

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**Second Session — Nineteenth Legislature**

**Friday, June 13, 1980.**

The Assembly met at 10 a.m.

On the Orders of the Day

**QUESTIONS**

**Monitoring of Environmental Pollutants**

**MR. W.C. THATCHER (Thunder Creek):** — Mr. Speaker, question to the Minister of Health. Mr. Minister, it would appear from press reports in the Leader-Post the federal health and welfare department, or your federal counterpart, believes that many of the chemicals presently used in Saskatchewan have been proven safe (at least from an experimental point of view) using fraudulent or inaccurate information. The Department of the Environment is apparently aware of this situation. What conversations have taken place between you and the Minister of the Environment and what steps is the provincial Department of Health taking to monitor a situation which could potentially be very hazardous?

**MR. H.H. ROLFES (Minister of Health):** — Mr. Speaker, no discussions as such have taken place between me and the Minister of the Environment in any detail. I want to indicate that when the federal Minister of Health and Welfare was here last week we did broach the topic and the whole area of environment pollutants. I think the federal Minister of Health also was concerned about it and we had agreed at that particular time that we would keep a close tab on the pesticides and insecticides used in Saskatchewan and throughout Canada, but we didn't go any further than that. I think the primary responsibility does rest with the Minister of the Environment, but they are certainly a concern to the Minister of Health and to all ministers of health in Canada.

**MR. THATCHER:** — Supplementary question to the Minister of Health. You are charged with administering perhaps one of the most important departments, the health of the people. And you are aware that there is a problem with regard to these chemicals; some of these chemicals may very well be hazardous and the information used to document their safety is suddenly suspect. Is it not a total abrogation of your responsibility as Minister of Health that you have not discussed this matter with the Minister of the Environment? Is it not an abrogation of responsibility when your people have not investigated to at least find out what these chemicals are? Is it not a total abrogation of responsibility when you have not even conversed on the subject with the Minister of the Environment?

**MR. ROLFES:** — No, Mr. Speaker, I do not think it is. I accept my responsibilities very seriously, as the member well knows. I think this has been a problem for a number of years, not only in Saskatchewan but in Canada as such, and I think in my estimates the member for Saskatoon-Sutherland brought this to my attention. It was the member for Saskatoon-Sutherland who spent at least one half hour on that particular topic of additives, coloring, pesticides, pollutants in the environment. I indicated to the member at that time that I would, at the first opportunity, take it up with the federal Minister of Health and Welfare, as I did last week when she was in Regina. I put on the agenda a number of items and pesticides, pollutants, additives, coloring, red dye were discussed with the federal Minister of Health and Welfare. I had indicated to her that we want them to follow up much more closely the scientific research being done in the

United States to see if she couldn't tighten up the regulations as they pertained to the federal rules on food and drug control in her department. She indicated to me that she was concerned, that she would follow it up, and that there would be further communication between my officials and her officials in this whole area. It is, I agree with the member, imperative that now I sit down with my colleague, the Minister of the Environment, to tighten up our regulations and make absolutely certain that people of this province are protected against perhaps the excessive use of pesticides and insecticides.

From what I can gather, in the estimates of the Minister of the Environment, he indicated to the opposition that he also was concerned in this particular area. In his opinion we were using excessively some of these products and we should look at other alternatives in controlling our weeds in this province.

**MR. THATCHER:** — Supplementary question to the Minister of the Environment. Since the Minister of Health has just confirmed that he has not done anything and you are already quoted in the press as saying that you have done nothing, my question to you is, how soon are you going to find out what chemicals are considered unsafe and will you tell us what steps you have taken? Why, instead of writing nice, polite, bureaucratic letters (since many of these 100 chemicals are used in the province of Saskatchewan) aren't you or somebody else in your department beating down the door today to find out what these chemicals are and get a handle on the situation?

**MR. SPEAKER:** — Order, order! I wonder if the members could try to retain the order of the Chamber while the Minister of the Environment answers the question.

**HON. G.R. BOWERMAN (Minister of the Environment):** — Mr. Speaker, the Department of the Environment has had an active inquiry and assessment of what is involved in the chemicals which we use in Saskatchewan ever since the coming of Dr. Penman to the Department of the Environment. His specific assignment has been to review health matters and environmental concerns with respect to chemicals used in the province of Saskatchewan. So the Department of the Environment has been active in this area.

I want to remind the hon. member, Mr. Speaker, that the responsibility for licensing of these chemicals rests with the federal government. It licenses them and has given acceptance to their use across Canada. I think there has been some question with respect to whether or not a proper testing has been done because of the problems associated with the laboratories in the United States. I think that's a matter which should be resolved by the federal minister. I have been in personal contact, by letter, with the federal minister because of the concerns of the Department of the Environment with respect to it. We continue to maintain that communication. Therefore, I believe Saskatchewan is taking, at this point in time, the necessary, responsible actions with respect to the issue.

**MR. THATCHER:** — Supplementary question to the minister. You have indicated in press reports that you have been unsuccessful in obtaining this information from the federal government. If I interpret you correctly, as you are quoted in the press, you are in effect saying that the federal government is refusing to provide you with this information. Will the minister make it very clear, when you have requested the list of chemicals (and you are quoted this morning as saying that you have been trying to find out unsuccessfully for several months), are you in effect stating that the federal government has refused to provide this list of potentially dangerous chemicals to the Department of the Environment in Saskatchewan? If in fact it has not refused, then why

don't you have the list?

**MR. BOWERMAN:** — Mr. Speaker, I am saying that the federal government has not provided us with the list. I'm not saying they have refused. It may well be that they don't have that list themselves. They haven't delineated the list because of the assessments which have not been done, or are in the process of being done. I did say to the press (and I reconfirmed this morning) that I have not had a response from the federal minister as to the listing of those chemicals. Whether or not they refuse to give them I leave to the hon. member to decide for himself.

All I would indicate to the hon. members this morning, Mr. Speaker, is that I have not received an adequate response from the minister with respect to the questions I have raised. I would hope they will be forthcoming very soon.

### **Correspondence on Pesticides**

**MR. THATCHER:** — Mr. Minister, are you prepared to table in this Assembly any and all correspondence you have had with your federal counterpart in Ottawa on the pesticide question? Isn't it true that correspondence is of a minimal nature, and that your department has not actively pursued this whole issue which has been raised?

**MR. BOWERMAN:** — Mr. Speaker, I believe we have actively pursued the issue with the information that has been available to us. I did indicate to the hon. member that since Dr. David Penman came to the Department of the Environment, he has been active in his pursuit and investigation of the . . . (inaudible interjection) . . . Yes I did, and the hon. member asked the question over again, but that's the nature of the opposition we have in this Assembly.

Mr. Speaker, I did indicate that we were actively pursuing the investigation of these chemicals, and once we had assured ourselves that there was a need for us, in the Department of the Environment, to communicate with the minister in the federal government, we did so. I don't think it's necessary for me to table those letters in the House; however, Mr. Speaker, I'm prepared to give the dates of the correspondence (I don't have it with me this morning) I had with the federal minister.

### **Sturdy Stone Centre Merchants**

**MR. J.G. LANE (Qu'Appelle):** — A question to the Attorney General. The Attorney General has had meetings with the retail merchants of the Sturdy Stone Centre in Saskatoon, who have refused to pay their rent because of the SGEA strike and the pickets. Can the Attorney General estimate the amount of the loss to the province because of their refusal to pay rent? What action is the government taking?

**HON. R. ROMANOW (Attorney General):** — Mr. Speaker, I do not know the sums which have not yet been paid by way of rent to the Department of Government Services, who are in effect the managers or the landlords on behalf of the government. My meetings with the merchants of Sturdy Stone were in my capacity as an MLA for the Saskatoon area. I believe that negotiations or discussions are still ongoing in the hopes of resolving this particular matter. So far as I know, no final decision has been made, but I could be wrong on that.

**MR. LANE:** — I understand that one of the proposals made by you was that the government would either commence or increase the amount of advertising to promote

the project and the retail stores in the mall. That proposal is blatantly unfair to other Saskatoon businessmen and other malls.

My second question is, what action is the government taking to recover the unpaid rent?

**MR. ROMANOW:** — Mr. Speaker, no legal action has yet been instituted to the best of my knowledge, to recover the rents. I believe that the situation is being sought to be resolved on a negotiation basis with regard to government services and the merchants at the mall.

On the question of advertising, it is not quite correct to say (as I recall the conversation) that we would promote additional funds for advertising. It was an option which was considered as part of the obligations (as I understand them) that exist now contractually between the merchants at the mall and government services.

**MR. LANE:** — Final supplementary. Obviously the action taken by the retail merchants in refusing to pay rent because of pickets throughout the SGEA strike has serious ramifications for other government malls, including the Cornwall Centre and any malls throughout the province in which there are government employees. Will the Attorney General indicate whether the government is setting a firm policy as to compensation to retail merchants who are faced with a government employee strike in any other malls where government buildings are located?

**MR. ROMANOW:** — Well, Mr. Speaker, I'm sure the hon. member will be aware that it is not a problem peculiar only to merchants who are located in merchant malls in government buildings. As the hon. member will know, you will have merchants in downtown plazas, unrelated to government malls, that could very well also be tied up as a result of a construction dispute or some other form of dispute which may involve a third party, and all of the merchants in that mall are affected. In so far as I know, there is no obligation by the landlord in those circumstances to make payments to those who are affected. The government is no different in that sense. As an employer it could be subject to dispute or protest and merchants may also be affected. Thus far the policy the government has been that that is almost a hazard of doing business wherever you are, inside or outside a government mall. Now, in this particular case, we are still working and exploring the alternatives in the merchants' case at Sturdy Stone and we will see in the next little while what, if anything, comes out at the end of the discussions.

**MR. LANE:** — Final supplementary. The difference of course is that the merchants in this case have not paid their rent to the landlord, i.e. the government. So it is not like other malls where there are no government buildings. Secondly . . . New question.

**MR. SPEAKER:** — Supplementary. Does the member have a supplementary?

**MR. LANE:** — And the supplementary obviously is that they are in a distinct position and you are compromising and making special arrangements. So would the Attorney General advise whether the policy to be set regarding the Sturdy Stone Centre is going to be applicable to other government malls throughout the province and if it is a fair weapon for the retail merchants to withhold their rent?

**MR. ROMANOW:** — Mr. Speaker, I don't personally approve of any kinds of tactics which amount to withholding of the rent but I need not tell the hon. member for Qu'Appelle (who is a practising lawyer in the commercial world) that this is, fortunately

or unfortunately, a regular occurrence which takes place in a normal business community. People run into disputes and they withhold rents and they use the withholding of the rents as trade-offs or set-offs as against alleged claims or otherwise, and there may or may not be a court case as a consequence of that. All I can say with respect to the Sturdy Stone situation is that it is something which is being reviewed and discussed. Undoubtedly whatever comes down the line will be very strongly viewed as a guideline for future disputes in other areas. I don't see that as being particularly startling nor do I see it as being particularly surprising. The government would like to think it is as sensitive a landlord as other landlords, if not more so, and will want to try to have happy tenants. That is part of the business of doing business.

### **Northern Saskatchewan Residents Study**

**MR. L.W. BIRKBECK (Moosomin):** — Mr. Speaker, I direct a question to the Minister of Northern Saskatchewan. Mr. Minister, on approximately March 3, I issued a news release requesting a new vision for northern Saskatchewan residents. You very quickly responded (which we the opposition appreciate) with a government document called The Option '80 Program which is a program of your department to bring about local government autonomy for northern Saskatchewan residents. My question, Mr. Minister, very simply is, why did you fail to take into consideration the recommendations made by northern Saskatchewan residents in their own study which is titled, A Review of Local and Municipal Government Structures: Administration and Problems in the Northern Administration District, and compiled by their own research officers?

**HON. J.A. HAMMERSMITH (Minister of Northern Saskatchewan):** — Mr. Speaker, I assume that the hon. member is referring to a study funded by the Department of Northern Saskatchewan done by one of the many local governments in northern Saskatchewan, the northern municipal council. The member is not well informed if it is his contention that the Department of Northern Saskatchewan has failed to take that study into consideration. He will be aware that the Options '80 proposals on the future of local government in northern Saskatchewan are currently under discussion, in a process of consultation with all the local governments in northern Saskatchewan, including the northern municipal council. Certainly the recommendations of the northern municipal council are being considered and are part of that consultation process. Surely the member is not suggesting that the department should give blanket approval to the recommendations of only one of the local governments in northern Saskatchewan.

**MR. BIRKBECK:** — Mr. Speaker, I would ask a further supplementary. Certainly the minister is aware that I was not suggesting anything, but merely asking a question, for which question period is designed. I would have to disagree, at least in part, Mr. Minister, with your comments with regard to taking into consideration northern Saskatchewan residents' concerns, and quote a very short paragraph taken from a report sent to our offices by the northern Saskatchewan officials, which states very clearly their feelings with regard to your exclusion of their particular comments:

We feel that to describe the recommendations contained in our report as minor housekeeping amendments belittles the sincere and insightful commentary which northerners made during the course of our interviews regarding the state of local government in the North.

Mr. Minister, I think the obvious question is, will you at this point advise this House as to

whether or not you will be taking into consideration all of the recommendations put in by all of the local governments which we have up there, so that they can have real local control and a real meaningful input into their own destiny?

**MR. HAMMERSMITH:** — Mr. Speaker, in reply to the question from the hon. member, I want to state first of all that I don't accept his editorial commentary. Certainly people in northern Saskatchewan have greater local autonomy and a greater measure of local government than has ever been the case in northern Saskatchewan, or is the case in similar circumstances in other jurisdictions in this country. I advise the hon. member that as recently as this past weekend, the Department of Northern Saskatchewan was meeting in La Ronge with representatives of all local governments, including the northern municipal council and the LACs (local advisory councils) for which they are responsible, the local community authorities from the nine communities in which local community authorities are the local governments, and the urban municipalities of La Ronge, Creighton and Uranium City. To suggest that the department is not actively seeking and actively participating in local consultations, and is not actively considering all recommendations, is to avoid the facts.

### **Incentives for the Production of Gasohol**

**MR. E.A. BERNTSON (Leader of the Opposition):** — A question to the Minister of Agriculture. There was an announcement out of Manitoba yesterday that Mohawk Oil has taken over the Melcher distillery at Minnedosa, which has been locked up for seven or ten years, for the purposes of producing grain alcohol, which is to be used for the production of gasohol. The Premier of Manitoba has announced that as an incentive to this production there will be no provincial tax on the grain alcohol produced for these purposes. Would the minister indicate whether your government is prepared to offer a similar tax incentive for grain alcohol plants in Saskatchewan to provide that additional market for Saskatchewan grain, and of course, the added value this industry would have for Saskatchewan?

**HON. G. MacMURCHY (Minister of Agriculture):** — Mr. Speaker, I can't respond with respect to what has happened in Manitoba. I think it is well known that we had a study done, the Woods, Gordon & Co. study. I had brought a copy along to table. I think the hon. member for Regina South had asked for it. I had it with me yesterday and then I forgot about it.

That study on gasohol is not that encouraging. There are two problems: the cost relationship and the mixing of gasohol with diesel. The Minister of Mineral Resources reminds me (he is involved in this as well, much more so than I am) that the availability of the product for gasohol is obviously a problem right now. So there are three problems relating to it. However, the report does recommend an experimental plant. That's the process which is now under consideration within the government. I am sorry, I will get the report and table it for the hon. member because it is fairly interesting and it raises some issues relating to the development, three of which have come to my mind.

**MR. BERNTSON:** — Thank you, Mr. Minister. I would appreciate the report. It is a little depressing to see Manitoba get the jump on us in this particular industry because most of the basic research which was done on this industry in Canada was done here in Saskatchewan. I think one very significant study was done by your department. It made certain recommendations. I wonder if the minister would indicate whether in fact that study done by your department recommended subsidies or tax incentives to provide for this secondary industry here in Saskatchewan?

**MR. MacMURCHY:** — Mr. Speaker, the study was done by an outside consultant. I don't recall the recommendations that well. I recall one recommendation which might interest the members opposite. That one recommendation was to establish a Saskatchewan gasohol corporation to involve itself in the development. I can't recall the other recommendations. I think that would have to be something for the report; I am sorry.

### **Alleged Misleading of House on Pesticide Issue**

**MR. THATCHER:** — A question to the Minister of the Environment. Mr. Minister, I was just informed a moment ago by the critic on this side of the House for the Department of the Environment that he placed a phone call to the Minister of the Environment's office in Ottawa and spoke to his special assistant. I am informed by the member for Arm River that the special assistant to the minister is unaware of this pesticide list. I am informed by the member that he is unaware of any correspondence between your office and the office of your federal counterpart. In short, Mr. Minister, why did you mislead this House about 20 minutes ago?

**SOME HON. MEMBERS:** Hear, hear!

**MR. BOWERMAN:** — Mr. Speaker, I don't know what communication any of the hon. members across the way have had with the office in Ottawa and frankly I'm not concerned. With respect to the list, I don't know whether they have a list or not. I suppose they haven't or they would have sent it to us. With regard to my communication with the minister, I indicate to you that communication has been established, and I still have not received a response from the hon. minister as to the information we requested.

### **WELCOME TO STUDENTS**

**MR. J.L. SKOBERG (Moose Jaw North):** — It gives me pleasure to introduce a group of Grades 4 and 5 students from King George School in Moose Jaw who are seated in the Speaker's gallery. Along with them we have Sharon Wetherill, one of the teachers; and I believe three other teachers are with them this morning. I'm sure the students have noted the question period and they will have an opportunity before too long to ask me any questions about the operations of the House in question period I must say congratulations on Saskatchewan's 75th anniversary. Have a good day in Regina and even though it is Friday the 13th one good omen is that you don't have to be at school today.

**HON. MEMBERS:** Hear, hear!

**MR. L.W. BIRKBECK (Moosomin):** — Mr. Speaker, I would like to take this opportunity to introduce to you and through you to the members of the Assembly, a group of Grade 4 students seated in the east gallery. They are a rather special group of students to me since they come from my old home town of Rocanville. They are accompanied by two parents, Mrs. Jean Ennis, Mrs. Heather Norton and their bus driver, a good friend of mine, Mr. Harvey Hack. I would just like to welcome these students to the Assembly.

I'm sure you enjoyed the question period and I hope you have a very good visit here in Regina. I understand that you've been on a tour of the legislature. I will be meeting with you for pictures on the second floor rotunda and in room 267 to answer any questions

you may have. I'm sure all members of the Assembly will join with me in welcoming this group of students to the Assembly. I think another feather in their hat is that they come from a town which boasts the largest oil can in the world. It was a dedication made to Mr. Symons who has been manufacturing oil cans in that particular town for a considerable length of time. We have a very noteworthy group of students in our galleries today. Thank you, Mr. Speaker.

**HON. MEMBERS:** Hear, hear!

**MR. THATCHER:** — Mr. Speaker, I would also like to join with the member for Moose Jaw North in welcoming the students from Moose Jaw. I attended King George School many years ago. It is in the district in which I live and I also have a son in the gallery. I wish I could have got my last question off; it was a dandy.

**HON. MEMBERS:** Hear, hear!

### **COMMITTEE OF FINANCE – DEPARTMENT OF THE ATTORNEY GENERAL – VOTE 3**

**HON. R.J. ROMANOW (Attorney General):** — Mr. Chairman, I would like to introduce first of all the deputy attorney general to my left, Dr. Dick Gosse, to the right is the assistant deputy minister, Jim Benning, behind him is our director of administration, Mr. Harvey Murchison, and I'm Roy Romanow.

#### **Item 1**

**MR. J.G. LANE (Qu'Appelle):** — I assume the Attorney General will want questions on the constitution left until intergovernmental affairs.

I had asked a question on the order paper about the number of persons released under Lieutenant-Governor's warrants from Penetanguishene. Can you supply that list?

**MR. ROMANOW:** — Mr. Chairman, I don't think I can. The answer will be coming in due course by the Provincial Secretary. I don't want to be held to this but I think the answer is zero since 1971 from Penetanguishene. I'm quite sure that's the answer. It's in the bureaucracy flow to confirm that. I'd prefer to have it actually down in black and white but I think the answer is zero.

**MR. LANE:** — On the matter of the Department of Northern Saskatchewan, the most recent trial (I'm just having the transcripts brought in so I can give you the quote), the RCMP testimony indicates that the parameters of their investigation were limited to investigating only the private contractors. Would you inform the Assembly what instructions the Department of the Attorney General gave to the RCMP with regard to the RCMP investigation of DNS (Department of Northern Saskatchewan)?

**MR. ROMANOW:** — Mr. Chairman, the department had the usual instructions which have been given in any criminal investigation at any time. That is the RCMP are to do the job required to uncover whatever evidence is necessary to bring those who may or may not be responsible to a court of law. There was no deviation or change in those instructions in this case. I tell the hon. member now, I take the position that if there is a change, it's a change which comes strictly from the director of public prosecution, Mr. Perras, and from the associate deputy, Mr. Kujawa. There was no communication from me or any politician to the department people on this issue and never has been, since I've been AG on criminal matters of any kind.



**MR. LANE:** — Has the Attorney General done any investigation as to why the investigation of the RCMP would be restricted?

**MR. ROMANOW:** — Mr. Chairman, I don't accept the hon. member's interpretation of the statements given or allegedly given by the witness on the stand. I have every assurance from the associate deputy minister, Mr. Kujawa and the deputy, who has been dealing with this since the matter was raised in the House, that there had been no restrictions and the so-called point of restrictions on the original investigation has been entirely cleared up, if any clearing up was necessary (if I may put it in that way). The senior prosecutors on the file were Mr. Tucker and Mr. Carson. I think the hon. member knows them. They work fully with the police. The RCMP have told us at the senior level that they investigated everything they could to find out what was relevant with respect to the matter. This is since it came up in DNS estimates. They were given access to the files of the Department of Northern Saskatchewan. I'm assured by every authority involved, including the RCMP, that everything that needed to be done was done.

**MR. LANE:** — Referring to the cross-examination of Corporal Lameront – he's being cross-examined by one of the defence counsel, on page 61 of the transcript. I don't know if the Attorney General has received a copy of it or not. The question at line 10 on page 61:

Corporal, when were you actually given charge of this investigation?

I believe we were first informed of it 3 June 1977.

What was the nature of the investigation, the instruction you got in respect to the investigation?

The specific instructions I can't relate to you. In generality it was to look into the allegations that have been raised in the House of the legislature in Regina, Saskatchewan, in regard to an employee of the Department of Northern Saskatchewan, Mr. Melvin James Laffrenere, being involved with a company by the name of Nordic Builders and Developments Limited, in which he was purported to own shares, and investigate his activities in the RRAP in three northern communities of Cumberland House, Sandy Bay and Stanley Mission.

He goes on at the next page, page 62:

But in the last part you clearly said private contractors only.

That is correct. That was the information I received and the parameters in which the investigation was supposed to take.

And that is one of the reasons you didn't check any of the houses that DNS are supposed to have done themselves under the RRAP?

That is correct, and there had been nothing raised for me to go outside the scope of the parameters that were set.

Now, here we have a situation where a judge, hearing the first case, said that the department passively participated in a fraud. And here we have the evidence of the RCM Police corporal that in fact the parameters of his investigation were set and that he was restricted to an investigation only of the private contractors.

Obviously this is a very serious allegation being made against someone. Because if it's deliberately limited, there is a serious charge being made of obstruction of justice. Here we have the judge's decision saying that there is, what he felt was, some criminal liability against the Department of Northern Saskatchewan. One can only come to the conclusion that there has been a cover-up at some point. If your answer to the earlier question was the instructions were the normal instructions given to the prosecutor, at what point and what officials obstructed justice, if the statement made by the corporal is in fact true?

**MR. ROMANOW:** — Mr. Chairman, I don't want to take any personal umbrage at what I would suggest is the rather unfair insinuation which is running through the thread of the questioning of the hon. member. Because I do say that the transcript can be read a number of ways.

The transcript can be read that the officer said there is nothing, at the time of the investigation, which would warrant mucking around or getting into the detailed investigations of anyone else on a fishing expedition.

All I can tell the hon. member is that we have written to the head assistant commissioner of the RCMP on this specific point. The associate deputy wrote on the matter, in fact I think it was the deputy himself who wrote, that Mr. Andrew raised on pages 1648 and 1649 of the Debates and Proceedings that an RCMP investigating officer testifying at the current fraud trial, under cross-examination, said the parameters of the investigation were restricted to private contractors. He wrote: 'I would appreciate hearing from you on the instructions and the scope of the investigation.' That's the essence of the letter and I'm reading a direct quote.

The response from the RCMP, the relevant portion of this particular letter (there are other aspects of the inquiry) from the assistant commissioner was:

In response to the last paragraph of Dr. Gosse's letter regarding instructions of the investigating officers and any restrictions placed on them, I would make the following comment: firstly, no restrictions were placed by ourselves or the Attorney General's department on our investigator in this matter. The complaint was brought to our attention by the Attorney General's department as a result of meetings . . .

Ask the assistant commissioner of the RCMP. I have prosecutors from all over the ball park, who, if they were told by anybody at any stage in the game that there had been a cover-up or some form of an obstruction, surely, because of their professional duty, their sense of professional loyalty (whatever implications that might have for them) would have brought it to somebody's attention.

What the hon. member is doing is taking one aspect of the transcript. The defence counsel is saying to the witness, were you limited in your parameters? He says, I was limited in my parameters because the allegation was specifically against Mr. Laffrenere, who was an employee of DNS. One can interpret the remarks of the DNS situation tied up to that and I did all that was necessary. Well, did you get into other

areas? No, I didn't. Why? Because nothing else was before me on other areas.

Now you can draw any kind of insinuation you want from that, but I simply tell the hon. member, in all fairness, I don't know what else can be done. We are satisfied in this area and if the hon. member has anything more than a transcript of the officer, as he interprets it, to back up his statement, put it before us and we will get the police investigating it.

**MR. LANE:** — Are you prepared to table the correspondence between you and the RCMP in this matter?

**MR. ROMANOW:** — Mr. Chairman, I am not prepared to table the correspondence because quite frankly the correspondence deals with other allegations related to this matter, yet subject to some investigation. You people came blowing in here with a letter by one Mr. Howard Thompson alleging a further gross violation. Well, we referred back to the RCMP and the letter refers to that. That's an investigative matter. I say in all sincerity to the hon. member, you make the politics you want on the case. The Department of the Attorney General, from the prosecutors down (and I don't want to drag the officials into this), make no decisions on prosecutions — from the deputy down, Mr. Perras and Mr. Kujawa (all of whom are known to you). Check with any one of them, privately or otherwise. Check with Tucker, check with Carson, check with the RCMP; call up the assistant commissioner and tell him what he says to you. Go ahead.

He is going to do it right now because he doesn't take the assurance of the Attorney General in this House. What more can I do?

**MR. LANE:** — I am glad I have your authorization to check with those people. I think the Attorney General understands full well. He is faced with a judge's statement which states the department actively and passively participated in a fraud. We have an RCMP investigating officer who, with or without instructions from the Attorney General's department, had a belief that he is prepared to swear under oath that he was restricted in his investigation. Is the RCMP now investigating the Department of Northern Saskatchewan, with regard to the RRAP (residential rehabilitation assistance program)?

**MR. ROMANOW:** — Mr. Chairman, I say to the hon. member he has an obligation to tell me now what his specific criminal allegation is against the Department of Northern Saskatchewan — specifically. I will make a commitment to him that the RCMP will be in there on that allegation immediately. I want the hon. member to tell me here or outside the House what his allegation of criminality against DNS people is. Who are they? What are the charges? When are the suspected offences likely to be acted on? I want to tell the hon. member that I get, on a daily basis, somebody coming to me making allegations about a number of public people inside and outside this House. If I were to put the RCMP on all of them, I would be acting irresponsibly.

I say to the hon. member opposite, tell us specifically what evidence you have. You don't have to tell us. If you have something, why didn't you go to the RCMP? Tell your people; don't refer to us. The RCMP doesn't report to me; it is an independent police force of the highest integrity. I am sure the hon. member would agree. I am not directing the RCMP; somebody in the Department of the Attorney General is not directing the RCMP. Ignore me; ignore all the department people and write to the RCMP F-Division; lay your evidence before them; tell them to get in there and investigate. Don't ask me.

**MR. LANE:** — Well, it is the integrity of the RCMP which causes me, obviously, to raise the question. Here you have a police officer who under oath says that the parameter of his investigation was limited. I note that you very pointedly didn't answer whether or not the RCMP were investigating the Department of Northern Saskatchewan.

I want the Attorney General to fully understand the statement made by Mr. Justice Noble that the department actively and passively participated in a fraud. Given the statement of Mr. Justice Noble, surely you had an obligation immediately to ask for an investigation into what would cause a judge (who I think the Attorney General will admit is a man of integrity, not a man to make flamboyant statements) to make a statement such as he did. Surely the obligation was on you, as minister responsible for the administration of justice, when that judgment came down, to ask the RCMP to investigate. Why didn't you?

**MR. ROMANOW:** — Look, you people have acted, with all due respect, irresponsibly. You have acted wildly irresponsibly. I will tell you why you have. There are a series of trials connected with this matter. The first case was a case involving one Howard Thompson, who was not an employee. The second case, which has been recently dealt with, involved two or more people also not employees. There is a third case coming up involving a former employee.

In the sentencing the first person, the judge commented that in the course of this matter, in his judgment, there was the active and passive co-operation of Department of Northern Saskatchewan employees. We are coming up to the former employee and his trial. I say an interpretation equally consistent with your interpretation of a finding of guilt is the fact that maybe in subsequent trials of former employees, the active and passive co-operation will be shown. I am not going to make a comment on that. That man faces his trial, that former employee.

I say that is an irresponsible conclusion to draw. I think it is consistent with the judge saying I know all of the actors which were involved. Here was this guy placed in DNS at that time. He was actively co-operating at the time, but he's coming to trial. As I say, I've read to you the relevant portions of Mr. Kujawa; I've read to you the relevant portions of the assistant commissioner of the RCM Police; I've read to you the statements of Mr. Carson and Mr. Tucker. Mr. Tucker was appointed, when you were executive assistant in the Department of the Attorney General, as a prosecutor. So what specifically more can be done, other than drawing, what I say is a long bow interpretation, in, I must say, this regretful and irresponsible fashion.

**MR. LANE:** — A letter was raised in the Assembly in 1978. There was over a month delay between the RCM Police commencing their investigations on June 3. In that time, and I'm going from the transcript, which I'm sure the Attorney General has read, the files were removed from the respective DNS offices by one senior official, and stored in his garage. Other evidence, which I'm sure your officials have gone through in the transcripts, indicates that parts of those files were missing. Now my question is, would you table the correspondence, and give the date that your department asked the RCM Police to investigate. They indicate June 3, practically a month after it was raised in the Assembly. Can you explain the delay, and can you give the correspondence asking for an investigation?

**MR. ROMANOW:** — Mr. Chairman, I want to make it clear, that with all due respect to the member in the Assembly, there have been, in the past, a number of allegations of criminal impropriety made by members in this House, not least of which is one made by the member for Qu'Appelle himself involving criminality on the so-called wilderness northern camps. It does not follow necessarily, that because the hon. member or any hon. member raises a question in the House, that the next logical matter is a criminal investigation. Far from it, because I think the member would agree, all of us are prone to some form of political (how can I put it) exaggeration. I think this case is a case which, unfortunately, affecting a whole number of people's reputations and the like, has been such a case right during the course of the whole trials.

On May 20, 1977 I received a memorandum from the Minister of Northern Saskatchewan asking that an investigation be carried out. On May 30, I directed a memorandum to the department people in my department, 10 days later, to carry out a complete and full investigation in the normal fashion. The matter then was out of my hands. Whatever took place at that stage in the game took place.

**MR. LANE:** — Are you prepared to table those memoranda?

**MR. ROMANOW:** — Well, Mr. Chairman, I'm not prepared to table those memoranda. I'm not going to table them for a number of reasons. Number one, I believe that those kinds of communications, as between ministers and as between officials, are confidential. I do say the hon. member (and I'm not trying to patronize him), who is a lawyer that I respect, knows we're into a criminal investigation here. It's ongoing and all matters related to this should be left to run their normal course of events in the courts.

**MR. LANE:** — Are you prepared, given Judge Noble's statement, his judgment, that after the Laffrenere matter is disposed of, to agree to a judicial inquiry into the operations of particularly the RRAP (Residential Rehabilitation Assistance Program) by DNS in northern Saskatchewan?

**MR. ROMANOW:** — Mr. Chairman, I say to the Hon. AG's critic in this regard, that for my part, I would not rule out setting up a judicial inquiry, or at least recommending to my colleagues that a judicial inquiry be set up. I do not want to commit myself to that at this stage in the game for one obvious reason. There is yet a series of trials this fall involving one of the people who was a former employee at a DNS operation. I think we should see what the evidence is on that and whether there are any areas of doubt or whatever as to public policy or administration on DNS that should be set up.

I think that would be the appropriate time for us to review the transcripts of the evidence

and in consultation with my colleagues (obviously we will be in the House in the fall, and we will have a chance to pursue this further) to indeed recommend the establishment of a judicial inquiry. But I cannot say yes or no at this time for the reason I articulate. I say quite frankly to the member, I believe the criminal judicial process has operated here in its normal, usual fashion and thoroughly. That is not to say (as the member will so rightly point out to me) that because it has been dealt with as a criminal matter it doesn't warrant a judicial inquiry. It may very well warrant a judicial inquiry in terms of public exposure and public airing, but that is a decision which I can't make at this stage.

**MR. LANE:** — Well, I'm wondering if the Attorney General will do as the opposition has done and talk to people involved in the investigation who feel that there should be a judicial inquiry. I would assume in the normal practice that your officials would review the transcripts at each stage, in other words, for each trial, rather than wait until the disposition of the Laffrenere matter. My recollection of the normal practice is that on the Thompson trial, your officials would have reviewed the transcripts at that time to see if there were areas raised. After the second trial, the Flamond and Gruending matter, normally, if I recall the practice, at that point they would review the transcripts of that matter. You are now saying that your officials won't review any of the transcripts until after the disposition of the Laffrenere matter. Now, that is not normal practice. My first question is: why the deviation from the normal practice?

**MR. ROMANOW:** — Well, Mr. Chairman, I did not mean to mislead the member. If the prosecutors on this case want to review the matter on a daily basis, as I'm sure they do, of course that is for them to handle; they do that throughout the whole piece. Quite frankly, during the time of the DNS controversy about this matter, a couple of months ago . . . I don't know what your sources of information were or how they were but you people apparently had copies of transcripts before we did. That is not an excuse; that is just the way it worked out – we down here in Regina. What I meant to say to the member is that since this is a government decision – the question of a judicial inquiry to be set up or not to be set up – we would want to see the totality of the story. At least I would want to see the totality of the story. It may come out in pieces on a day to day basis or a week to week basis; but a totality of the story. And then we will determine whether or not a judicial inquiry should be set up. That is what I meant to say. I did not mean to say that we're going to say to our prosecutors, you are not free to get the transcripts on a daily basis, or that I may not get the transcripts on a daily basis. Quite frankly, given the highly political nature of this matter, the way it has been politicized, obviously I am going to try to get daily transcripts because I can see what is going to happen in the fall. In terms of making the decision for the judicial inquiry, I think it is only fair and proper to have somebody review it objectively and then give an objective recommendation as to whether we should or should not.

**MR. LANE:** — Well, I think the Attorney General is avoiding a very salient issue and that is that one must look at the totality as well. We take a look through transcripts; we get a judge's very strong, unequivocal statement in a judgment (one, which of itself, in my view, warranted a full and complete inquiry) from a judge who is not given, as I say, to flamboyant statements. Then we go to a review of the transcripts in the second trial, and an allegation being made, or the fact coming out, that in fact files or parts of files were missing. As the Attorney General may know, one of the people involved happened to keep copies of the material and, of course, when the official appeared at the trial, he didn't have material, but one of the other witnesses did have the copy. The one who didn't have the information was the one who took possession of the file. This is a very salient fact which, if true, in my mind would justify the Attorney General causing a full

and complete investigation. So I think the Attorney General has missed (I think because of its political nature) the opportunity to take actions to investigate, which would be fully justifiable and completely warranted in any other circumstances.

**MR. ROMANOW:** — Mr. Chairman, the Attorney General and the Department of the Attorney General are as satisfied as we can be. We've checked out over and over again (in the face of, as I say, the unfortunate politicization of this by the opposition) all of the activities of the police and the prosecutors throughout the piece. I can assure the member that if the evidence in the fall indicates that somebody was destroying evidence improperly and illegally, we're going to send the police in there. We don't have to even send them in. They'll be there.

As for the judicial inquiry, the only thing I can say to the hon. member is to repeat again, I have not ruled out, as a possibility, recommending that to my colleagues. We will be considering that at the conclusion of the proceedings in the fall.

**MR. LANE:** — Would the Attorney General be prepared to give the opposition the authorization to take any statements (if we have any), or people who have made statements to us, directly to the RCMP?

**MR. ROMANOW:** — Mr. Chairman, I would have no reason or argument to say that the opposition shouldn't take evidence to the RCMP. In fact, I would say it is your duty. I don't want to exacerbate the situation, but you will recall the letter from Mr. Thompson that the hon. member for Kindersley raised about two months ago. I want to tell the hon. member it was us who took that letter to the RCMP. We never did get a copy of it tabled. You never provided it to us. I know there's no obligation, but you never gave it to us. We took the transcript and we said, as in the letter that I read to you (again, I don't want to exacerbate things), look, here's what Mr. Andrew said; check it out. I say to the hon. member for Qu'Appelle, you can raise anything you have publicly and notify me publicly in question period, or notices, or whatever in the fall, and if it warrants it, we'll send the police in there. If you want to take it directly to the assistant commissioner of the RCMP, mail it in there or however you want to handle it. This may come as a shock to everybody opposite, but we have every political reason — we have every political reason! — to ferret out all people involved in any criminality in government at any time and to bring them to the bar of justice. That's our political objective.

**MR. LANE:** — The next area is the matter of the 'technical legal error' in draining lakes for uranium exploration. Was the Department of the Attorney General requested to give advice to either the Department of Mineral Resources or the Department of the Environment prior to the draining of the Key Lakes in northern Saskatchewan?

**MR. ROMANOW:** — Mr. Chairman, I will endeavor to provide to the member (if he will accept this assurance) some documentation of the chronology on this. I do not have anybody here who is familiar with this. Mr. Bogdasavich from my department was the legal counsel involved. I will give you what is my best recollection.

My best recollection is we were not involved in tendering the legal advice in the initial instance. What had happened was the regulations were under the Department of Mineral Resources and had not yet been transferred to the Department of the Environment. The Department of the Environment then purported to act on what they believed was the mistake in transferral, but with no authority.

Mr. Bogdasavich's legal opinion to us was, thereafter, when this matter was pleaded by the Regina Group for a Non-Nuclear Society, that it was correct. There was no legal authority. But it was a technical error which substantively would be overlooked by a court of law. Accordingly, we revealed that when we appeared in chambers for the Regina Group for a Non-Nuclear Society application. We made that revelation and we made that argument and still the Regina action was struck out and not further appealed. I am not saying that is particular evidence one way or the other, but it might support the conclusion of my department that it was a technical matter and non-substantive. Now, I think that is the sequence and the recollection. I would undertake to provide the hon. member (even if the House prorogues) with a letter from me, which chronologically sets out our involvement and a substance of the legal opinion actually given in the memoranda, if that is satisfactory?

**MR. LANE:** — Was the department requested to give legal advice as to the Department of the Environment's position with regard to any aspect of the PCB spill in Regina?

**MR. ROMANOW:** — Again, Mr. Chairman, I will undertake to do the same thing, in writing, with the PCBs. I have the deputy making note of this because I am going by recollection. Frankly, in preparing for today, I felt it had been more or less covered during Department of the Environment.

My recollection is, subject to further verification, the department was brought into this to give legal advice at one stage only. (I am not sure whether it was after the spill or just immediately before the spill.) That was to advise whether or not for the proposed action certificate of the Minister of the Environment (doing whatever the Minister of the Environment would under his power be able to do) that was the correct section to act under and the correct authority. The opinion we gave supported the Minister of the Environment's authority to do that. My recollection is that was after, but it could have been in advance at some stage or another. That is our only involvement.

**MR. LANE:** — So there has been no departmental involvement in assessing whether there was any civil liability to the Government of Saskatchewan, or conversely whether there would be civil liability attached to Pioneer Electric?

**MR. ROMANOW:** — On that issue, now separate to the actual incident, I do believe we are involved. The deputy is getting our director of civil law, Mr. Ketcheson, who might be able to provide the specific answers. I believe the answer is that we are advising the Department of the Environment on that side of it, the civil consequences.

**MR. LANE:** — My question is simply this: is the government prepared to table its advice as to whether or not the government has possible civil liability as a result of the PCB spill?

**MR. ROMANOW:** — Mr. Chairman, I must take the position that we will not table the actual opinions we have. Again, I take the posture that in legal matters, whether in civil or criminal (certainly in criminal it is much more important) legal opinions which involve reputations and culpability ought to be kept confidential because action may or may not be taken. We don't ever want opinions floating around and then no action taken.

I would be prepared, however, to undertake for the hon. member to have the deputy and myself review that legal advice, wherever it is coming from, either internally or externally, and I would be prepared to take the responsibility of summarizing to you, in a



letter from me to you outlining what we think our legal position is in this matter. Now, it will be a little bit different than an opinion but at least it puts me or someone on the hook on this.

**MR. LANE:** — Well, branching out from that, would you supply to me the names of outside advisers in the last year (legal or otherwise) and the amounts paid to them? . . . (inaudible interjection) . . . Yes I would like to know, and what they were paid in the last . . . (inaudible interjection) . . . No – non-agency work. O.K.?

**MR. ROMANOW:** — Mr. Chairman, I will undertake to dig that information up. I think it's on an order paper somewhere anyway, but I will try to dig it up and get it either from the deputy . . .

**MR. LANE:** — I would prefer to have it for estimates, but as long as I have the assurance that it's being supplied . . .

My next question is: the Attorney General (probably more than most) is aware of the native crime problems in the urban centres. Is the department making any studies either as to policing, or the administration of justice with regard to this problem, and if so, would the minister be prepared to table such studies?

**MR. ROMANOW:** — Mr. Chairman, I would answer the question very simply – yes, the government is doing all kinds of reviews in this area. One of the problems in tabling the reports (I'm not rejecting it out of hand, but I would need to go through this over some period of time, to be quite frank with you) is that the reports are not exclusively in my hands.

We have set up something called the criminal justice coordinating committee which all the members are familiar with, which embraces social services, police, municipal, the Attorney General's department, a variety of agencies – even the University of Regina special group in which Mr. Driedger is involved. So you will find all kinds of studies (I use the word studies in quotations) internal, external, etc. I have one here for example, from the police commission – Tom Wakeling – the members of the commission held an informal meeting with the chief, and executive council, federation of Saskatchewan, and on it goes.

We would have to see which of those we could pony up, since they involve other agencies such as the Department of Social Services, Regina, and see what we can do to table it for you. There are lots of studies on the problem. The hon. member would be the first to agree that there are lots of studies – not so many solutions.

**MR. LANE:** — One of the areas I'm particularly concerned about (and I think the Attorney General recognizes that it's a provincial government problem as much as any other, and not just restricted to the cities involved) is that perhaps we have inadequate funding for policing. I'm concerned that we are doing a great number of studies and, as the Attorney General says, there are not many solutions. But certainly protection of the public is one solution that can in fact be dealt with. That is one particular area that I would like the Attorney General to address himself to in his reply to me.

**MR. ROMANOW:** — Well, Mr. Chairman, I would concur with the member that policing is an important aspect of this matter. We have continually increased our policing population in Saskatchewan. I can give you, again, figures on this in detail. I would simply draw this to your attention.

In 1978, we had a total of (I'm talking about RCM Police, as opposed to municipal) 1,701 police officers. In '79, we were up to 1,749. That's kind of the history of it in the last seven or eight years since I've been AG – 50, 40, 30 – every year it's been going up.

I think the point that I'm making very quickly here to the member is that I would argue with him the most relevant statistic in this area is the police/population ratio. In the cities our ratio is one police officer for every 525 population. In the towns and rural areas, villages, it roughly averages about one for every 600. I am advised by the authorities that the accepted policing ratio is one for every 850. Now, who can tell what's accepted really. You have to apply it to your local circumstances. But by those circumstances, we are certainly within acceptable guidelines.

I don't want to get into a comparison with Alberta. But we even have more, on a per capita basis, police officers in Saskatchewan than they do in Alberta or Manitoba. I do not attach any political significance to that. It just happens to be the fact.

I agree with the hon. member policing is vital. Numbers are vital. I would submit to the hon. member that, in addition to numbers, it is quality of policing which is important. Because of the nature of the social aspects of the problem, we're needing now a more sophisticated police officer, who is more able to deal with the various community factors which motivate the Indian and Metis, urban and other problems.

**MR. LANE:** — We had a bill before the Assembly, a private member's bill, dealing with racing and whatnot on Sundays. Does the department have any studies, or is it doing any studies, on lotteries, the effect thereof, perhaps gambling generally in the province? If so, would you table those studies?

**MR. ROMANOW:** — Well, Mr. Chairman, there has been no externally-commissioned study. The member's question is very timely. We have just completed an internal joint RCM Police and Attorney General study into gambling. We are proposing, (I don't know when, given constitutional talks and all of that) as soon as reasonably possible, a public statement on a revised gambling policy. I cannot table the studies because the studies are a variety of internal memoranda from a variety of people which come to this conclusion. So there's no one study, and accordingly, it is not possible to do this. I tell the hon. member that we are concerned (I am concerned) about the growth in gambling. I am not talking about . . . (inaudible interjection) . . . I don't want to provoke the hon. member for Kindersley, but believe me we are not 100 per cent political 100 per cent of the time.

I tell you that gambling is a problem. The hon. member's question reflects that. We have casinos, Nevadas, Lucky 7s, all done under charitable auspices. Everybody agrees we should be clamping down; I'm talking about gambling where the house takes a percentage of the operation (as opposed to something social) as defined by the Criminal Code. You try to approach these people and say, look it's getting to be a serious situation. If you get Lucky 7s or Nevadas, somebody has to supply them. You don't know the credibility of the supplier. You don't know where he gets his material from or what his other operations are. Most of them come from the United States.

I'm sorry to be long-winded. I will shut up but, yes we are in the process of formulating a policy on gambling within the next few months. We will be announcing it publicly,

probably in time for the fall session. I would be pleased to hear the hon. member's responses to this. It's a proliferation which is getting (in my judgment) to a dangerous level.

**MR. LANE:** — Well, a couple of other members wish to ask questions. I will let them get in.

**MR. R.L. COLLVER (Leader of the Unionest Party):** — I just have a very brief line of questioning for the Attorney General. In light of the stated intentions of me and the Unionest Party to contest Bill No. 105 in the courts, has the Attorney General received from any of his staff any legal advice pertaining to the constitutionality of Bill No. 105?

**MR. ROMANOW:** — Well, Mr. Chairman, lest members here think that we don't listen to what they say in question period or in speeches, it's not true; we do. The answer is yes, we had a constitutional view of this matter generally before the bill was introduced, and certainly after the hon. member indicated to the members of the House that he would be considering legal action on its constitutionality. I will not table the legal opinions for the same reasons I have articulated to the member for Qu'Appelle.

I will tell you in our judgment his constitutional and legal argument is not sound. There is no use us debating the law on this side of the thing, because if you do intend to challenge the case, we will ultimately decide as to how it fits. The answer is yes. Since your notification, I have asked the deputy to hurry up, if I can put it that way, on a review of the constitutionality.

**MR. COLLVER:** — And I presume the deputy has not yet completed his study. Is that what you are telling the Assembly now?

**MR. ROMANOW:** — He has given me a preliminary opinion, which he endorses. In the end I take the responsibility. He says that he feels that the legal argument . . . Well, I don't want to overstate it when I say not meritorious. It's a legal argument. We think the bill is constitutional and will be proven that way if a challenge is taken to it. That is our view. If there were some legal opinion which said it is unconstitutional, wildly unconstitutional, we would have a problem on our hands.

**MR. COLLVER:** — Well, of course the Attorney General will be aware that the legal advice which we have is contrary to that which the Attorney General is presenting now. My question to the Attorney General . . . I'll wait until he confers with his deputy, then repeat the question. It's hard even for a politician jock to do two things at the same time. If the Attorney General has not read today's Leader-Post, I will tell him that he has received probably the best picture of himself ever produced in the Saskatchewan press.

The Attorney General will be aware that we have quite an opposite legal opinion from a firm the Attorney General has contested constitutionality before the courts before in opposition to. The Attorney General will be aware, that on three separate occasions in the last eight years, the constitutionality of some Saskatchewan laws has been tested in the courts. He tells me that his officials are giving him an opinion that it is, in fact, constitutional. The same firm that has, for lack of a better term, whipped the Attorney General's department in the Supreme Court of Canada on constitutional questions three times out of three, is giving an opposite view. Would the Attorney General not agree that perhaps it's time, for constitutional questions at any rate, some advice were obtained by the Attorney General's department outside the actual department to

perhaps obtain some opinions from independent observers who may be more able to provide the Attorney General with answers on the constitutional question.

Conversely, would the Attorney General not agree that on those matters such as this one, in which a difference of opinion exists among the legal profession itself, the correct procedure then by the Government of Saskatchewan would be to use a constitutional act and submit the act before proclamation to Court of Queen's Bench, which would save not only the Government of Saskatchewan a great deal of money, but would also save me a great deal of money. I only suggest that to you, because I don't think that the function of the Attorney General's department is to develop a policy that will provide large fees for the legal counsel in Saskatchewan on both sides of the matter.

**MR. ROMANOW:** — Well, Mr. Chairman, I make two quick responses. First of all, getting outside legal opinion is no guarantee that it will help the Attorney General's department because, if I may use the jock politician or jock phrase, we've got a weapon, when we hired outside counsel in those three cases to which you refer. And believe me, we did hire outside counsel on CIGOL and Central Canada Potash, and down the line!

As for the constitutional reference, I do not favor constitutional references. I believe in an English common law system. I hope the hon. member for Qu'Appelle might agree with me; maybe he doesn't. Lawyers and judges like to deal with actual facts and actual cases, not theoretical situations. Theoretical situations in English common law matter are not worth very much. What is worth something is an actual hard application of the law, because the facts are very often as important as the law.

**MR. COLLVER:** — I'm not going to belabor the point. The Attorney General has been made aware that upon proclamation this particular act will be tested in the courts. I only say to the . . . (inaudible interjection) . . . Well, hopefully you won't see me. I do say to the Attorney General that I believe that although you're correct in terms of the English common law, and you are correct in terms of the judges and lawyers liking to have actual facts of cases to try, that in the case of new legislation put forward by the Government of Saskatchewan, surely the constitutional question or the constitutional test doesn't preclude any member or anyone else, or the government, from going ahead and proclaiming it even if Court of Queen's Bench decided that it was, in fact, unconstitutional. The government could examine that, go ahead and proclaim it at any rate, and wait for a proper test in the courts. I'm sure the Attorney General is aware of that.

What I want to know is why do you, when there is a difference, when there is a dispute of some kind or other on the constitutionality of a particular piece of legislation in Saskatchewan, when that warning has been given in advance that the question is constitutional in nature (and I suggest to you the oil legislation certainly the CIGOL legislation, in advance of its being enacted was advised by legal counsel or members of this Legislative Assembly who had legal backgrounds, to be very possibly unconstitutional) not test it under this constitutional act. I'm talking more in general terms than on this one (because you say you're not going to do it on this one), and that is going to cost me and the people of Saskatchewan a lot of money and so be it. But I say to the Attorney General, would it not be preferable, when that doubt exists, to test it through this constitutional act and then take the decision for whatever it is worth and do whatever the government decides it has to do. Wouldn't it be preferable to do that?

Wouldn't the Attorney General agree that the savings in legal fees on both sides of the

matter would be substantial to say the least? We never have had an accounting yet of the legal costs that were entailed in those three constitutional questions. I am advised that they are in the millions, not in the hundreds of thousands, but in the millions of dollars on the other side of that constitutional question for those three questions. Would the Attorney General not agree that might be a preferable approach when this doubt exists?

**MR. CHAIRMAN:** — Order. I wonder if before the Attorney General answers, if the hon. member for Indian Head-Wolseley could have leave to introduce some students who are in the gallery?

### **INTRODUCTION OF STUDENTS**

**MR. D.G. TAYLOR (Indian Head-Wolseley):** — Thank you very much, Mr. Chairman. I would like to introduce to you and to the members of the Assembly, 23 Grades 5 and 6 students from Windthorst who are accompanied by their teachers, Edna Blaylock and Doreen Schmitz. They are touring the legislature and the city of Regina. I think it is a good way to be ending up the school year; I imagine you are winding down as it is coming close to the end of June. I hope you enjoy your stay in Regina. Right now we are doing the estimates of the Attorney General's department and that is the questioning that is going on at this time. Enjoy yourselves. I will be meeting you in a few minutes for some pictures and refreshments. I hope you have a safe trip home and that you all pass your school year into Grades 6 and 7 next year.

**HON. MEMBERS:** Hear, hear!

### **COMMITTEE OF FINANCE – ATTORNEY GENERAL – VOTE 3**

#### **Item 1 (Continued)**

**MR. ROMANOW:** — Mr. Chairman, to answer the member for Nipawin briefly, there may be occasions where such a reference is warranted. I don't believe this to be such an instance and you know my general policy of deciding law on the abstract as opposed to law on facts and law . . . (inaudible interjection) . . . Well, it does. What is the sense of proclaiming it if the Court of Queen's Bench says it is ultra vires and then you proclaim it and somebody challenges it; the Court of Queen's Bench is going to follow the decision of the other. . . . (inaudible interjection) . . . Well, maybe. But, I think that puts it into an impossible situation. Furthermore, I think the danger really is government by legal reference. You get people saying that Bill No. 13, the Sask Tel bill is unconstitutional; test that in the courts and I just don't think it works that way. You have to get the best legal advice you can, inside or outside; it's constitutional or isn't, you advise your colleagues and they make the policy decision; the bill moves or doesn't move; it goes and the chips lie where they fall.

**MR. COLLVER:** — Mr. Chairman, I'm awfully sorry but I don't understand the Attorney General's reluctance in this matter on such bills as Bill No. 13. There is another prime example. If there were some urgent nature to the legislation, I could see the Attorney General wishing to have it passed through a session and then proclaimed because of the urgency of the matter. But, what I am concerned about here is why bills (such as Bill No. 13, which I don't think anyone in this Assembly has suggested is an urgent matter) couldn't wait the 3, 4 or 6 months that would be necessary to have them tested. Not only is one other group in the province of Saskatchewan suggesting that they are going to test it in the courts, but the official opposition said that they believed Bill 13 to be

unconstitutional and the federal government itself is examining the possibility of testing Bill 13 in the courts. Is that just not playing into the hands of those who would continue the litigious nature of society that seems to be developing in North America in the last 20 or 25 years.

The Attorney General, on other matters, administrative matters and questions pertaining to the betterment of the lot of the citizens of Saskatchewan from a legal point of view, has suggested that perhaps we should try to get away from those litigious situations and develop a more reasonable understanding of the law and the administration of the law so that kind of litigation procedure is minimized. But here you are taking the reverse side. On constitutional matters you are suggesting that you will pass whatever bill you like no matter what anyone says to you about it, no matter what opinions you may have received from one side or another. Afterward you will go ahead and test it in the courts.

Now let's take the example of Bill 13. I say Bill 105 is going to cost the people of Saskatchewan a lot of money one way or another. It is going to cost them a lot of money. If you lose you're going to pay my legal fees too. So now you have both sides of the legal fees to pay. I can assure you that my counsel is very expensive. That's very unfortunate but true — very, very expensive. So you'll be paying both sides of you lose. If you win I might have to pay your side, but that in itself is rather doubtful, I think. In most of these matters I don't think that's going to happen. But it is, nevertheless, very expensive. It not only takes the counsel that you engage, time and cost, but it takes your own officials' time and effort. You have to have more officials in order to go on about this business.

Wouldn't it be easier and better, when there are these matters that fall into this category (and let's face it, this session there have been only two; you are not talking about a huge expenditure of moneys) to submit them to Court of Queen's Bench and find out if they believe they are ultra vires? The same thing is true with Bill 105. I don't see what the urgent matter is in not having this tested at least at one stage, prior to proclaiming it as law and getting yourself into that kind of litigation. Is the Attorney General not concerned that eventually the people of Saskatchewan will recognize the tremendous cost to which you are subjecting them in terms of litigation and providing work, if you like, for Saskatchewan lawyers?

**MR. ROMANOW:** — Mr. Chairman, I don't know what else I can add to the remarks that I've made on this. I hear his view and I repeat again that in our opinion at this time the answer is no to that.

**MR. R.L. ANDREW (Kindersley):** — Question with regard to your new court program, and the closing down of various courthouses in Saskatchewan. Does the department now have a list of the courthouses that are in the permanent network and the courthouses that are in the temporary network and the courthouses that are going to be closed?

**MR. ROMANOW:** — Mr. Chairman, I want to make absolutely clear that the courthouses are all in the permanent network. They are all historic monuments, and as young as this province is, they are going to be maintained.

With respect to the judicial centres which are the services through which courthouses are reviewed, that's another area. I've met with the hon. member and the hon. member for Moosomin. We are looking at every possible way to keep Kerrobert open, the judicial centre, and the same with Moosomin. Arcola, I think, is beyond repair. No one is

even mounting an argument for Arcola. We have not yet made that decision. I can say to the member that while it may not meet his full expectations at least the principle of the judicial centre is receiving much higher care with the view of keeping it open than it had prior to his submissions.

**MR. ANDREW:** — All right. For my information then, the position at Kerrobert now – is it simply in a temporary situation? Will the local registrar be there? Are there any plans as to what the future might hold? In other words, if this going to be a problem we will face next year or the next year, or is something more permanent planned?

**MR. ROMANOW:** — Mr. Chairman, dealing now with the one person there who is on staff and doing the registry work, there is one option we are looking at. Frankly, it is maintaining the judicial centre, splitting her work, making her half sheriff and half registrar. The same person would have no change in employment. The judicial centre still will be open. That's the option we are looking at, as opposed to the option of maintaining the original game plan.

**MR. ANDREW:** — Can the Attorney General advise when there will be a final decision on this, so the people have some kind of an idea how long their employment is for?

**MR. ROMANOW:** — I tell you frankly, the decision should have been made weeks ago. I am at fault on this. I have just not had (for a combination of reasons) the time to sit down with Mr. Benning, Dr. Gosse and all of the people, and say, O.K. now, how do we get the pieces put together and listen to these representations? They are doing that for me. I am hoping, if the constitutional talks don't overtake us, that within the next several days that kind of an outcome, which I raise to a high level of probability for the hon. member, may be there. It is not the best solution, but at least it maintains the principle of the centre.

**MR. ANDREW:** — I also had received representation from many of the members of the bar in Wynyard court which was also, I think, on the blocks. Is that in the same status as the Kindersley and Moosomin situation?

**MR. ROMANOW:** — There is no change at Wynyard contemplated from the present situation. How many people do we have there now? Can anybody tell me off the top of his head? It doesn't matter, whatever there was, is, and will be.

**MR. ANDREW:** — All right. The second question is the matter of the assurance fund in the land titles tariffs. Has that been changed, or are there plans to change that in the near future?

**MR. ROMANOW:** — Well, Mr. Chairman, the only comment I would make there is that we will undertake the report of the public accounts committee seriously. It has been building up, there is no doubt about it. I think an argument can and has been mounted by public accounts and others to look at it. Not because of this year's public accounts only, but Mr. Benning and his people are looking at that land title assurance fund. We are looking at a new fee structure and we are looking at the assurance fund to see whether or not the option of changing the concept of the assurance fund, as it presently is, with its attachable revenues, etc., can be made. But I can't tell the member that we are going to do that. It's a budgetary implication. I mean that in the best sense of the word. It requires treasury board and everything.

**MR. ANDREW:** — The other question relates to press statements last fall attributed to

you, indicating that legislation would be brought down in this session dealing with radar detectors in vehicles. What is the status of that proposal?

**MR. ROMANOW:** — We are not going to introduce it this session. Maybe that's the one thing I say which the hon. member will feel happy about, or maybe not. But the status is that this is a shared responsibility between me and the minister in charge of the highway traffic board. He will be bringing the legislation in because of The Vehicles Act, if it's approved by cabinet. My objective will be to try to get it in this fall's session.

**MR. ANDREW:** — The final question I have, Mr. Minister, relates to a growing concern as to the increased use of alcohol by teenagers. Have there been any studies or recommendations by your department to perhaps look at differing or more severe punishment, restricting of driving, or this type of thing, to try, from your point of view, to curb the problem? I know the Attorney General's department alone cannot solve this problem, but have you made any investigations? Do you have any recommendations with regard to this particular field?

**MR. ROMANOW:** — At present, Mr. Chairman, I have no new initiatives. I do believe that we are one of the leading provinces in 24 hour suspensions, police directives to clamp down. We make spot checks at various times. These are now well established. Every once in a while you hear in the other provinces, operation driving alert or something, which is a new alcohol thing. Maybe we should be doing more public relations in this area to warn the public, but in effect, we are doing this now. The concern I share with the hon. member; drinking and driving is indeed the biggest killer. I just don't know what the options are. From a police enforcement point of view, the directions are there and they are long standing. Quite frankly, one of the reasons we have a high conviction rate is because the police are doing a very good job.

**MR. ANDREW:** — I was referring, Mr. Minister, more to the question under The Liquor Act. I think some of the provinces have tended to be a little more severe in their punishment, not as opposed to Criminal Code convictions. That relates to liquor in the vehicle, more enforcement relating to people selling liquor to minors and this type of thing. In that area have you done anything and are you looking at any changes?

**MR. ROMANOW:** — No, we are not looking at any present changes. We had a committee of the legislature four or five years ago look at The Liquor Act and this particular matter. Some recommendations were implemented a few years ago, some were not. I think we would probably want to do that by setting up a committee.

## **WELCOME TO STUDENTS**

**MR. R.H. PICKERING (Bengough-Milestone):** — Mr. Chairman, I would like to introduce to you and to members of this Assembly, some 18 Grades 3 and 4 students from the Lyndale School at Oungre. Oungre is in the extreme southeast corner of the Bengough-Milestone constituency. They are accompanied here today by their teacher Mr. Robin Williams, and chaperones, Mrs. Sheila Benneweis, Mrs. Phyllis Ashworth, Mrs. J. Singh and Mrs. J. Durr. They will be looking at the Diefenbaker homestead and other parts of the city. I hope all members will join with me in welcoming them to the Assembly and wishing them a safe journey home.

**HON. MEMBERS:** Hear, hear!



## COMMITTEE OF FINANCE – ATTORNEY GENERAL – VOTE 3

### Item 1 (continued)

**MR. LANE:** — A couple of questions to the Attorney General. Have there been any studies by the department with a view to moving the corrections system under the jurisdiction of the Department of the Attorney General?

**MR. ROMANOW:** — Yes, there have been two. One was the Matheson report which was about the time the member was executive assistant to the former attorney general. We took it over and the government considered it at that time, some time in the 1971-72 period, and rejected it. There was another internal study about one year ago which didn't recommend moving, but raised it as an option. The basic conflict remains. On the one hand the argument is that this is all part of the justice system and therefore should be under one package. That is the argument for amalgamation. That is what Matheson argued for. On the other hand, the argument is that social services requires something more than straight penalty. You have to build into it a rehabilitative and re-educative value for which social services are better qualified. For the time being the government is making no change.

**MR. D.G. TAYLOR (Indian Head-Wolseley):** — Mr. Minister, my concern is with the courts and the sentences which are handed out. The readings I get in talking to many people out in society is that they feel it is getting just entirely too soft. Many of the sentences are not very severe or very strong and are serving very little purpose. I receive this kind of information from constituents and I must say also from members of the RCMP, who often wonder what their role is, in spending their time and in many cases risking their lives in tracking down individuals to find out that, after due process by the courts, there has been very little, if anything, of a sentence.

To illustrate my point, I would like to relate an instance of which I am sure you are aware, Mr. Attorney General, which happened in my constituency. That was in the death of one William Henry Constable, where a young fellow with a past record of assault was found guilty and was given a very light sentence, a suspended sentence, which was not in keeping at all with the feelings of the people in the community. As you are well aware, afterwards (and I will say that some of the instigation came from me) they wrote to your department. I would congratulate you on seeing fit to appeal this decision. But my concern (I think I am expressing the concern of many people) is that perhaps our sentences are just becoming too soft. I would like to hear your comments on that.

**MR. ROMANOW:** — My comments, Mr. Chairman, are twofold. One, I don't mean this as a put off, but the member for Qu'Appelle obviously will realize (and you will too) that the courts are independent of the prosecutorial arm, or the police arm. We can't have it any other way. Accordingly, the only thing the Department of the Attorney General can do is appeal those sentences which it thinks are too soft. My policy has been (it is verified by all the boys who are here) that we appeal wherever we think the sentence is inappropriate. That is point number one.

Point number two, on a general basis (I don't know whether the member for Qu'Appelle would agree with this or not), all the lawyers whom I know of in criminal law (department lawyers, etc.) will tell you that sentencing is probably one of the most difficult things in the judicial system because it involves the consideration of so many subjective factors – protection of public, penalty (as to the prisoner), rehabilitation, example, and so forth.

Clearly, something which we are doing now is not working because our prison population continues to rise. The objective should be protection, and also some form of tackling (in a sense) of rehabilitation. I just don't know what more you can do other than give the judges additional probation people and expertise to make the right sentence call on that particular person standing in front of them. But it is a very difficult operation. A saying in law still may have some applicability: sentencing varies with the judge's foot.

It is a subjective thing. A guy can commit a heinous crime, and yet show every potential of rehabilitation and incarceration should not be the solution. He may never ever again be involved with the law. On the other hand, a guy may have one offence and he should be put away forever. It is very subjective.

**MR. TAYLOR:** — Just one more question on this. Do you get many requests such as the case I was dealing with where there is appeal? How many cases like this did you appeal, say, in the last year? How many were appealed? What are your number of requests for appeal?

**MR. ROMANOW:** — I would say we appeal hundreds of cases based on sentence, really. I would say, hundreds. I could be wrong on this. We will get the prosecutor boys out here. It is not necessarily because of Constable.

**AN HON. MEMBER:** — Supply the number in the last year.

**MR. ROMANOW:** — Well, I will try. I will try to supply the number in the last year. I just don't know what the figures are. I will check now.

**MR. P. ROUSSEAU (Regina South):** — Mr. Attorney General, I have a question, As I understand it, your department is responsible for the public and private rights board under The Expropriation Procedure Act. What is the function of that board? Could you start with that because I have a series of questions on that?

**MR. ROMANOW:** — Basically the public and private rights board has an ombudsman-like function in expropriation matters as they relate to government agencies, primarily the Department of Highways.

By the way, to the member for Qu'Appelle, the answer is (oh, he has left) 80 to 100 on sentencing. We will get the letter down to you. Mr. Perras says he thinks he can get it.

**MR. ROUSSEAU:** — Mr. Attorney General, in other words, the main function would be to intervene on behalf of the person being expropriated?

**MR. ROMANOW:** — Mr. Chairman, sorry. I wonder if I could ask the hon. member to . . . My boys tell me that is a separate vote. It doesn't come within the AG's category of votes under Vote 1. It is a separate item on page 90 or something.

**MR. ROUSSEAU:** — I realize that.

**AN HON. MEMBER:** — But if he asks it now, we won't come back to it.

**MR. ROMANOW:** — Oh, O.K., ask it now. Get somebody here right away. Go ahead, I'm sorry to interject.

**MR. LANE:** — We'll just leave it under the official comes.

**AN HON. MEMBER:** — Go ahead, ask me.

**MR. ROUSSEAU:** — Well, the problem is that I have a letter here which was written by the public and private rights board. It would seem to me that if the function of that board is to intervene and help an individual, then this letter certainly doesn't help that particular problem. If I can read the letter (without naming names which probably will be provided later):

In reply to your letter asking for compensation re costs in reaching a settlement with Sask Power Corporation, we have no funds available from which we can make such payments.

You will recall that I tried to get someone to do an appraisal on our cost which you would have to have if you went to court. I tried everyone I knew who might do such an appraisal but wasn't successful.

On October 4 you were in our office and informed me that you and several other landowners had a lawyer negotiating for you with intentions of going to court. I advised you at that time to have your lawyer apply for an extension of time re section 27, subsection (2) of The Expropriation Procedure Act. The public and private rights board can have nothing to do with the court action. Section 6, subsection (13) (by the way I can't find subsection (13) of that act in the statutes) also states that a person who is appointed to the board under this section, an employee of the board is not a compellable witness in any section under this act.

On October 1, 1979, you were again in this office and informed me that you were going to court without a lawyer, as you thought that a \$3,000 retainer was far too high. You will also recall that I took you to see the chairman of the board, Mr. Kuziak, who is also a lawyer, and advised you of the problems you might run into if not represented by a lawyer.

From the information I have, the Saskatchewan Power Corporation awarded you \$743 plus \$100 in legal costs.

Mr. Attorney General, if the board's function is to intervene and help an individual in the case of expropriation, why then send such a letter recommending that he seek his own legal advice and legal help, and spend a whole lot of money, like \$3,000, for the sake of picking up \$700?

I would think if the board is sincere in helping the individuals out who feel they are unjustly rewarded for the expropriation of their lands (in this particular case, and I think there are several cases like it in the province), the board should perhaps assess a fair amount rather than as in the situation where Sask Power did the awarding themselves and assessed it, based on the settlement, with merely a compromise between the offer made by the power corporation and the amount requested by you. It seems to me in a compromise you really don't need the board at all. If Sask Power is going to say, you've asked for so much and we've offered so much, and we'll compromise, and let it go at that, then you do nothing about it.

**MR. ROMANOW:** — Well, Mr. Chairman, first of all I will ask the member to give me photocopy of the material in confidence – not right away but in the next few days. I will ask the deputy attorney general to have the lawyers in the Department of the Attorney General (which is separate from the public and private rights board) to review the legalities of the answer and position, and get a report.

I will give you a response in writing subsequently. It it's not satisfactory, next fall or whenever we meet you can raise it with me again.

Point number two: keep in mind that the public and private rights board is not a binding arbitration board. It has no power to bind, as I understand it. Basically, it is an emulsifier, as I say. It should have a smoothing out relationship. Now you're saying they haven't done this in this case and maybe not in others. If that's the case, then that's a serious criticism of its function.

Give me the case; I'll check it out in full detail and report back to the member about what I can do to correct the situation.

**MR. ROUSSEAU:** — Mr. Chairman, I thank the Attorney General, and I will accept that for now.

**MR. LANE:** — Obviously, a field of expertise is developing (or a potential field of expertise), and that's dealing with SEDCO bankruptcies. Would the Attorney General advise whether or not his department is in any way giving legal advice, or arranging legal counsel on SEDCO matters?

**MR. ROMANOW:** — None, I think, at any time.

**MR. LANE:** — What representations has the Attorney General received with regard to the proposed legislation in relation to defamation and protection of, primarily the print news outlet.

**MR. ROMANOW:** — I received two representations on the defamation. One was a representation from those who want the proposed amendment. They basically fall into the categories of newspapers and, I say to the hon. member for Qu'Appelle, the uniformity conference of commissioners would urge the amendment. On the other hand, we have received one submission (going by memory), I think, from the counsel of Mr. Cherneskey (from which this case comes), Mr. Tom Gauley, who, in general terms, opposes the amendment. There has not been any correspondence one way or the other from the public in this sense.

**MR. LANE:** — I was wondering if that wouldn't be advisable given the protective nature of the legislation.

**MR. ROMANOW:** — I'd be prepared to consider some period of further consideration for the bill. I must confess I'm not a legal expert, not only on this but on a number of matters, but my people tell me (mainly the deputy and others) that this amendment would essentially restore the libel and slander laws with respect to newspaper protection to what it was pre-Cherneskey. As I understand, the argument is that Cherneskey said that before you can have the defence prepare comment, the content of the letter was something the editor had to believe in. That was not the case before the Cherneskey case. The newspapers and the uniformity commissioners argue that the purpose of the letter box is freedom of expression of opinion. If the editor is constrained

to only print the contents of a letter that he believes the contents of, you're not going to get much of a free exchange of opinions. That's the argument. What we're doing is restoring the law to the other days.

I'm not arguing against the member's proposition. I think we could be prepared to consider seriously the member's suggestion that we need to get more public input into this bill. But I do say that provinces like Ontario (Roy McMurtry), Manitoba and the like, have publicly indicated they're moving with it. Since this is one of the few bills which is uniform in Canada, not that it's a big argument, an argument for uniformity can also be maintained on that basis.

**MR. LANE:** — I think though that the law originally was based on the supposition that the newspaper would print the letters to the editor that come in. Of course in Saskatchewan we've seen the practice develop either to restrict the letters thus reducing the size of the letters being printed and an outright ban on certain letters. I think it was based on the assumption that the newspapers would print what was expressed to them. If you check for example, the Leader-Post, they have the right not to print. If they have the right not to print then surely they have the right not to print one which they are concerned about as to potential libel. That's my concern about the legislation.

My next question is, has the department delegated all legal activities on Indian land claims to the settlement branch or is it doing any on its own?

**MR. ROMANOW:** — The negotiations and discussions on the policy related to that is with land entitlements and my colleague, the Hon. Ted Bowerman. There is a shared responsibility in as much as John Whyte (he was a professor but now he's employed with us for two years or more we hope), who is a constitutional expert from Queen's University, is giving legal advice to the legal aspects of the negotiations which are going on. But the main thrust is that we are simply acting in a legal advisory capacity.

**MR. LANE:** — Last winter there was a severe problem in some of the ranching areas of the province with regard to either rustling or cattle mutilations. Did the department give any special instructions to the RCMP to pursue more aggressively that problem which was causing pretty severe economic loss?

**MR. ROMANOW:** — If you would give me a minute, we'll find out directly from the prosecutor whether or not any directions were or weren't given, and I'll give you an answer.

**MR. LANE:** — If you want to submit it to me in writing rather than . . .

**MR. ROMANOW:** — Mr. Perras says that from the prosecution branch they did not. But they may have from the policing branch. Maybe I'll answer it some other way but I'll submit it in writing to you if I don't have it today.

**MR. LANE:** — I'll give you a couple of other questions that I would like answers to subsequently. For the grants to local authorities and other third parties, I want the list of the other third parties, the amount of the grants, unless it's local government. O.K. I want payments to or on behalf of individuals and then grants to justice organizations. Would you kindly explain what that expenditure is?

**MR. ROMANOW:** — I am advised that this is comprised of two: (1) those awards which are made through the crimes compensation board to victims, and (2) payments to legal aid under page 24, Vote 22, to the Saskatchewan Legal Aid Services Commission. That is what comprises payments. And that is in the blue book.

With respect to grants made to justice organizations, what does this involve? This involves Saskatchewan Association on Human Rights, \$12,500; Canadian Provincial Court Judges Association, \$2,500; Canadian Association of Chiefs of Police, \$5,000; and I'll throw in there, John Howard Society, mediation diversion program, \$20,000 for 1980-81.

**MR. LANE:** — On the law reform commission, does the department have any input at all into the topics chosen for study by the law reform commission? I question their priorities. For example, I've raised a couple of times (it's perhaps not a fundamental change but an irritant to the general public; it's a minor cost to the public) the question of the homestead requirements. Now we recognize equality in some legislation and then we go to the homestead requirements and we put the female spouse in second-class citizen category again. I've raised this two or three times.

Then I get the tentative proposals relating to the civil rights of children, certainly a field worthy of study, but the report comes back after 60 pages saying that basically there's no change. Now all I'm saying is that I question the priority. I would like to see the commission direct itself to some extent to some of the practical legal problems that people are being faced with.

I see Mr. Perras is looking at his watch. I have no question to the prosecution staff, and let me say that we're more than impressed with the job that the prosecution staff does and we have every assumption that that will always continue. It just strikes me that some of their priorities look like a make-work project for some people to do some studies as opposed to looking at some of the practical problems that can be cleared up.

**MR. ROMANOW:** — This is a complaint the hon. member has raised on a number of occasions. I have some sympathy with him on this, not total sympathy, but some, in the sense that I view the law reform commission to be a little more laid back in the sense of the theory of the law, policy of the law, and the general updating of the law. It is a quasi-academic, quasi-practical operation removed from the hurly-burly of politics (I mean politics in its best sense).

The practical solutions to law I view more to be the responsibility of the Department of the Attorney General and us. Now, your example of the homesteads is one which I have raised with the law reform commission. I undertook to do that for you or somebody else a few years ago. I can't see it on my list of studies. I don't know what happened to it. I'll undertake, for whatever it's worth, to find out where that request ended up and to refer it directly to the law reform commission.

My answer, I guess, is to say that it's a fine balance between being able to get that kind of theoretical update and academic update, new thrusts in law, plus immediate more practical changes. There are many areas (and the hon. member will agree with me) such as very momentous family law projects, division of matrimonial property and limitation of actions projects. The Jury Act is a current subject of review. There are some which are very esoteric and have less practicability. I totally agree with you on that.

So, if you have, as AG critic or as a member of the profession, any suggestions to make as to matters which should be put on, I'll undertake to ask the commission to do the review and I will give you their responses if they refuse.

**MR. LANE:** — The last couple of questions. One, (and we will finish that in intergovernmental affairs today) has the department done any further study on the proposal of no-fault insurance? Now, that was proposed by the government. It obviously met with some considerable negative reaction. Can we now safely assume that the no-fault proposals made are dead issues?

**MR. ROMANOW:** — You have two questions in there in a very clever way, but I have you foxed on this one. The department has not given any further study to this matter and I do not intend the department should. I don't see the project surfacing, to be quite frank with you. Maybe the Minister of Co-operatives and the Minister of Revenue would object. I just think it's too complicated and there are lots of problems involved with it which have not been fully thought out. I don't see any immediate current plan to elevate that but I cannot guarantee it. I don't want my words to come back some day to haunt me, ah the Attorney General gave some assurance. We're not involved in it and we're not intending to be involved in it.

**MR. LANE:** — Was the department in any way involved in advice given or actions taken by Sask Tel against Saskatoon Telecab? If so, what advice was given to Sask Tel?

**MR. ROMANOW:** — We gave advice to Sask Tel two ways: The Government of Saskatchewan acted and was represented at the hearing and Sask Tel, in its entity, was represented at the hearing. In essence the argument was that the injunction was not well taken. I don't know whether that will prove to be the case on appeal or not. But it seemed to be the case taken at the level of Court of Queen's Bench.

The Government of Saskatchewan is being advised by the department and/or its several agencies in this area (lawyers are advising in this area) on the main action. There is a statement of claim and we have to file the defence and all the attendant consequences to that. I'm not quite sure where it's at and whether time has run out or not. That's the main action which has taken place.

**MR. LANE:** — Would the Attorney General supply for me a list of specialists whom the Attorney General has hired on either one, two, or three year . . . You mention Mr. Whyte. What fields of study are they bringing their expertise and I am not asking for this today.

**MR. ROMANOW:** — I'll endeavor to do that. I use the word endeavor guardedly because I tell the member for Qu'Appelle, John Whyte was a recruit from Queen's University and he is a full-time employee, he is not on contract. He is now a lawyer in the department . . . Oh, he is on contract. I'm sorry, thank you for correcting me. Well, we will do that then; I guess you're right. It is for two years — we're hoping to keep him here (frankly) permanently. But we will do that and I will try to get you that list; I don't know when, but as soon as we can correlate it.

**MR. LANE:** — O.K. Then on the Saskatchewan Human Rights Commission, what studies has the commission done? Perhaps these again can be forwarded. What studies and what definitive positions has the human rights commission taken with regard to affirmative action? What areas will be affected? What will be the ramifications, or what problems or results do they expect from the areas affected?

**MR. ROMANOW:** — I shall undertake to give the member a comprehensive letter in this area. I'm sure it will be comprehensive because it is a complicated area. In essence, to give you an answer now: you are looking at affirmative action in three areas — physically handicapped, race, sexual matters. There is a proposal to forward to cabinet, in the next little while, a set of regulations which are affirmative action in those areas. It is being studied at a departmental official's level as to its legal and other ramifications because this is a significant program (as the hon. member so obviously has thought it in this question). We have not yet decided to approve those regulations. I shall give you a more elaborate letter on the human rights commission activities in this regard.

Item 1 agreed.

## **Item 2**

**MR. LANE:** — I'm sorry, just one more. On the communications secretariat, what are you doing other than taking over the telecommunications industry and giving the intellectual background to the minister in charge of Sask Tel?

**MR. ROMANOW:** — Well, I'm not sure whether I should take that as a compliment or a criticism of myself. In any event, to answer it very briefly, communications secretariat is (we like to think) our overall policy unit. What are we doing basically? We are looking at areas involving Trans-Canada telephone systems. We are looking at areas involving satellite dishes. We are looking at areas of interprovincial connections of telephone companies. We are looking at CRTC rulings and a new chairman, John Meisel. These kinds of things are what they are doing.

It is more of a policy unit; it is not a direct line department. It does not have the immediate action and thrust that Sask Tel obviously does and the member knows that. Those are the areas we are involving ourselves with on an ongoing basis. For example, we go to constitutional talks and one of the areas on the table on constitution is communications. The communications secretariat will be advising us as to policies of how we would like to see the constitution written or not written on that area; that is the kind of thing. The more direct stuff on jamming or whatever — that's Sask Tel. We may be involved as a backgrounder. If it is consistent with the policy, we are a party to it in that sense but the decisions are taken by the line departments, i.e. Sask Tel.

**MR. LANE:** — Would you supply me with the list of the officials in that particular branch and their qualifications and salaries please?

**MR. ROMANOW:** — I shall do that. It is not a very large branch and I frankly say this to the hon. member as a little caveat, some future day we will have to have a debate as to whether or not — I think this is a coming area of communications. We are simply understaffed and we are going to have to look at all kinds of prospects, perhaps even a department of communications, I don't know.

**MR. LANE:** — One may or may not get into a debate on that in some time, but I have serious questions as to whether the province should be in programming.

Item 2 agreed.

Items 3 to 22 agreed.



Vote 3 agreed.

### **PUBLIC AND PRIVATE RIGHTS BOARD – VOTE 31**

#### **Item 1**

**MR. LANE:** — Why the just about 100 per cent increase on other personal services? If you want to supply that to me, that will be fine.

**MR. ROMANOW:** — I shall supply that in writing to the hon. member.

Item 1 agreed.

Vote 31 agreed.

### **SURFACE RIGHTS ARBITRATION BOARD – VOTE 37**

Item 1 agreed.

Vote 37 agreed.

### **INTERGOVERNMENTAL AFFAIRS – VOTE 42**

**MR. ROMANOW:** — Mr. Chairman, I'd like to introduce to you the deputy, Howard Leeson, on my right; to my left, the director of constitutional affairs, Robert Weece; and behind me, the director of co-ordination for federal-provincial relations, David Hawkes.

**MR. CHAIRMAN:** — Thank you.

#### **Item 1**

**MR. LANE:** — Would the Attorney General supply for me the names of the officials in each subvote, their background, their salary please?

**MR. ROMANOW:** — Now, or in writing.

**MR. LANE:** — Within a reasonable time. I would like to know if any officials in intergovernmental affairs took leave, educational or otherwise in the last year or so, and if so, for what purpose.

**MR. ROMANOW:** — I'll have to give this to you in writing; but from a quick check with the deputy and Mr. Hawkes, both advise me that nobody did in the last year. But I want to be absolutely certain. There may be some guys who went to some university or whatever. I wouldn't attribute the worst motivations to your question but if that is the hint of your thing, I don't think anybody's involved in that.

**MR. LANE:** — I didn't compare back. I wonder if the officials would have it handy what the protocol office spent last year in the previous department, and what it is spending now? They can give that to me in a minute. What I would like to do on this particular department's estimates generally, is attempt to go through some of the major constitutional positions, and find out whether or not the Government of Saskatchewan

has a firm position. Do you have that answer?

**MR. ROMANOW:** — If you want the actual, again I will have to provide this for you later, but the '79-'80 protocol expenditure was \$197,420. That is approved in the blue book. This year, '80-'81, the blue book total is up from \$197,420 to \$213,380 — an 8 per cent increase. There may be some variation on the actual spent one way or the other, more or less than the \$197,420 but I don't suspect it will be very much. But I'll give you roughly an idea of where we are going in that area, and how much money we're looking at.

**MR. LANE:** — The other question, on that, on administration generally, concerns any out of province trips that any officials may have taken, origin, destination, cost, etc.

**MR. ROMANOW:** — That is asked, and ordered, and we'll get it to you, and I'd like to do it through that. It's being sifted out. We can provide it as well. We have no concern. I've put one caveat in. This is a department which has a lot of certainly in-Canada flying with these constitutional talks. You almost feel you should have a conference in a 747.

**MR. LANE:** — Well, of course I mean it humorously, but I note that when the Chinese ambassador was here he thanked the Attorney General for his support of the four freedoms, and I'm wondering if the Attorney General, perhaps could even identify what the four freedoms are in Communist China.

**MR. ROMANOW:** — Well, I want to tell the hon. member that it's not the four freedoms. It's the four modernizations: agriculture, industry, defence, science and technology.

**MR. LANE:** — I thought it was the four freedoms, including something with freedom of speech according to the report I have. We have been getting conflicting statements (or certainly less than precise statements) as to the Government of Saskatchewan's position on whether or not language rights should be entrenched in a new constitution. What specifically is the position?

**MR. ROMANOW:** — One has to, Mr. Chairman, make a distinction between the levels of language rights. By the way, I will make a deal with the hon. member; I will tell you our policy if you tell us yours. I am saying that jokingly too. But I do say on language rights we are talking about two levels. If we are talking about entrenchment of French-English language rights, in terms of the institutions of Canada within the purview of the federal government (e.g. House of Commons, criminal justice, Criminal Code), those kinds of things, something which virtually every premier in Canada supports (or has indicated at some time or other some support), our position in that area is we would be prepared to support entrenchment of that where numbers warrant. That's an important qualification, where numbers warrant, because in Saskatchewan there is a very small Francophone population and we will have some difficulty in providing the necessary kinds of support where required.

But there is another level, and that is French-English language rights for education, minority language rights in education. In this regard the Premier indicated in February 1979 at the first ministers' conference, that we would be prepared to consider some form of guarantees in this area as part of a total package of constitutional reforms and subject to that overall package being guaranteed. We have also taken the position (and we intend to do so this coming Tuesday when we are down in Ottawa) that Pepin-Robarts commission, which recommends that an education language should be left exclusively to the provinces and the federal government should not be concerned

about entrenching it on the constitutional basis, is a factor which also needs to be looked at. Perhaps we could hear from the federal government as to where they stand on that issue. They have not really talked to us on Pepin-Robarts. So that's roughly the positions in those two areas.

**MR. LANE:** — Roughly what you are saying is that the entrenchment of language rights in the constitution is a negotiable item so far as the Government of Saskatchewan is concerned?

**MR. ROMANOW:** — We believe that in a sense all items are negotiable. I don't mean to sound flippant, or having all my options open, but I don't think we can agree to a package of constitutional items which would please the federal government (maybe language rights is one of them) without their having agreed to a package of matters which are of importance to us. Resources might be an example of another. One can never really know until after the process is reported in September what the package looks like; who agrees to what and what the wording is. So everything is negotiable in that sense. That obviously would include language.

**MR. LANE:** — The source is not that great but I was surprised when the most recent edition came out which set out some constitutional positions under the heading of Sampler (?) and federal role in vital resources. Saskatchewan has supposedly taken the position there is a federal role which is completely contrary to the position (and I have Alberta's Harmony and Diversity paper) that the vital resources are provincial jurisdiction and that's not a negotiable item. I am wondering why you would take that position which is certainly at variance with Alberta's?

**MR. ROMANOW:** — Mr. Chairman, I think this is an important question. I would say (and I don't mean this in the sense of the press) but it is a misleading categorization of that box. I saw that when I was flying the silver bullet back a few days ago from Ottawa. It's a misleading categorization. What that box was trying to do was to get a box score as to what provinces would support the so-called best effort drafts on resources communication, etc.; the best effort drafts being the February '79 first ministers' meetings.

Now, on resources, the best-effort draft on resources said this: ownership, right to manage, right to tax, right to conserve on resources, are provincial. That's what it said.

Furthermore it said that the provinces have the right to tax directly and indirectly. The hon. member knows right now that indirectly we do not have the constitutional power on resources. That would be a significant gain for the province of Saskatchewan – witness CIGOL (Canadian Industrial Gas and Oil Limited); witness Central Canada Potash – struck down on indirect taxation.

And then it said also we would have the right to pass provincial laws that would not run afoul of the federal trade and commerce power, interprovincial trade.

Now the argument boiled down to this. Subject to those last two, direct and indirect taxation and interprovincial trade, subject to Canada's right to come in when there is 'a compelling national interest' – those three words are what everything hangs on. Alberta, Saskatchewan, everybody virtually can agree to what I've said.

Alberta has argued (and I shouldn't be explaining their position but I'll say other provinces have argued) that compelling national interest, which is the kick-in for

federal legislative action under trade and commerce, is too low a test. It allows the federal government to come in too early.

Others argue that compelling national interest is too hard a test on the federal government. What we were struggling to do in the best-effort draft was to find a compromise between our firmly held belief that resources ownership and control (we're here with Alberta on this one) with some role for the federal government in the management of the overall economy, given the current constitutional provisions on trade and commerce. The writer, having been forced to categorize us, said yes, some federal role; no, Alberta role.

He's wrong for us and I would say he was wrong basically for the Alberta position.

**MR. LANE:** — Well, I think we're disagreeing. Alberta's position, basically, is that the resources are those of the province and that there is no federal interference with a provincial power unless they have the approval of the province so affected.

**MR. ROMANOW:** — All that I can say to the hon. member is that (I don't know if it will continue or not) I've had a tremendous cat-bird position here, being co-chairman. I can tell the member that nobody accepted the best-effort draft because when we got to Ottawa in February '79 the whole thing (it was on television) broke down. But the intensive negotiations and discussions were on that best-effort draft and I can tell the hon. member (I don't want to name Alberta) that one of the key areas was compelling national interest.

In other words it wasn't the debate whether there is a federal role but at what point the kick-in of the federal role would be. I can only assume that, subject to everything else, it's the definition of the federal role that virtually all the provinces are trying to struggle with. And indeed, I would say that on Tuesday — three days from now when we start meeting again — we're going to be picking up the best-effort drafts as the basis for discussions, including Alberta. They have fully participated in that level of discussion.

**MR. LANE:** — Well, I think from a negotiating position, the Government of Saskatchewan has seriously weakened any position it takes with regard to control of vital resources by the government's suggestion of a national energy bank, with contributions from provincial jurisdictions. I say that the government has compromised Saskatchewan's position because that call for a national energy fund or bank means that you accept federal participation and a federal role. What you are also saying is that our resources are negotiable. In other words, we will be bound if your position is firm, from now to the next constitutional change, another 113 years down the road, to negotiate control of resources and the benefits, at each stage, whenever a problem comes up or a change in the relative demands on the resources. In other words, your position has trapped the people of Saskatchewan into being forced to permanently and continually negotiate for the benefits of our own resources. I suggest to the Attorney General that the government's call for a national energy fund was obviously inopportune in our view, and it was very damaging to any argument that the province has control over its resources.

**MR. ROMANOW:** — Mr. Chairman, the member has articulated this view in the past. Quite obviously, I don't agree with him but I make two very brief points: first, the proposal was that; it was a proposal and was not accepted. It was not accepted by some of the producing provinces and, by the way, not accepted by some of the consuming provinces. One might think that consuming provinces, as reflected, say, by the federal

government, would have accepted it; it was so damaging to provincial rights that they, too, found it unacceptable. Accordingly the proposal is no longer extant. It's an idea that was thrown out in an attempt to see if we could work out some forms of settlements or compromises in this area.

Second, as for the proposal itself, it was motivated from the fact, the knowledge, that if you did set up an energy bank for energy self-sufficiency for Canadians, (i.e. Saskatchewan Canadians as much as Canadians elsewhere) the vast majority of the money spent by that energy bank would be right here at home in Alberta and Saskatchewan on jobs and energy self-sufficiency as a spinoff from that as well.

So we are looking at maintaining our ownership of resources. We've never given up on that point of view at all. Even the energy bank proposal, at worst, could be categorized as a delegation of some of the authority. I would argue against that. I don't think it did that. This is an oil pricing mechanism. We say the price of oil is going to go up so where does the money go? It either comes to Saskatchewan or to Alberta or it can come to some joint pot. It has nothing to do with the constitutional ownership provisions, seriously now (in our judgment) eroded in any event by CIGOL and Central Canada Potash on the trade and commerce and indirect taxation route. So constitutionally, legally, we gave up nothing in energy bank. The argument was, where do the dollars go? Do they go to the oil companies? Do they go to the oil producing provinces or do they go from shared operation a la energy bank? But as I say, in any event, it's an issue which is no longer around.

**MR. LANE:** — First of all, I suggest that you did give up a great deal of bargaining power by stating that you are prepared to negotiate the direct benefits, the economic benefits, of the resources. Then the question comes, who controls the national energy fund? You say that it's a dead issue, but the Minister of Mineral Resources recently reaffirmed his call for a national energy security fund, so obviously the government opposite is confused.

You've made a proposal for a national energy security fund. Notwithstanding what the Attorney General said, I believe that it's still on the table, that the government is still hanging tough with a national energy security fund. The people of Saskatchewan have no guarantees that we will have full and absolute control over the moneys we put into a fund. It's who controls it and you're sharing that control with the national government. So you've bargained away two things. You've bargained away the right to say that those resources are ours and that's not negotiable. And you stated that once benefits are transferred, there will be a sharing of control at the federal government. So I say, you've seriously weakened our position. I suggest to you that the proper position to take was that of Alberta, that our resources and the benefits resulting therefrom are those of the people of Alberta; what we do in the national interest with those benefits is our decision. That is, in my view, the proper negotiating position. I suggest to you that the national energy security fund, which you have proposed, has seriously damaged Saskatchewan's negotiating position and is, in fact, an admission that the government opposite is prepared to negotiate with the resources and the benefits therefrom.

**MR. ROMANOW:** — Well, Mr. Chairman, I must again make a very brief rebuttal. I don't want to repeat myself but I want to say clearly, what happens on the constitution on resources is irrelevant to the proposal of energy banking, because energy banking deals with oil pricing. Yes, it's oil pricing; it has nothing to do with the provisions. If we had no constitutional talks, the provisions on the resources and the interpretations of the resources by the courts would remain unchanged.

On energy bank, all we're talking about is where does the money go? Now I say to you, far from weakening the bargaining position, my argument would be that it was a good idea because it had the attributes of a carrot and stick approach. We were prepared to consider, if others were, a portion of that oil pricing for the year, subject to very important conditions, namely that the money be ploughed back here in Saskatchewan on heavy oil, as an example. That was part of the proposal – that the money be ploughed back in western Canada, generally, for tar sand and the like. One could go on and list them in detail. The management of the fund would be very much a part of Alberta and Saskatchewan, say on a board of directors. I think it was a carrot and stick operation.

In any event, it was proposed at La Malbaie last August, at the premiers' conference. No one accepted it. The Premier said then and since that time that it's all over. I don't know what the federal government is going to be proposing, if anything, in this area. Time will only tell on those negotiations. We'll have to consider those proposals as they come up time by time.

In constitutional terms, my argument would be (which the hon. member obviously doesn't accept) that there is a clear distinction here.

**MR. LANE:** — We could debate this interminably, but I think we are starting to see some differences of opinion on what areas should be negotiable before the constitution between the opposition and the government.

I note (and again I don't necessarily take it at face value) the statement that the government opposite is prepared to keep the existing Senate, with no change. Now, that is contrary to long-standing party policy of the government opposite. I always felt the NDP was foursquare in favour of abolition of the Senate. You've converted me to abolition of the Senate; I think it is serving no useful purpose. I wonder why you now, seemingly, have reversed your position and are prepared to accept the Senate with no change?

**MR. ROMANOW:** — There is no doubt again referring to the chart that Bob Lewis in Maclean's put out. I should have lunch some day with Mr. Lewis and have a little chat with him on it because our preferred position is still abolition of an appointed body. We think that an appointed body runs smack dab into the question of how much authority you should give it. How much authority can you give an appointed body vis-à-vis an elected body? We think that's dangerous.

However, having said that to the hon. member for Qu'Appelle, some other provinces don't agree with us, strongly. British Columbia wants an all-provinces appointed senate. Their proposal is that the Premier of Saskatchewan would appoint four senators, exclusively, and it would be weighted. You know the beige paper of Mr. Ryan says the same thing. It seems that idea still has some degree of currency. This is one where we would really be prepared to negotiate; it is a bargainable thing for us, perhaps more than other areas.

Again, I think that they are going to run smack dab into the appointed versus elected proposition in any event. If we, as Canadians, can compromise on this one (which will satisfy B.C., or satisfy some other jurisdiction), why not, subject to our other key, namely, control of resources, ownership of resources, etc. being confirmed?

**MR. LANE:** — Are you then in favor of some form of elected body? If so, what role, what powers would that elected body have? Obviously, I am not referring to parliament (House of Commons). I am referring to a senate or a new body to replace it. Do you subscribe to a house of the provinces, or whatever name they are using as an elected body?

**MR. ROMANOW:** — No, our general position is that an elected second chamber is not necessary. Secondly, it would be preferable to an appointed chamber, if that was the route we were going to go. Thirdly, if we are going to have an elected second chamber, we should have it a la United States, where the state of North Dakota has two senators with less than 600,000 people; the state of New York, with 30 million people, has two senators. If you have any kind of population weighted situation then western Canadian grievances continue to remain unresolved. So we think we would have to have that kind of situation. We don't think it is necessary.

With respect to a house of provinces, the federal council or whatever, all of these kinds of operations, we are prepared to take a look at them. I still maintain our base position that if everybody would agree with us that it is not desirable because it is appointed, we would be happy with that. But depending on what ends up on the table, it is not our most important item.

**MR. LANE:** — Now let's go to the supreme court. You want some provincial input into the appointment of the supreme court. I think that is a fair statement. How do you want that input? Are you saying that western Canada should have a veto on appointments of two or three? I would like to know the mechanics of your proposal. It strikes me if we are going to have provincial input then you are going to have the natural tensions between provinces weighting a decision of the supreme court. I just don't see the overall benefit. I can see an understanding that, before a federal appointment is made to the supreme court, they out of courtesy (and I believe they have done that) check with the provinces involved to see if you have any objection to the individual proposed. Now I believe that courtesy has been the practice.

If you get provincial input, you get a bias. Saskatchewan having less population is going to be faced with an automatic bias in the supreme court. I suggest that position may well weaken Saskatchewan's position rather than strengthen it.

**MR. ROMANOW:** — Well, I would mildly chide the hon. member because he was criticising us about not being pro-western Canadian enough on resources. I say this is an important concurrent power – the supreme court. I think (and I say this in the best sense of the word) whoever gets appointed to whatever bench has biases. We wouldn't be human beings not to have biases. If a provincial input carries a bias with it (I would argue with the hon. member), so does a federal input.

But to get more specifically to the question, there are gradations. Our preferred position would be a formalized consultative mechanism in the appointment a la the Victoria Charter. The Victoria Charter had a regional basis of consultation which would: (a) involve the consulting of the Attorney General in the first instance of the province affected; (b) if there were no agreement they would then go to a nominating council (so-called), there would be a mechanism for appointing the nominating council; (c) there would be some other (I could give you the details of it but I am not going to take time) kind of formalized proposal which the Victoria Charter had in June 1971. There is a gradation of that; even if we had constitutionalized the obligation of

Justice Canada to consult with the Attorney General of the province affected, that would be a modest but a good improvement.

Right now it is true, I get 'consulted' on judicial appointments, I tell the member for Qu'Appelle. I don't think any of my colleagues federally will object if I say it, the degree of consultation is more seeking my acquiescence and approval than seeking nominees. I suppose I'd probably do the same thing if I were consulting you, but it's unsatisfactory. But even that would be a little improvement. So the answer to the question is, yes, we think that a constitution which is going to be interpreted for Canadians, a constitution of Canadians, by Canadians (all regions of Canadians) if it is going to be interpreted by a court, should be interpreted by a court which is reflective of the Canadians for whom that interpretation is being made.

**MR. LANE:** — Does it not logically follow then that you should be supporting the Alberta position that there be a separate constitutional court? That strikes me as the logical way to go. I'm wondering why the province of Saskatchewan is not supporting that position.

**MR. ROMANOW:** — Well, there has been some rethinking of that position. I don't want to overemphasize this. Our position up to now has been that (I think the member might agree with me deep down in his heart of hearts) there should be a uniformly consistent it may be, from some strictly non-constitutional case on the constitutional side. There should be a fulcrum point for some national consistency in the evolution and development of the law. That has been our position. But you know the more one thinks and reads about these areas, and it's a fascinating area of the law, perhaps the strictly constitutional court proposal should get some increased prominence. We haven't taken that position to date. I'm not saying we will, but we certainly will be considering any proposal of a separate constitutional court, Alberta or otherwise.

**MR. LANE:** — Well, in my heart of hearts, I don't agree with the statement you made, and as a matter of fact we have seen just the opposite. We've seen a tendency in the government opposite to have a labor relations board, specialized, deciding bodies. I see no reason, given the nature of the constitution and the problems, why it isn't a logical way to satisfy the need with a specialist court for that purpose. I think it would, in fact, have the result of eliminating a perception of bias. I really think at that level of court that's all we're getting, a perception of bias. I think that would be eliminated. Secondly, I think as well the public would believe they are getting a legal interpretation and would be prepared to accept it. So I think it's a logical extension.

Well, my next question is really in summary. I've asked you a series of questions on positions. Now, you've basically said that practically any position is negotiable . . . (inaudible interjection) . . . Well, O.K. Your actions to date have indicated that certainly the benefits of the resources may be negotiable, but don't you believe that it's time the province of Saskatchewan tabled for this Assembly and the people of Saskatchewan, a statement of the goals and objectives, and the changes that it wants in the constitution?

Now certainly not every province has, but most of them have set out for public consumption, the proposals. Alberta, B.C., the Liberal Party of Quebec are laying out their positions. I think the public of Saskatchewan is prepared to accept that there are going to be some very intense negotiations. But I don't think they should have to buy a constitution that's a pig in a poke. You have Ed Broadbent, your national leader, calling for more public participation in the constitution. He is demanding it; he is asking for it. I subscribe to that. We are not going to have a constitution in this country unless it is supported (not in every detail but in spirit) by the people of Canada. If they are excluded



from this debate, I suggest to you we are not going to have a constitution that is acceptable. I suggest to the Attorney General that a message be taken to the ministers on the constitution review, that they should insist on public participation and that the vehicle should be established, because I believe the people of Saskatchewan and Canada will approach it in good faith. They know there will be differences, but they also will be able, after a constitution is accepted, to walk away and say: that's mine. I participated; I may not agree with everything, but I know where I compromised and I know what I gave up. I know what I won and it is a good deal. That is what we are going to have to come out with. I say that the actions of the government opposite to date have been contrary to that approach and I think it is incumbent that the Government of Saskatchewan, in the very near future, table its constitutional proposals to the people of Saskatchewan.

**MR. ROMANOW:** — Well, Mr. Chairman, speaking to the member's point, I would say that resources, ownership and management and right to tax and conserve are non-negotiable. We've taken that position. I'm not going to argue that again. There may be differences of tactics. We are prepared to look at wordings as to how we achieve that compelling national interest versus some higher test or whatever. But that is absolutely the bottom line. We simply will not negotiate the ownership and the management, control of resources.

To wrap up this side of the question very quickly I would say that we have, in this government, met with people in SUMA (Saskatchewan Urban Municipalities Association) and SARM (Saskatchewan Association of Rural Municipalities). We've met with our organized native and Indian peoples. We've met with the Francophone communities. We've met with anybody we can. I also want to say, and I think the member would agree, the Premier has been a key actor in public debate and dialogue, public speeches and the like. If I may say so modestly or immodestly, I've been a kind of junior level player but I've given a large number of speeches on Canada and the constitution lately. We've been trying to involve the people in that regard.

Finally, on the question of a printed stated position, I argue against that for the hon. member for one precise reason. It's the very point we talked about just one moment ago, namely a supreme court. Should there be a separate supreme court, which is what the member argues, namely a constitutional court of Canada? You know what our view was and we hear your view. But I said to you, and this I mean quite sincerely, that's one which we are re-examining. Maybe there should be some merit of a constitutional court.

What happens if you print the position and you find through the persuasion of argument, or through the forces of other provinces or whatever is necessary, that you are not able to take a position which is consistent with the stated position? I think it limits your flexibility; it limits your ability to do what's best in the interest of the country and the province.

Finally, I would argue that only two provinces have put out a position – B.C. and Alberta. B.C. in very much detail, Alberta in very general material harmony and diversity. I don't want to be critical of the Alberta document but I think it, translated into the specifics, is what makes the problem there. Nobody else has put out a position. The Liberal Party in Quebec has but that's as a direct response to the sovereignty association separation call of the PQ. It's an entirely different circumstance. Ontario, which has always been a leader in confederation, has not. I think that's still the best line to take. All I can say is we can give you many copies of speeches from Premier Blakeney

and me which set out what we want in resources, what we want in communications, and what we want or don't want in language rights. Even energy banks speeches as they've evolved, we can give you hundreds of those, well tens anyway. I won't say hundreds, tens of those and we try to involve as much dialogue as possible. I can assure the member that in the weeks and months ahead this government is going to be stepping up its effort to involve Saskatchewan people publicly in constitutional matters.

**MR. LANE:** — In sum, the Government of Saskatchewan has made many statements as to what it wants. The danger to the people of Saskatchewan is that it has never said what it's prepared to give up. Government is like the child going into the candy store – I want all the candies but I have only \$10 so now I have to make some decisions. The people of Saskatchewan have no indication from the Government of Saskatchewan as to what they're going to end up with and what the government is prepared to accept. I say that that is dangerous and I think, quite frankly, unfair to the people of Saskatchewan.

My final question to the Attorney General, would you supply the opposition with a list of the proposed grants to planning and research institutions and grants to other third party? I'm prepared to accept that in the interests of . . .

**MR. ROMANOW:** — The payments are: grants to planning and research institutions, institute for research on public policy, \$80,000, no change. Queen's Institute of Intergovernmental Relations (that's Richard Simmonds' operation, or was) also dealing with teaching research and Alberta's \$10,000 etc., Ontario. We're in there for \$5,000. Canadian Intergovernmental Conference Secretariat \$30,000. That's an obligation, every province is in it. That's the secretarial, translation services. It's like Nathan Detroit's floating crap game, it goes from province to province where the conferences go. Canadian Plains Research Centre – we're budgeting \$30,000 for Canadian Plains Research. That's right here in Regina and you know what it does. Program of Research and Public Scrutiny, nothing. Canada West Foundation (Stanley Roberts in Calgary) supported by all the provinces, \$15,000. IPAC (Institute of Public Administration of Canada), \$4,500. Grand total \$164,500.

**MR. LANE:** — Let's go to the Canada West Foundation. Your deputy has had to disassociate himself earlier this year from one of the positions that the Canada West Foundation has taken and that is: the Canada West Foundation approves the immediate appointment of senators to the federal cabinet. I'm not sure whether Mr. Roberts is not setting himself up for another run at the Liberal leadership as he had announced a little earlier. I question the wisdom of the foundation, given the problems with the constitution, whether that was a wise action for them to take. However, that's obviously his right and the foundation's choice.

Your deputy, at the same time, while disagreeing with the immediate appointment of senators came out in favor of the immediate implementation of proportional representation. Now, I would like specifically, and again I am prepared to accept it in the immediate future, the form of proportional representation that your deputy was prepared to accept.

**MR. ROMANOW:** — I'm going to cut the deputy loose here because the government, as such, does not have a position on proportional representation. The deputy was, on that meeting if I remember, I tell the member for Qu'Appelle, not too explanatory. He is on a board of directors Canada-wide. He did not interpret on the two items you referred to, that the decisions as enunciated by Mr. Roberts were in fact, decisions. He was putting

out what he felt, in his capacity as a member of the board of directors of the Canada West Foundation, what in his interpretations were the judgment calls, namely that we had not agreed to getting senators appointed to the cabinet right away. It was obviously a dispute of interpretation here. He was putting out his view. He has done it in private contact with Mr. Roberts as well, but did it publicly because the impression left publicly by Mr. Roberts was unfortunate if I may say so.

On the question of PR, this is one where, frankly, the ministers have no agreement. I think you can conceptualize all kinds of arguments for it one way or the other. He was, again, articulating a position of PR which he felt was the basis of the discussion at that Canada West Foundation meeting.

**MR. LANE:** — Well, far be it for me to say whether information services is accurate or not under press releases.

**AN HON. MEMBER:** — Misquote.

**MR. LANE:** — Misquote information services – now that has to be the ultimate. I am quoting the deputy:

You will also recall that I spoke against the appointment of senators and in favor of the immediate implementation of proportional representation.

Now, that is a rather unequivocal statement. Now, I ask you, what are the details of the form of proportional representation which the government opposite supports?

**MR. ROMANOW:** — Again, I have made my point about it not being official government policy. I would like to make one quick point, if I can, on these things. When a deputy is asked to sit on something like Can-West there will be many areas where he will be giving what he thinks is government policy and his interpretation of government policies. I mean that is understandable; he doesn't phone back every time and say, we have this on the agenda, etc.; do you agree or don't you agree? I may say, I think the Premier agrees with what Mr. Leeson is advocating. Others have some doubts about it.

Basically, the proposal would be this: you would have at the bottom of the 280 members of parliament who are elected (whatever there are, 50-60 MPs; no details of the proposal were advanced, I am advised) a group of additional MPs who would be allotted to fill up that stable of 50 or 60 on a province-by-province basis, based on the representation of the popular vote they have attained within the provinces. Let's say, for example, that Saskatchewan would have 6 of that stable of 50 PR guys based there. In addition to having the 14 MPs elected on a riding-by-riding basis, there would be six additional PR guys elected, based on the popular vote of the PCs, the Liberals and the NDP or the Unionist Party (I say that jokingly). What did the Liberals get the last time round? Twenty-seven per cent they got federally. They were elected in no seats. They would then get their 27 per cent of that block of 6, which would end up making the package of 50.

Our argument for the PR then goes that if these guys are fully qualified parliamentarians then they are able to represent all the regions, maybe even on the government side (in this case, the Liberal side). It might work some other day on behalf of the PCs. In Quebec, they would get zero guys, if you elect Roch LaSalle and that is all you have. Some days you are in government. I think Joe Clark would have appreciated, so the argument goes, a stable of members of parliament, who could go right into the so-called

elected cabinet directly, rather than the senatorial route. That is the argument for PR. The argument is that you will find, therefore, regions represented at the centre.

Now there are arguments against that. The hon. member can recite them, I am sure, by legion. I am a constituency man. Again, I am learning all the time in this job and I am finding that maybe there is an argument for PR. Right now, my state of preference is riding by riding. But if we are serious, as Canadians, in trying to remove regional alienation from the PCs or from the Liberals out here in the West, or from the NDP or whatever, then we ought to be taking a look at PR. And that's what the deputy was saying. He feels strongly and supports PR. I don't think that's so bad that we should not look at it.

**MR. LANE:** — Of course the logical extension then is that it will be applied provincially?

**MR. ROMANOW:** — Not really, because the argument only is, member for Qu'Appelle, that the northern region gets no input representation. This is where I think the beauty of confederation is. The provinces are still geographically and jurisdictionally small enough to be close to the people, notwithstanding, I realize how big governments get. The same quite applies when you have to travel 1,500 miles to meet less than one million people, which is a Canadian fact. Well anyway, we may agree or disagree.

Item 1 agreed.

Items 2 to 6 agreed.

Vote 42 agreed.

#### **INTERGOVERNMENTAL AFFAIRS – SUPPLEMENTARIES – VOTE 42**

Items 1 to 3 agreed.

Supplementaries – Vote 42 agreed.

The committee reported progress.

The Assembly adjourned at 1:15 p.m.