certain justice aspect to the inefficiency which comes in here.

Fifthly, why did we not refer Bill 47 to the Supreme Court? Again this is an area where the member and I agree to disagree. I say that a government should not refer statutes to the Supreme Court for constitutional determination, if that government has a legitimate belief, based on the best legal opinion it can obtain, that the said legislation is constitutional. I tell you, and I know you will ask, give us the report, the opinion, I tell you, we have engaged outside counsel. I think to a man they say Bill 47 is constitutional. I don't think it would be proper for me to simply say well, we are going to ride it through the courts in any event, just to prove it. When we put the oil bill before the Supreme Court, inevitably you make uncertainty for the oil policy. That is inevitable. Your argument is, it was uncertainty now — not really. The regulations haven't been promulgated but the law is the law. It is passed; there is no sort of, well we'll wait eight, nine, ten months. Another point is the time delay.

I don't think governments should be in the business of promoting a challenge which is what it does by reference, because you will have all kinds of interventions. You will have companies intervening, you will have everybody intervening, whoever can intervene. I don't know if companies can intervene on a constitutional reference. But certainly provinces in Canada will be intervening. All of those reasons tie it up to us to say, no reference. That is still, still the view that I hold.

The sixth point you made was land titles taxation and the assurance fund. I want to say that I think you have a fairly good point on the assurance fund, although, I think, you overstated — I am not saying for political reasons but for obvious reasons—there is no doubt about it that the assurance fund is fairly healthy. I don't know when Land Titles has paid out of it for the last 15 or 20 years, if ever. It is an embarrassment of sorts to us, I think there is no doubt about it. The problem is that up to now the requirement has been in statute. We have had this matter brought to our attention by you and others in the last while and a total review is being made now at the provision of the assurance fund and the statutory requirement. Our timetable is, sometime by this fall, I don't want to be tied down to that, but by this fall we would be in the position to make some sort of remedying legislation with respect to the assurance fund.

Before I drop the assurance fund, I want to make one point clear to the member for Regina South. This is not free of difficulty. I am getting petitions from the Status Action Committee, Women; National Farmers. Women; United Church Women — those first two I remember for sure — they say that the assurance fund should be used as a defaulting spouse's fund on marital problems pursuant to matrimonial homes. My reaction is like the Leader of the Liberal Party, I don't think it makes sense. But perhaps there is some mechanism whereby we can use these funds to deal with a kind of a pressing social problem. I think the member for Wascana has been arguing that to be the case. I rest there by saying, I think you make a fairly good point and a review is being undertaken.

On the question of Surrogate Court fees. I am advised. I tell the member, this is perhaps specific, you might want to ask further, I don't know. the following: On Surrogate Court fees there was no increase in Surrogate Court fees since 1961. That's a 17-year period without an increase. In 1961 the Surrogate Court fees paid for 65 per cent of the costs. Today, even with the increase we are still short by how much on the costs, 65 per cent? I'm sorry, total court fees, not Surrogate Court fees, total court fees. Here is what my people tell me. We'll try to refine it if we have time. I think the point is made. In 1961 the 1961 fees covered 65 per cent in income of all the court costs. Today, even with the increase, it doesn't even cover the court costs. There is a supplementation from the general consolidated revenue into the court costs. Of course there is the question of the people who are litigants or parties of the court paying part of the operation. You are right about the increase, 100 per cent. It is from \$3 to \$6. An allowance is allowed for reduction by an amount of the mortgage. We calculate with this allowance for mortgages which are outstanding on the estate, we think that in net terms the increase is from \$3 to \$4.50. Now that may be fancy Danning it a bit because the black and white is from \$3 to \$6, it is true. But on mortgages you are looking at a reduction in the fees in the land title's fees which would result in an actual cost of about \$450(?); it's a substantial increase. I say to you that there is no option for government when you look at these kinds of costs on these kinds of matters.

The total increase in court revenues, I give you this figure now because you asked specifically, all increases, these increases we've talked about (they are some of the sheriff fees increases, local registrar fees increases) amount to \$850,000 additional revenue to the province. Contrast that with the following little statistic which is interesting as opposed to what comes in by fees, here's what went out on court services by way of expenditure. In 1970-71, which is the last year before we took office, there was \$810,000 expended on court fees. In 1978-79, the current Budget projection, there is going to be \$2.6 million, of which \$850,000 are the court fees and I think you will see from there that it still is nowhere near the match.

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With respect to criminal courts, this interests me a lot, this business of criminal courts and the native crime problem. I say to the member that there is a problem and I think calling a spade a shovel or a shovel a spade is the problem which, to a large extent, is related to our native people. I'm saying this is the source or the cause that they are involved in it. I don't think there is any simple answer to this problem. I tell the member his suggestion that there should be a task force looking into the causes and some of the solutions does not turn me on whatsoever. I think that the causes and the reasons are basically known. The solutions will not be discovered even by a task force.

The solutions are, I say, basically in economic and social reasons. So long as we have a policy which moves Indian people off reserves into cities in the false hopes of obtaining jobs, gets them committed to welfare, we're going to have crime. We have to meet this problem on an economic and social front. Yes, it has to be complemented by good police officers and has to be complemented by an efficient court system and all of that. But I simply say that I don't think there is a special solution, simple solution. We have tried to take some steps to build the native people into the judicial system. We set up an RCMP special Indian constable program and a native court worker program, promoting many dialogues and get together. I don't mean get together in a sense of just getting together but seminars on Indian native crime related problems.

By the way I note here, I have a clipping just given to me, May 10, 1978, Prince Albert Daily Herald. I won't read the story. The headline says, 'Great Deal more Understanding between Police and Natives'. This is a quotation from police chief, Reg Bruman from Prince Albert. I think that's true. It's not going to solve the problem overnight but I think we are making some strides in promoting the matter.

Finally (this is the ninth point that you raised) is the question of legal advice and why there is so much farmout on legal advice. Well, I say to the member that, firstly, he is in error when he talks about the Attorney General's Department providing all legal advice to all Crown corporations. Long before I became Attorney General in 1971, rightly or wrongly, the practice had been well established that the Power Corporation would have their own lawyers doing their own work and farmout, lots of farmout I don't want to get into you know the match about lawyers and that kind of stuff - but I think we all know the farmout that comes from Power and Telephones and the Meadow Lake Pulp Mill, the Prince Albert Pulp Mill, farmouts all done through SEDCO financing and all that. That has been the practice. It has been the practice because from time to time there is a special project which requires outside counsel or it requires certain expertise which you may not need on a general basis or you are going to need that because you want to free up your Crown corporation of lawyers to do ordinary Crown corporations rather than being tied up for nine months packaging together a big deal, a big legal or financial deal involving a Crown corporation. As Attorney General, I say with respect, I can't reverse that policy with respect to Crown corporations. We are going to continue receiving a substantial amount of legal bills from the Crown corporations I predict.

I can say within the Attorney General's Department we have been making, I think, some improvements in cutting out the farmouts. When I entered in 1971 there were no permanent full-time prosecutors of the AG's Department on staff, say in Yorkton or North Battleford or Moose Jaw or Prince Albert. We have put in prosecutors now in those areas. Yes, they still farm out a little bit. I got a ride to the airport today by Mr. Dave Tennent who is our senior prosecutor in Yorkton. I think he is an excellent man. He has done a lot of the prosecutions. He has to farm out some but we are cutting him down quite well. I think that if we can give him budgetary restraints, if we can get sufficient funds, we will be in the position (I'm talking strictly about the AG's Department) soon of

having few farm-out cases. I here will always be farm-out cases but relatively few farmout cases.

Mr. Chairman, I have spoken too long but I wanted to respond to the member's several points because he did speak at some length and, I think, raised some important topics and those are my answers.

MR. COLLVER: — Mr. Chairman, first of all I would like to remind the members of the Assembly something that is not very old: it's only a week. I want to remind the members of the Assembly first of all before I get into my remarks about the Attorney General's Department, of last Friday at this very time, when it was told to us by members to the right that it was absolutely essential that this House continue for the following week because they had to examine the Attorney General's Estimates in proper course and proper order. The member for Regina South made it eminently clear that he was going to zing the Attorney General and he had to zing the Attorney General over the course of the following week. Mr. Chairman, we couldn't possibly have concluded last weekend because the Attorney General brought his Estimates in too late. Because the AG's Estimates came in so late, came in last week, we couldn't possibly conclude last weekend. I just wanted to remind members of this Assembly that here we are on this weekend with the AG's Estimates coming up in extra time (it's been put forward as extra to the normal sitting hours) in order to conclude this weekend and the members to my right are perfectly happy to a I low this to happen. But last weekend they couldn't do this. I hope the members of this Assembly will remember what happened last weekend for some considerable time. I know, Mr. Chairman, that the constituents of the province of Saskatchewan, who are in the cattle business, will remember it for a long time.

Mr. Chairman, with reference to the Attorney General's Department, some years ago we brought to the attention of the Attorney General . . .

MR. MERCHANT: — He speaks in a scrambler . . .

MR. COLLVER: —The member for Regina Wascana I notice is talking with his usual flair about the cable TV and so . . . (interjection) . . . on which is his usual topic of conversation. Gee, it was the day before yesterday, I thought you came up with one the day before yesterday. I think he has an interest, Mr. Chairman, in cable TV.

Mr. Chairman, some years ago, we brought to the attention of the Attorney General the inefficiencies that were occurring in the province of Saskatchewan with reference to civil proceedings. We asked the Attorney General if he would take action in terms of updating the use of modern equipment, computer technology, for example, and the use of radio technology and the use of recording devices, the use of television devices to update and move forward and speed up the civil procedures in the province of Saskatchewan so that the kinds of lengthy delays that occur in civil proceedings which are mostly for the benefit of the legal profession, that seem to go on for two and three and four years before any action is taken and before anything is heard by the judges . . .

MR. KOSKIE: — Why is that?

MR. COLLVER: — Well the longer, in answer to the eminent scholar from the Quill Lakes, the point is that if a case was heard by a judge within six to eight months or a year then the file would not keep popping up on the lawyer's desk every second week for three or four years and keep adding income to that lawyer. I think a great many lawyers

would like to see (the more professional kind and the top outstanding quality) would like to see . . .

AN HON. MEMBER: — You should know.

MR. COLLVER: — Yes. I should know.

MR. CHAIRMAN: — Order, order!

MR. COLLVER: — At any rate, Mr. Chairman, we asked the Attorney General if this kind of procedure could be speeded up with the use of modern technology? We were informed three years ago that there was a study that he was going to conduct in this Assembly and we were informed in no uncertain terms that there would be a study and that there would be a report to this Legislature on the use of modern technology as it relates to civil proceedings and perhaps also in relation to criminal proceedings, but most specifically our question was related to civil proceedings, the length of time. For example, that it takes for examinations for discovery, the kinds of problems that occur as the member for Quill Lakes knows in acquiring the services of court reporters with reference to examinations for discovery and that kind of lengthy delay that takes place during the civil proceedings. We've asked him whether he would study the use of this modern technology. That was three years ago. Two years ago we asked the same question and we received from the Attorney General absolute assurance that these modern techniques were in fact being studied by the Attorney General's Department, were in fact being examined with reference to trying to implement some of them to speed up and organize the court system in Saskatchewan so that judges could have the most modern techniques and most modern electronic techniques at their disposal so that they could speed up the process through the courts. Last year we asked the same question again of the Attorney General and the response was, the matter is being studied, that we have made very good points, that exceptional use is being made in some states in the United States and in fact in some other provinces in Canada of the electronic media (I don't mean media - but the electronic devices) to speed up these civil proceedings and to bring to a shorter time frame the length of time that the matters got through the courts. We were assured by the Attorney General that this study was being conducted. To this point in time, Mr. Chairman, no such report has been received by this Legislature, no such report has been received by any member of the Legislature and the Attorney General has not announced any such report.

Now the fact is that, Mr. Attorney General, time is escaping you. We notice now that in California they are now introducing the use of television cameras as a means of speeding up and expediting the process of the courts. In California they are introducing the use of television cameras in criminal proceedings to speed up court proceedings and in other jurisdictions we are seeing the same thing. In Arizona the same kind of procedure is being introduced. What are we doing in the province of Saskatchewan? The answer, Mr. Chairman, is nothing. We are probably still studying it. I am sure when the Attorney General rises to his feet he will say that we are studying the use of modern electronic devices to help speed up the court system. He's certain that there is a problem. He will admit that there is a problem and that it takes too long for civil matters to proceed to the courts. I don't think that any reasonable member in this Legislature would disagree with that. The justice is not only not done at times, but is not even seen to be done because it takes too long. There are too many delays. And the Attorney General, I am certain will answer this. What we say to the Attorney General today, the time for studying and the time for examining and the time for loose answers is finished. The time is now to take some action in this matter. You have had three years of

suggestions by us and certainly some suggestions from the Bar Society in the same way, to come to grips with the archaic kinds of rules and the archaic kinds of procedures that were designed for the quill pen and now that we have electronic devices that can and must be used it is time the Attorney General's Department took action in this regard. No more studies.

Now, Mr. Chairman, before I take my place I would like to just make a few brief remarks about one or two issues that have come up in the last little while pertaining to the administration of justice in the province of Saskatchewan. Again, I suggest that the Attorney General may (and I don't say is), but may be doing an all right administrative job but in the presentation to the people of Saskatchewan his department and his government does not appear to care about justice and does not appear to care about law enforcement officers.

Mr. Chairman, we have seen a dramatic rise in crime rate in the province of Saskatchewan, a dramatic rise. We have seen crime ever-increasing and we have seen law enforcement officials feel ever frustrated in the performance of their duties. During the last six or seven years in the province of Saskatchewan we have seen a move by the Attorney General and by his government to gradually move away from the idea. Law enforcement officials have got to be backed up by government because they are out there doing a dirty job. They are out there doing a rotten job to protect the rest of us and they have got to be given the assurance that we are behind them.

Now I admit, Mr. Chairman, that one of the cases did not occur under the direct jurisdiction of the Attorney General. One of the cases that could have brought to bear, that could have brought to light this support in real terms of law enforcement officials in the province of Saskatchewan was the Walter Chester affair.

Now, Mr. Chairman, I am informed today (and unfortunately I had to be at the University of Regina Convocation and could not be here to listen to the sterling words of the member for Regina South), but I want to inform him today that the member for Regina South, without any knowledge of any kind, stated that Walter Chester was a bad employee. Mr. Chairman, how the member for Regina South could state such a thing when in the first place he is only taking the word of the Minister of Social Services in this regard because the judge who examined the case didn't say that. Justice Moore didn't say that. He said that he was a sterling employee. He said he had done a first class job. He said he had tried to draw to the attention of the minister on many occasions and to his superiors on many occasions things that he saw that were wrong in the department. But the member for Regina South and the Minister of Social Services, they seem to think that everyone has to fit into their little mold and if that mold isn't exactly identical to the mold that they want to create, if anyone is outside the mold at all, they are not acceptable. They should lose their jobs says the member for Regina South. They should not be reinstated says the Minister of Social Services because they don't quite fit into the mold. Any reasonable assessment of Walter Chester's work history would indicate that this was a first-rate law enforcement officer.

MR. ROLFES: — You're sick!

MR. COLLVER: — The Minister of Social Services says, 'you're sick.' He has come up with not one single shred of evidence to any reasonable person in this province that in any way Walter Chester wasn't a first-class employee. Not one, Mr. Chairman. As a matter of fact, Mr. Chairman, Walter Chester's report and work history presented to the Moore Commission were first-class and the judge said so.

During the course of his trials (and I say trials) because he was prepared to stand up for what he believed in, because he was prepared to say as a long service, long standing employee of the government of Saskatchewan and a law enforcement official for many, many years, he did not believe that the present drift of the jail system towards canoeing, golfing and other such activities were in the best interests of the people of the province, nor were they in the best interests of the prisoners in that provincial jail, because he decided that he wanted to report this to his employer he was dismissed. At the time, Mr. Chairman, at the time of Walter Chester's dismissal it was because he was convicted of a technical assault. When asked to be reinstated with full back pay and privileges, it was because of his work history. Even Justice Moore showed him to be a first-class employee. I suggest that the Minister of Social Services read that section which has been drawn to his attention on many occasions.

Now, Mr. Chairman, that was a prime example of the Attorney General being able to use his influence and his office as chief law enforcement official of the province of Saskatchewan to stand up for one of his own, to stand up for his boys. The Attorney General refused. The Attorney General refused to say that this law enforcement official who had the courage of his convictions should be backed by the government of Saskatchewan, not only for him, not only for that one employee whose views should be considered seriously by every member of the Treasury Benches but, Mr. Chairman, they should be considered for every other law enforcement official in the province of Saskatchewan. Mr. Chairman, if we damn the law enforcement officers to always be silent when they see governmental wrong-doing and governmental mismanagement, if we damn them to always be silent even within the department because they are going to be fired or they are going to be demoted or they are going to lose their pension privileges if they speak out, then they themselves, Mr. Chairman, are not going to feel that the government of Saskatchewan or the people representatives are behind them. For the member for Regina South to irresponsibly suggest without any information at all, save for the information that has not been provided from the Minister of Social Services, that Walter Chester was somehow a bad employee is irresponsibility of the worst possible kind.

Mr. Chairman, we feel very strongly that the Attorney General should have used his good offices to have emphasized the absolute need for that employee, who has a good record, for that law enforcement officer, to have used his good offices in order to protect and preserve the other law enforcement officers in the province of Saskatchewan and to get their goodwill and their enthusiasm to try to reduce and diminish the impact of crime in the province of Saskatchewan. The people of the province, Mr. Chairman, are not going to accept the Attorney General's suggestions..as he's probably going to do when I take my place.

It is not his department. He's not responsible for the provincial jail system; that's under the Department of Social Services. And he will pass the buck, Mr. Chairman. He will say that's not our responsibility at all. Or he'll say something else, Mr. Chairman. He'll say that that's a matter between labour and management, that there's been a grievance procedure and if that grievance procedure is carried forward, Mr. Chester will undoubtedly receive fair play. The minister in charge of that very department stood in his place and stated, uncategorically, that Mr. Chester was a bad employee. And that's why he was . . .

MR. ROLFES: — Why don't you tell the truth for a minute?

MR. COLLVER: — Mr. Chairman, I was in the Assembly when the Minister of Social Services had already made up his mind on the Walter Chester affair. The press reported it and it's all there in black and white so the Minister of Social Services can say what he likes.

Mr. Chairman, the fact is, if we are to represent our constituents as legislators, the fact is, Mr. Attorney General, that one law enforcement officer who is badly treated, one law enforcement official who is treated so poorly and shabbily by a government should be of concern to all. Just as one citizen who is treated to the kind of governmental impact, who tries to do something reasonable within the law and is jumped on by many departments of government, trying to prevent justice, that one person, that one citizen should be of concern to us all. It's all very well as is suggested sometimes in this Legislature that we shouldn't concern ourselves about the one individual. Mr. Chairman, what we should concern ourselves with is the one individual. If we look after the interests of everyone, if we look after the rights of everyone, then the rights of all will take care of themselves.

Mr. Chairman, if we start all encompassing ever-increasing government as the Attorney General will no doubt argue against.. I understand, Mr. Chairman, that I have to quit at 4:30 p.m. so to conclude I will merely state that I believe it is irresponsible of the Attorney General to suggest that it's not his responsibility to stand up for that one law enforcement officer and if we are having increasing crime in Saskatchewan, if there is a crime problem in our province it is at the doorstep of the chief law enforcement official who should stand up for his people and show the people of Saskatchewan that he cares whether or not they are doing their job on our behalf.

MR. ROMANOW: — I think it's easy to make speeches about supporting police officers. I think I could do a pretty good job making a speech about support for police officers. I have, on many occasions; in fact I did last Tuesday to 1 50 RCMP in North Battleford without any difficulty. I say that the speech is easy. What really counts, I think, is action. Mr. Chairman, I have here some figures which give you an idea about police and the numbers of police that we have added to the provincial complement to help them with the job and to give them support when they need to have that kind of support.

In 1968, there was a total RCMP establishment of 1,376 in the province or a ratio of 1 police officer for every 697 people. Today, there is 1,840 RCM police or a ratio of 1 for every 512 which is well below any guidelines of police officers or any independent authority as to the quality of policing. The same facts apply to city forces. They've increased from 528 to 672 in 1977. The overall percentage increase, Mr. Chairman, is in the neighbourhood of 36 per cent. Those are the facts of support.

I've discussed Chester at length, with the member for Regina South. I don't intend to do it again for the House because I gave you my version. I believe that that is reported as to the involvement. I want to make one point. Any police officer will tell you this. I am not talking now about Chester specifically but making a general observation. Any police officer will tell you this. The law applies to everyone, police officers, guards, politicians and the public. The police, themselves, are the most . . .

MR. COLLVER: — Innocent until proven guilty.

MR. ROMANOW: — Mr. Chairman, the member has made judgments on the Chester case. I don't make judgments on the Chester case; I leave that to the courts. The courts

will decide on the question of the appeal, I simply say that it would be wrong for any Attorney General to stand up for a person if that person had committed a minor or whatever criminal offence. The police officers don't want that themselves, neither do the jail guards, neither do the individuals. So I can't believe that the member is really advocating that no matter what the circumstances are, I should be standing up for a particular individual. On the Chester case, I make no comment because it is before the courts and it will be dealt with by the courts at that time.

I just want to make one quick comment about computerization. We've made great progress since I spoke to you last. We are computerizing everything in the Magistrates' Courts, voluntary payment tickets, central financial records, court statistics. We are now in the process of computerizing a central registry at a cost of \$200,000. We are completing — I know you'll say it's only a feasibility but a feasibility on computerizing land titles offices. We are computerizing statutes; no longer will they appear in these books. They will be in computerized loose-leaf form. My people tell me that this PCMIS which we talked about last year is the most advanced computerization in Canada right now. Yes, it is in for criminal magistrates but it has to go further than that. That is the only comment I make.

MR. CAMERON: — Mr. Chairman, it never of course ceases that the moment the member for Nipawin sort of draws himself into anything, the quality of the exchange declines substantially. What amazes me is that a guy who for 10 days to two weeks running in the past month was saying he witnessed personally the largest single abuse of the process of justice anywhere in the country in the Attorney General's action and SGIO's action against him, didn't ask a single question about the commencement of that action to establish the point he has been trying to make around the province that it was a politically motivated action. Can you imagine that? He was saying, not a month ago, that the abuse of the justice system in Saskatchewan had reached an all-time high under this Attorney General and under the Minister of SGIO because they had brought an action against him because he was the leader of a political party and they wanted to nail him. He said that was a dastardly thing, joined in by his chief lawyer, the member for Saskatoon, who said it was a tactic befitting a Hitler, that is how bad it was then he has a chance to talk to the Attorney General about that action which he said was such an abuse of the system of justice in Saskatchewan, and what does he do? He has nary a question, nary a single comment about that action. It sure tells you a lot doesn't it?

What it tells you is this. If there was an area of inquiry for the Conservatives in the Attorney General's Estimates, which I would have thought they viewed as important, it would have been for them to inquire into the circumstances surrounding the commencement of the action by SGIO. Because they have said all the while it was an abuse of the system and an abuse of the administration of justice. You know what it tells you. If it was never laid clear before, it certainly is now. All that was was a smokescreen of a vile variety to draw attention from his action, that is what it was designed to do. That was what it was designed to do. It was an empty charge. Here is your chance to prove your case. What do you do? You walk in here — it is appalling, you don't ask a single question. Not a single question. He wonders why we have been here all week. We would have thought that he wanted to have the opportunity to expose this government and to expose this Attorney General for its crass application of the laws against him for an action that was brought against him, according to you guys that had no foundation in fact, no foundation in law. It was a complete abuse. And you found the most vile terms to describe it in. Then you get your opportunity and you don't say a word. I will tell you that silence this afternoon has told you more about that action brought against the member for Nipawin than any other single thing that has happened since that action

was commenced. That is exactly what happened.

You know the member for Nipawin fancies that he is getting so good on television that now he wants a television in the court rooms. I can understand that. He wants the additional exposure no doubt. The guy has got more suits than Mac and Mac.

I want to ask the Attorney General some questions. The income from the insurance fund that I want to ask you about in some detail, surplus in 1974-75 was \$737,000 — it is the insurance fund that I want to ask you about. The surplus revenue in '74-'75 was \$737,000; '75-'76 it was \$925,000; then in '76-'77 it was \$1,059,000. What I would like to know is what it was in '77-'78, the surplus, because I don't have that figure and what you are estimating it for in '78-'79.

MR. ROMANOW: — I am not going to like to give this answer, but I guess I have to give it. The surplus in 1977-78 was \$3.3 million . . . O.K. I think I have got the answer here. In 1977-1978, the surplus will be \$1,385,000. This is still not finalized. We are still counting it up. In 1978-1979, the Budget for the current year which is under review, the figure will be \$ 1,525,000.

MR. CAMERON: — You see the point I make to you is that the figures clearly demonstrate the point I have been making that the insurance fund is nothing but a revenue generator; that is, there is nothing in the way of claims made against it. Year after year it is generating these revenues. The point I make seriously to you is that the revenue is being generated, as I said earlier, under a false pretense. Now \$1.3 million this year and projected \$1.5 million in the coming year is surplus in that fund. So that what it is really amounting to is a land transfer tax as I said earlier and the figures you have just given me, I think, underline that even more clearly. Again I think it points to the need — not because they are such significant amounts but because they are amounts which are being extracted dishonestly from people. That I think is the important point here, that we ought to get rid of. The other figures I want from you are, what was generated in the way of probate fees in this past year and what you anticipate by way of revenue in probate fees in the coming year.

MR. ROMANOW: — I am sorry, my people tell me that we cannot give you that because the Department of the Attorney General never has broken down the probate fees and probate fees per se. What they do is, always, historically and this is the present situation, they simply look at court fees taken in in total. I think I have given you those figures in round when I first replied. I just don't think we can — we might be able to break it out. I will tell you what I will undertake for the member, I will try to break it out. I will give you a letter if I can, I will give you a letter if I can't. I don't think we can do it today or tomorrow. The boys say they can break it out but it is going to take a lot of work. If you are prepared to take my word that I will give you a letter telling you the break out of it, I will undertake to do that.

MR. CAMERON: — I am most interested in having that figure because as I said, and this is only a tentative judgment on my part in fairness, but it appeared to me that having just recently abandoned the succession duty or death tax, directly, with some fanfare, that you kind of brought it in through the back door. It has every appearance of the two being related. That the 100 per cent increase in probate fees which I said to you in a common farmer's estate amounts to an increase of \$15,000 on death, and I can demonstrate that figure to you by giving you some figures as to how it now is about \$30,000 in probate fee that he has to pay. I am not sure that that isn't about the equivalent of what he would have paid on the succession duty. I can't calculate it so I

can't make that claim with any assurance; that is why I want the figure. I tell you that tentatively I have come to the conclusion that it has every appearance at least of having done away with and abandoned succession duty on the one hand but re-instituting it, directly and secretly, and may I say with less than total candidness on the other.

MR. ROMANOW: — Mr. Chairman, I will undertake to provide that. The boys say they just can't provide that. I am sorry, we don't have it. I would, without prolonging the debate on this point, I just can't image that it would even come near to the sums collected under the death tax, the succession duty tax. I guess the figures will prove that one way or the other. I will undertake to provide them to you as soon as I can. The boys will do a breakout and we will give them to you in writing and you can do as you see fit with them.

MR. CAMERON: — Mr. Chairman, perhaps I could leave this for the specific item, but I wanted to ask you as well about the Law Reform Commission. It seems to me, and I want to state this rather carefully, but it seems in some respects to be sort of running out of gas a little bit. Well, the first two or three years of its existence it was undertaking a lot of work and a lot of very good work and I am sure that all of us were impressed with the work. The last year or so has seen, it seems to me, to some extent, some sense of urgency go out of it and I refer to a couple of things.

I want to ask you about your own response to these things. In May of 1976 the Law Reform Commission put to you its final proposals for a Saskatchewan Matrimonial Homes Act. Now they had done a lot of preliminary work in that respect, a lot of work and assisted in by the profession and others and drawn a lot of public comment with respect to it. It is now two years since they gave you the proposal, the final proposal, with that legislation attached and it hasn't yet surfaced.

I want to ask you why that is and when we can expect that? Are we merely sitting on it?

MR. ROMANOW: — Well, Mr. Chairman, I gather His Honour is here, so I will make this brief and then we can follow up on it, but just to get this sequence off.

First of all, I think the Law Reform Commission is active as a commission. I don't have a list of the projects but I know that there are a slug of projects, the rights of children, I know that is one of the ones that is current, and so forth.

But dealing in particular in Matrimonial Homes, which is what you have asked about, I think what I should do at this time is simply issue a little statement about this.

We announced in the Throne Speech last fall that legislation to create full ownership of the Matrimonial Homes would be introduced pursuant to the Law Reform Commission. At that time we were in the midst of discussions with the federal government to ensure that tax implications for Saskatchewan residents would not defeat the purpose of our legislation. I should stop in the statement there.. a deeming provision. I don't understand income tax. but if a spouse gets 50 per cent there is some capital gains on that, taxable capital gains on that. It perhaps could be explained by someone who knows more detail about it. That is it.

Negotiations on the tax issues have continued and are continuing between Saskatchewan and some of the other provinces and the federal government. Other provinces are working on different proposals for sharing matrimonial property between spouses and all provinces and the federal government are concerned that

equitable sharing of matrimonial property, such as The Matrimonial Homes should not result in undesirable tax consequences.

The federal government, through Justice Minister the Hon. Ron Bastford and recently through the Minister of Finance, the Hon. John Chrétien, declared its willingness to make the necessary amendments to The Income Tax Act. However, as our ongoing negotiations will attest, the federal government needs time to develop amendments to deal with each province's different proposal, because it is different. Ontario has a different matrimonial scheme than we do for sharing matrimonial property.

The federal government, and quite rightly so, wants to make all the necessary amendments at one time in order to avoid a multiplicity of them. I would like to explain what the tax implications would be for Saskatchewan residents. Here it is:

The main problem seems to be with capital gains tax. The Income Tax Act of Canada presently provides a rollover or tax free treatment for transfers of the principal residence to a spouse. The federal definition of a principal residence is limited to one acre while the Saskatchewan Matrimonial Homes Act has proposed by the Law Reform Commission, would be up to 160 acres. Problem - the difference between the two definitions leaves a questionable area where capital gains tax would likely be imposed.

Another question is whether a statutorily imposed co-ownership of the matrimonial home will be equivalent to a transfer from one spouse to another. If it is a transfer than the rollover treatment may apply, but if it is not, then there is a possibility of capital gains tax being imposed there. Until all uncertainty over tax problems have been clarified by federal legislation I would like to delay introducing The Matrimonial Homes Act. I believe that this course will facilitate changes being made to the federal Income Tax Act and to our Matrimonial Homes Act as necessary. In this way I hope to avoid making numerous amendments to our legislation after it has been put into place.

Rather than tabling legislation in the Legislature, which by the way we have drafts of, I think that what I would like to do is, perhaps, consider circulating copies of those drafts to MLAs and to interested groups for their comments. At the same time as I receive reactions, I thought, as well, that this summer I would engage Professor Allen Schmizer, to review the options available to Saskatchewan in this area.

Allen Schmizer, as you know, was the research director of the commission at the time of the proposals for the Matrimonial Homes legislation, so it is appropriate that he should review the current situation.

Since 1976, when the Saskatchewan Law Reform Commission reported, other provinces have taken a variety of different approaches and I would like Professor Schmizer to take a look at the legislation in these jurisdictions.

Three years ago, in May of 1975, the government initiated, as you know, amendments to the Married Women's' now Married Persons' Property Act. I have also asked Professor Schmizer to examine and evaluate the effects of this change.

It is, therefore, with some regret that I am announcing, if I may put it that way, I was going to do it later after the session was over, but I think it fair doing it during Estimates, that Matrimonial Homes legislation will not be introduced this session. This step is in no way a retreat of the government's commitment to legislating equity and equality and property rights for married persons; rather it is a responsible measure, I argue, to

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ensure the best possible results for married couples in Saskatchewan in light of the tax problem.

I think that is a reasonable explanation and I will..If someone can get this photocopied we will distribute it to the boys and to the press.

The Committee reported progress.

ROYAL ASSENT

At 4:53 o'clock p.m. His Honour the Lieutenant-Governor entered the Chamber, took his seat upon the Throne and gave Royal Assent to the Bills presented to him.

The Assembly recessed until 7:00 o'clock p.m.