

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
March 7, 1983

EVENING SESSION

COMMITTEE OF FINANCE

CONSOLIDATED FUND BUDGETARY EXPENDITURE

ATTORNEY GENERAL

Ordinary Expenditure — Vote 3

Item 1 (continued)

MR. KOSKIE: — Mr. Chairman, Mr. Minister, when we left off we were discussing what I think is a very serious situation, as I indicated, and that is the decision by you to basically refuse the appointment of two additional members to the court of appeal. I listened to your explanation and what you indicated at that time. You did not dispute the chief justice's contention that the workload has escalated to a level that is pretty well impossible for them to do justice to the area of the court of appeal. It seems to me that your main premise was that there was no consultation in respect to the appointment of the two justices to the court of appeal. But I'd like to ask you to explain what has been the process that has been followed in the past by the federal government, vis-à-vis the appointment of a federal court justice. And, secondly, I would ask you to indicate whether that process was indeed applicable to other provinces across the country.

HON. MR. LANE: — I take it, just to clarify, that you're disagreeing with the decision that I took. Is that right? I wonder if I could bring to the hon. member's attention the fact that my predecessor in office, on April 23, 1981, withdrew the request for two additional judges. This was confirmed by letter from the former attorney general on April 24, 1981, to the then minister of justice, Mr. Chretien, withdrawing the request for two additional judges. So I suggest to you that you may, as I say, disagree with my decision. It doesn't look like it's a new policy; it was a policy when you were in government. How you square that with your position, I think is up to you. In fact, I've stated there is no stated formal policy that the federal government will or will not consult.

There are some indications that there is a very informal consultation with some of the provinces. I suggest to you that the policy, the suggestion that we make is in the best interest of the people of Saskatchewan.

Again, I suggest to you that if you are arguing for a continuation of the present appointive process, you may be out of touch with certainly the majority in the bar, and I believe many others in the administration of justice.

With regard to case load, I can give you the following figures, and you will find that the case load of the Saskatchewan Court of Appeal judges is not much different than that of the judges in B.C., Manitoba and Ontario — the figures that I have. I think if you add to the fact that there is a higher percentage of sentence appeals, which again, not to lessen the importance, are more routine.

In 1981, the cases filed in Saskatchewan (and I think you should remember that we're basically dealing with seven judges, anyway, there are two supernumerary) . . . The

total was 738 of which 283 were civil, 455 were criminal.

In British Columbia, with 13 court of appeal judges (three of those being supernumerary), there were 832 civil, 577 criminal, for a total of 1,409 . . .

You will note that B.C., with a significantly higher population, has not that many more criminal appeals.

Manitoba, which province has six, has 216 civil and 203 criminal, for a total of 409; and Ontario, 16, 1,102 civil cases filed, 1,867 criminal cases filed for 2,969.

I think you will find — and I'm not for a minute suggesting that that's an absolute assessment, in that the type of civil cases may vary — that the Saskatchewan Court of Appeal with its present staff is not that far out of line, if it is.

MR. KOSKIE: — I asked the minister a specific question. I take it that what he is saying now is that in fact, in respect to the load that the court of appeal has, which has been set out by Mr. Justice Bayda . . . The Attorney General is challenging the authenticity of those facts, and is in fact saying that Mr. Chief Justice Bayda is not overworked to perform the duties that he wishes to perform as a member of the court of appeal. I did specifically ask the Attorney General as to the process which is followed. Surely, he can be a little bit more specific. Certainly, he must be familiar with the process that was being followed by the federal government in respect to the proposed appointments of the members of the court of appeal here in Saskatchewan. Could you indicate to me the proposed process leading to the appointment of a further two judges to the court of appeal, the proposed process that was being used by the federal government?

HON. MR. LANE: — I didn't say there was a proposed process. I said I'm hoping that there will be some type of consultative process. I said, in my initial response to your initial question, that I would hope there would be some type of informal consultative process — informal or formal. I said I hope that that applies across the country, because I do believe that the superior court judges are appointed by the federal government (and I think the hon. member should keep that in mind, that they are appointed by the Government of Canada), and that the provinces have some form of consultation with the appointive process. I don't care how that process . . . I'm not married to any particular form, but I think there should be consultation.

Secondly, with regard to your statement that I'm challenging the chief justice, you know that is not correct. We both can interpret these statistics. If the chief justice says that the court is overworked. I can't dispute that, obviously. I suggest to you, in response, that seemingly the case load is roughly equal in the provinces of British Columbia, Manitoba and Ontario, from the information I have.

MR. KOSKIE: — You indicate, Mr. Minister, that you should have some kind of an informal consultative process. Can you articulate as to what you mean by a consultative process?

HON. MR. LANE: — I think that the Minister of Justice for Canada consults with the attorney general or minister of justice in each province, and the appointments come about for that province. It can be very informal. It can be a simple phone call: "Do you have any objections or what do you think? Do you have any other suggestions?" I think the hon. member should know how the system works and he wouldn't have difficulty with that process.

MR. KOSKIE: — I note that the Deputy Premier has to get into this. He didn't do that well in his own estimates, so I think he should stay where he is. That's the report that I get. I want to say that it would appear that the Attorney General is holding fast to a consultative process. But, I am asking him: how long do you intend to delay the process of further appointments — until there is a change of government, or do you have another timetable? How long are you going to continue to delay the process of appointments? Is it contingent totally upon getting a consultative process? And why isn't the consultative which processes that he is using, and which has been working in other provinces, not satisfactory to you?

HON. MR. LANE: — Well, it would be satisfactory to me, but it hasn't happened. I haven't been consulted.

MR. KOSKIE: — I ask you another question. How long are you going to delay any future appointments on the grounds of lack of consultation? Are you going to allow the justice system of this province to be undermined for your own particular views on this matter? I just want to say that when I look at the court of appeal, and I look at the chief justice, I know his record as a scholar and I don't think anybody can challenge it. I look at his record in private practice and I don't think anybody can challenge it. I can see an appointment of the chief justice that I think will serve this province well.

I can look at another individual that's been appointed to the court of appeal, in the person of Stuart Cameron. And I want to say in respect to the legal mind I don't think there is anyone that would challenge it. I want to know from the Attorney General: what is this consultative process? Are you dissatisfied with the previous appointments, the qualities we are getting of the recent appointments? I'd like you to clarify why you are holding up part of the integral part of the justice system in this province. Perhaps it's for political reasons. If it is, would you come clean, and let us know?

HON. MR. LANE: — It's obviously for the reason that I've given, that I think the people of Saskatchewan should have at least been consulted in the appointment. You asked about the delay; I remind you that my predecessor delayed it for over a year, withdrawing the appointment. The federal government itself delayed making the appointments for over a year. Surely our position is not unreasonable. I'm frankly surprised to see in this Assembly a flip-flop by the opposition as to what their policy was when they were in government, when the former premier made it very clear as a matter of fact in the constitutional fight how he was insisting that there be provincial consultation and how the provinces be consulted as to the appointments to the Supreme Court of Canada.

I suggest to you that if you take your position, not only are you either deviating or changing your party's position, but you're seriously going to weaken Saskatchewan's constitutional position, that in fact parties have stood up in this House, governments have stood up in this House and said there should be consultation, that the provinces have a right to a voice. I suggest that that's an objective worth fighting for. I'm surprised that you now say that that's not proper, that you want this to be solely within the jurisdiction of the federal government. Obviously we have a difference of opinion. I suppose if I wanted to say it politically, if I were to say it politically, I would just as soon have our position.

MR. KOSKIE: — I want to take this consultation process a little further. I would like to

indicate that recently the Attorney General appointed a chief justice to the provincial court. I want to say that it's my understanding that there was a selection committee which the previous attorney general had which gave recommendations to the Attorney General as to who the candidate should be for selection. That selection committee I understand in fact was directed to in fact come to the conclusion with the appointment that the Attorney General sought to choose. Can the Attorney General indicate whether he used the selection committee in the form that was used in the past by the former attorney general, or whether he circumvented it?

HON. MR. LANE: — I don't know how you direct the judicial council, as you're suggesting, when it's chaired by the chief justice. If that's the policy you're advocating, I suggest that you take another look at it because that would be highly improper — highly improper. Secondly, in terms of consulting, discuss the matter with prominent members of the bar and the former chief judge of the provincial court. I expressed a desire that the new chief judge in fact have a great deal of practical experience. That was a criterion. That narrowed down in anyone's thinking, the group from which a chief judge could be appointed. We indicated clearly to the bar that the position would be open and what our hopes were for the existing chief judge, and his desires. So, those were clear to the bar and certainly they were clear to the bench because I was given the viewpoints of many of those people.

MR. KOSKIE: — I take it you did have, or was in place, an advisory committee in the choice of the chief justice — advisory committee or a selection committee, or whatever the proper terminology. Could the Attorney General indicate whether in fact there was in place an advisory committee so far as the selection of magistrates or the chief justice? Was there in fact in place, a committee?

HON. MR. LANE: — Yes, and the name was submitted, of course.

MR. KOSKIE: — And the names of the people who were on the committee?

HON. MR. LANE: — The members of the judicial council and they, I remind you, are appointed under The Provincial Court Act and they review not only the question of candidates for the provincial court, for judges of the provincial court, and consisted (and this has not changed except for one individual) of: the two chief justices; the president of the law society from time to time; Mr. Archer, former president of the University of Regina; and a chap who is probably well known to the hon. member, Mr. Bill Davies, former member of the CCF government, a long-term member from the city of Moose Jaw — I'm sure very familiar to the member opposite — who subsequently resigned, and who has been now replaced by Mr. Gary Semenchuck, who is a fairly prominent solicitor in the city of Regina.

MR. KOSKIE: — It is my understanding, Mr. Minister, that indeed Mr. Bill Davies was a member of the provincial council, and on his resignation he indicated his reason for resignation was in fact that the Attorney General was giving the guidance and recommending to the council who to approve. Those were in essence the reasons for his resignation from the provincial council. You can agree or disagree with them, but I think he did have a press release in respect to that, and as the hon. member is so eager to advise us to keep up on the press releases, I am sure that he is familiar with that.

And so what I am saying here is that, while on the one hand you say that the federal government needs a considerable amount of consultation in their appointments with you, when you have your own provincial council in the appointment of justices within

the provincial jurisdiction, that has in fact been circumvented.

And what I want to know is whether or not you are aware of the reasons why Mr. Bill Davies resigned.

HON. MR. LANE: — Lord knows. I can't fathom the NDP thinking half the time, much less be able to speak for them. I mean, the very fact that the chief justices of the province of Saskatchewan are prepared to recommend the appointment is good enough for me.

MR. KOSKIE: — Well, you certainly circumvented the stated fact of Mr. Davies, and it was my understanding that in the appointment, that it was under the direction of the Attorney General. On the one hand, it's clear that what he wants is consultation from the federal government, or to delay it until such a time as there's a Tory government in office, so that they can appoint the appropriate ones to the court of appeal. Or, on the other hand, when it comes to the provincial scene, he wants to be able to have full control in respect to the appointment.

I think that I want to leave this point, and I want to say that it's a very, very serious comment on your tenure in office that when I asked you what would in fact build an efficient, good and respected judicial system, I would have thought that certainly staffing the courts to serve the people of this province would have been a high priority. I want to say that this is the first time in a long time that a political decision had been taken, in my view, to circumvent the practices that have been established in the past, followed by other provinces.

HON. MR. LANE: — Well, I'm going to take the hon. member's remarks as perhaps in the heat of political debate. Because I hope in no way he intends to leave the impression that the new chief judge at the provincial court is in anyway unqualified or less than of a judicial appointment. I suggest to you, if that is the allegation you're making, that you retract it, because he is highly regarded by most people in the province of Saskatchewan, if not all.

I suggest to you as well that in terms of the appointment, there's no difference between the policy being carried out by this Attorney General and my predecessor.

MR. KOSKIE: — I just want to make it perfectly clear (and obviously the Attorney General knew it) that I was making no reflection on the appointment of the chief justice. He knew that full well. But I would turn on him and say: is he reflecting on what has been appointed in the past in the court of appeal, that he challenges the process? Is he challenging the qualifications of the chief justice that was appointed under the previous process? Is he challenging the qualifications of Stuart Cameron, who was recently appointed? Answer that question if you think that you can turn it around and reflect that I'm somehow denigrating the character or the competence of the chief justice. What is your fear then, as to the process in the past? Are you, in fact, challenging some of the qualifications and the choices of the court of appeal? I'd like to know.

HON. MR. LANE: — I'm not sure it behooves anyone to continue this particular debate any further. I suggest to you that I find it very strange that when you were in government you took the position that there should be consultation, that in fact in the constitutional debate you argued most strongly for provincial consultation to the supreme court, as constitutionalized, as a matter of fact. Now we find out that perhaps the hon. member for Regina Centre was not aware that the hon. member is against provincial

consultation, that there's been a change in policy. I suggest to you that that was the policy when you were in government, it's the policy of this government, and we obviously have a difference of opinion.

MR. SHILLINGTON: — Thank you, Mr. Chairman. I want to approach the subject from a somewhat different prospective if I could. The actions which you took, Mr. Attorney General, resulted in, I think it's fair to say, a failure to make additional appointments to that bench. That bench is badly overworked, and they are not able to keep their work very current. I wonder, Mr. Minister, if we may start by admitting that, whether as an intended consequence or otherwise, the position that you took had the effect of meaning that additional appointments were not made to the bench.

HON. MR. LANE: — We've been over the statistics, and I did a comparison with the provinces of British Columbia, Manitoba and Ontario, and the caseload is roughly the same. Saskatchewan has a higher percentage of criminal appeals than the other provinces. Again, I very carefully say, not to lessen their importance, but those are more routine, and, you know, those statistics — I don't know if they take us any further than the ones given by the chief justice but, in fact, as I said, I can't argue with the chief justice if he says that he's overworked. I'm hopeful, as I prefaced my remarks before 5 o'clock, I'm hopeful that the Government of Canada may in fact being to consult with the provinces. We've had some correspondence on it. I've had an indication from the Minister of Justice of Canada of what can we do to break the impasse and I've made a suggestion and he has not yet got back to me.

MR. SHILLINGTON: — Do I take it then the answer to my question is yes, your activities had the result of blocking additional appointments to the bench?

HON. MR. LANE: — Well, of course, I also remind you, and again we're going over ploughed ground here in that, my predecessor in office on April 23, by telephone and by April 24, 1981, by Telex, withdrew the appointments himself.

MR. SHILLINGTON: — Well, Mr. Minister, I do not know what the situation is in other provinces. I have not had extensive appearances before the court of appeal in Alberta and British Columbia and Manitoba and the other provinces you may have referred to. But I know that the Saskatchewan Court of Appeal is overworked and behind many months in criminal cases, up to a year in civil cases. I ask you Mr. Minister, surely the victims of your squabble — and I'm going in a moment to suggest it's an unseemly squabble — with the federal government are the litigants whose actions are delayed because you chose to block additional appointments to the bench, which I suggest, by any standard except the reference for the provinces, are needed. I don't know but I'd be prepared to bet a bit of money that the courts of appeal of other provinces are having difficulty keeping current as well, and it is just simply, Mr. Attorney General, a matter of additional appointments.

There was a day when you waited before the Queen's bench for months to get relatively simple matters on. That is no longer the case. Even medium-sized trials of three or four days can be got on with in a month to six weeks. That is not the case with the court of appeal, and I suggest, Mr. Attorney General, it is simply a matter of additional appointments for the bench. As long as you continue this unseemly squabble, the victims are going to be litigants who must wait for the termination of their appeals. Surely you could find a way of making your point with the federal government that didn't make victims out of those who find themselves immersed in the judicial process.

HON. MR. LANE: — I don't crow your conclusion. I was very pleased to hear you admit that you're satisfied with the Court of Queen's Bench and its operation and the status of the caseload in the Court of Queen's Bench, because we did reduce the court by two at the same time.

MR. SHILLINGTON: — Well, I don't know what that's designed to mean, and indeed I may take this opportunity, if I can, in a non-partisan fashion to ask you to pass on my compliments to your officials and to the chief justice of the Queen's bench for reforming that court and its procedures. It operates in a vastly better manner than it used to. It used to be an embarrassment to a counsel to have to explain to his clients how any institution devised by human beings could be so inefficient and awkward. All of that now is gone and it operates a model of efficiency.

HON. MR. LANE: — Well, I'll be quite happy to pass that on.

MR. SHILLINGTON: — Well, as I said, in a non-partisan fashion, I wish you would because it is a remarkable achievement. I have just been practising for a couple of years now, but we still have to achieve that same timeliness in the court of appeal and we can't and I don't care what the situation in other provinces is. I suspect it's equally abominable. But surely, the Attorney General will admit that we are not going to have the court of appeals' work any more current until we have additional judges to bench. And, surely you have to admit the public are not going to have their matters dealt with in a timely fashion, until you quite being so obstinate and find a different method to make your views known to the federal government.

HON. MR. LANE: — Frankly, if I knew another method I would probably have embarked upon that, as well. I don't think there is one, in fact, for making it clear that the province subscribes to the policy that in the appointment of superior court judges there should be consultation. As I said, I have no preconceived suggestions as to whether it be formal or informal. I take the member's statements for what they're worth; but the government policy has been made clear. I don't know how you argue that it's unseemly, but that's your position. Obviously, as I say, we have a difference of opinion.

MR. SHILLINGTON: — Well, I am not prepared to argue the member's point that members of the bench should be appointed through a process involving consultation. I am distressed, however, to see you trying to achieve appointments through confrontation. And, that's what it is. It is not consultation at all, Mr. Attorney General, it's confrontation. And it is an unseemly way to appoint members of the bench, who are expected to adjudicate matters in a relatively non-partisan atmosphere. I suggest to you that any method of achieving a result with respect to the court which involves confrontation is most inappropriate.

HON. MR. LANE: — I gather then that I am carrying the same approbation as my predecessor who also withdrew the appointments.

MR. SHILLINGTON: — I'm not aware, Mr. Minister, of what the previous attorney general did. I am telling you that your activities have been most unfortunate in the operation of that court. It is unfortunate that the highest court in the province can not deal with its affairs in a timely fashion. I also think if I may deal with it on a more esoteric level, that I think the whole process of the province wanting to be directly involved, only adds to the problem we have with the appointment of judges in this country. I say this without in any sense being critical of any of the appointments that have been made, but the fashion in which judges are appointed in this province does not do the bench a lot

of credit. They sometimes have the appearance of choosing people who are loyal to the party in power, rather than those who are best able. In your desire to get your views known, and that just adds, I think, to the appearance to the public, that is, there's one more politician who wants to get his oar in on the appointments of the judges. Surely a better system would be what the British have — some sort of a judicial council which would provide for the selection of judges. Such a judicial council probably should have provincial appointees, but I no more think the Attorney General should be directly involved in making the appointments than I think the federal minister should. The whole process is unseemly, smacks of patronage, and does nothing for the prestige of the bench in this country. And I would ask for the minister's comments on what has been proposed by some people, and that is a judicial council in Canada, similar to the British system, which would select judges on a non-partisan basis so that no politicians, provincial or federal, would have their oar in the system.

HON. MR. LANE: — One can take it to the logical extension and that includes the Deschenes recommendations or report which has an element of the idea that in fact the judges themselves should make the appointments. I'm not sure that that is a desirable way to go. If you're talking about a judicial council making the appointments, who appoints the judicial council? We have examples, certainly in some American jurisdictions, where a supposedly independent body which is to oversee the appointments is appointed by the politicians who select the people who go on it, and the results are the same. So, whether one can find perfection is doubtful. I'm sympathetic to what the hon. member says.

I believe one of the real questions is, of course, the quality in the qualifications. We have had some superior judges in this jurisdiction who have had political backgrounds, and I suggest to you that it's not necessarily of itself, bad; that, in fact, in many cases, the fact that people involved in the political process deal with people on an everyday basis, they can bring that judgment to the courts. And, as I say, we have had some superior appointments from the political field, so although I sympathize with what the hon. member is saying. I doubt very much that we will get perfection, and if we accept that then perhaps there are better ways of doing it. I would certainly be open to suggestion.

MR. SHILLINGTON: — Mr. Minister, I think any reasonable study of comparative law or any reasonable comparison of our system, the British and the U.S., any fair study, would put ours well at the bottom.

It is true that there may be flaws in the American system, but it doesn't being to approach ours. There are at least some safeguards built into the system.

Surely, Mr. Minister, the issue is not whether or not this process may have resulted in the selection of some good judges; I don't deny that. My point is that the process has an unseemly appearance.

When people appear to be appointed, not for their ability to bring wisdom and a humanitarian view to bear on judicial questions, but for their service to a political party, surely that degrades the judicial institution and cheapens it. Surely, Mr. Minister, that detracts from the prestige of the bench.

I do not understand, Mr. Minister, I may say, your opposition to something which would approach the British system. It leaves politicians in charge, in an ultimate sense, in that I understand they appoint at least the majority of the members to the selecting body. But it also removes it from the direct political influence, so that when judicial appointments

come up, it's not simply a question of trying to determine whose chits are piled the highest. Surely, Mr. Minister, the British system of doing it would be infinitely better than ours. Any even the American system would be modestly better than that.

HON. MR. LANE: — I obviously have some difficulty with the hon. member's position.

The British system, of course, is totally different, in that they have two classes of lawyers. They have barristers and solicitors, and those that are trained in court work are the ones that become judges. We do not have that system in Canada.

Secondly, to argue that Canada's system is inferior to the U.S. system, which in many cases involves the election of judges, leave me somewhat cold, quite frankly. I think that our system is better than that.

I think that our system has to be different, because it recognizes that our solicitors in the common law jurisdictions are barristers and solicitors, whereas in England, there is that differentiation. And that makes a big difference on how the system operates.

MR. KOSKIE: — Mr. Minister, you have indicated that your basic concern is establishing a consultative process, and fair enough. I think my colleague has indicated that while you negotiate or hold back the appointments during the process of getting this into place, this consultative process, the justice system, in our view, is suffering in that there's a delay in the handling of the cases at the highest court in our province.

Just as a final note, Mr. Minister, would you indicate whether you have, in fact, joined with any of the other provinces, and which ones, in so far as establishing and discussing with the Minister of Justice, reviewing and obtaining a new consultative process?

HON. MR. LANE: — It's certainly been made abundantly clear by several jurisdictions that, in fact, there should be consultation with the provinces in the appointment of superior court judges. That's been argued in the constitution and continues to be the position, I believe, of most provinces.

I would not agree to the idea that there should be a formal confrontation between the provinces and the federal government because the federal government — let's accept the fact — under section 96, has jurisdiction. There's no question about that. And I'm not sure but that that simply wouldn't inflame the issue beyond the point of being able to have a quiet resolution, which I'm hopeful will come.

I wonder if I may, just for the edification of, certainly, the members opposite . . . I'm going to quote from a Telex sent on July 7, 1981, by the former attorney general to the Hon. Jean Chretien, Minister of Justice and Attorney General of Canada. I'm going to quote the last paragraph; I'm not taking it out of context. It reads as follows:

I would trust that in considering appointees there will be a full and meaningful consultation with me as the minister responsible for the administration of justice in Saskatchewan.

Signed: Roy Romanow, Attorney General for Saskatchewan

MR. KOSKIE: — Fair enough. I think that during the time that the former Attorney General was in office, there were appointments, and obviously, he was able to work out

a consultative process. Certainly some of the former justices were appointed. What I want to ask the minister is whether he knows of any other provinces currently which have taken the position of refusing to appoint further justices to their courts of appeal or their highest court during the time that they're discussing with the federal government a more favorable consultative process. Is Saskatchewan the only province which has delayed the appointments, seeking a better consultative process?

HON. MR. LANE: — As far as I know, yes.

MR. KOSKIE: — I want to turn, Mr. Minister, to another area, an area of some concern to me. I have an article here, and I just want clarification. I'm not suggesting any allegations in respect to the running of the department, but I want an explanation. This is in the area where charges against a Regina firm state (and I think the Attorney General will be familiar with that):

The crown has stayed a charge laid against Baker's Electric Limited following the death of a company employee two years ago. As a result, plans for a new trial for the Regina firm have been called to a halt.

And it goes on. I think the Attorney General will be familiar with that case. The article goes on, and I recognize that this is a press statement, reported by the *Leader-Post*, but it says:

Del Perras, director of public prosecutions for the Attorney General's Department, said the decision to enter the stay was made following consultation with the provincial occupational health and safety officials. He said officials feel they have achieved a fair amount of success in drawing some safety issues and problems to the public attention.

I guess that's not a direct quote, but it indicates the position of Mr. Del Perras, the director of public prosecutions, and the reason for staying the charge.

What I want to do is ask the minister whether it is usual for the director to in fact, other than on legal grounds, present a reason for the staying of the charges. It seems to me that really, what it is here, is a government policy or whoever he contacted as the article indicates.

HON. MR. LANE: — I am not familiar with the case. As long as I am Attorney General of this province, I do not intend to interfere with the prosecutions, nor have I, nor will I, as I say. I'm not familiar with the case; I'm not familiar with what action was taken but I can assure you that any action taken by the director of public prosecutions was taken by the director of public prosecutions of his own volition.

MR. KOSKIE: — I acknowledge what you say and I am concerned in respect to this statement. And it goes on to say:

Del Perras, director of public prosecutions for the Attorney General's Department, said the decision to enter the stay was made following consultations with the Provincial occupational health and safety officials. He said officials feel they have achieved a fair amount of success in drawing some safety issues and problems to the public attention.

Now, I would have thought that the minister or his officials would be familiar with the

case. But I am concerned in respect to the position alleged to have been taken by Del Perras as to the reason for halting the court action. I would have thought that his decision would be solely on the grounds of whether they had legal grounds to proceed.

HON. MR. LANE: — Well, as I made clear, I don't intend to discuss the case and I have not discussed the case. I will . . . I suppose all I can tell the hon. member is that if he wishes to discuss the matter with the director of public prosecutions, feel free. We will indicate to the director that you may wish to be in touch with him in regard to the matter.

I think in general terms, in prosecutions, you have to keep in mind that the prosecutors may decide whether they have a case or not. That is obviously one of the first decisions. Secondly, I heard you refer to the death of an individual that may have caused them to consider their position and the possible success of the case after I don't know. As I say, I'm unfamiliar with it. If you wish to discuss the matter with the director of public prosecutions, you know, that's your choice. We will not interfere nor will we discuss it.

MR. KOSKIE: — Fair enough, Mr. Minister. The concern that I have is not in respect, nor am I alleging any interference, get that clear. I am not alleging that, all right? But I am saying that for the public, Mr. Minister, to read what I have read to you would, in fact, lead one to believe that the director of public prosecutions made a decision on the basis of his consultation with the provincial occupation and health, whereby he says that he feels that they have achieved a fair amount of success in drawing some safety issues and problems to the public's attention. So, basically, what I draw only to the attention of the Attorney General is my concern as to how that appears, in fact, to the public, and how, in fact, it could be interpreted. I'm not in fact alleging any interference — get me clear — but I am concerned with the statement which relates to what Mr. Del Perras indicates the reason for it.

I guess what I ask is that in the future, the Attorney General would at least draw to the attention of his staff that certain statements, whether correctly or incorrectly reported, but reported in the form that it is here, seems to me leaves certainly an impression that considerations other than the legal were the overriding factors.

HON. MR. LANE: — Well, I don't want to be the first one to stand up and defend what's in the *Leader-Post* as being accurate. I suppose that can be your role, but I suggest to the hon. member that he may wish to make a distinction between Criminal Code matters and regulatory bodies, because sometimes the discretion would be exercised differently. I can give you a past example, before I was appointed to office, of the dewatering case of Cluff Lake where, in fact, the prosecution was not proceeded with because, although there had been a technical breach, the company was then complying. So that perhaps there is more discretion in some of the regulatory matters than on the Criminal Code, and I would hope that the hon. member would keep that distinction, amongst others, in mind.

MR. KOSKIE: — Well, fair enough. Using the example that you did, you didn't tell quite all the facts of that, because it went beyond the independent opinion in the particular case . . . (inaudible interjection) . . . Well, you should. I think you do.

I do raise that, though, the perception that can be left with the public, and certainly in the past I want to say that I think hon. members will agree that as you have indicated, the Attorney General scrupulously stayed away from any interference or any direction, and I welcome the statement of the Attorney General that that was the direction that he hopes to, and indeed is following.

I just want to turn to one other isolated area, and that is in respect to The Jury Act, Mr. Attorney General. The Jury Act was in fact passed, and it wasn't proclaimed. I wonder whether you have a position in respect to The Jury Act.

HON. MR. LANE: — The legislation that was passed left the discretion as to whether there would be a jury trial in the hands of the judge. We are bringing forward legislation, probably this spring, which will take away that absolute discretion so that there will still be maintained a right to jury trial. That was at the request of the bar association.

MR. KOSKIE: — It is, I take it, then, your intention to proceed with that, subject to that change.

There's one other area that I want to touch on, and that is in respect to judicial centres. It seems to me that (not that it is around for the time) there certainly is considerable concern in respect to any proposal to decrease the full service at the various judicial centres. The one which, of course, I am most familiar with is Wynyard. I know the Attorney General has been looking at that. I think that any retraction of the judicial centres and the full service, although it may in some terms be less than what someone may say efficient . . . The thing that I want to impress upon the Attorney General is that a too-centralized form of justice can also have, in fact, its drawbacks.

I think that having judicial centres in places like Wynyard, Moosomin, Shaunavon, Gravelbourg, and Assiniboia are vitally important to, first providing a full range of services to that community and to the bar. I think it has been, certainly, a factor in allowing a larger number of lawyers to settle at those judicial centres. I think any retraction of the number of judicial centres, in spite of the fact that you might be able to save some money, is a backward step, backward from the standpoint that it tends to centralize the justice system.

Secondly, it will decrease the desirability of many lawyers to go where there is a judicial centre. If we were to eliminate a number of them, it seems to me that what you would do is tend to dry up the legal profession in the communities across the province. So, accordingly, I know that the department has, in fact, been looking at it. I urge the minister to rethink that. Certainly, in respect to Wynyard, I think there is strong support for maintaining the full service. I would like the minister's assurance that it will continue to be.

HON. MR. LANE: — Previous governments have always been faced with that problem. I'm very sympathetic to what the hon. member says. What's happening though, and one of the factors that comes into play, is the fact that the lawyers in the rural areas are in fact settling where the opportunity lies whether there's a judicial centre there or not. To take your argument would mean that they would only settle in areas with judicial centres. In fact, the bulk of the writs being issued and the suits commenced come in from the rural areas by letter.

By way of example, in 1981 suits commenced in the Court of Queen's Bench — and I'll just give you this by way of example — a little better than 9,000, just about 6,500 — are from the centres of Prince Albert, Regina and Saskatoon. But I'm very sympathetic to what the hon. member says. We will give his views the full consideration and taken into account in our decision the impact on rural communities of any such decision.

MR. SHILLINGTON: — There's some interest in this topic, Mr. Minister. I want to make

the suggestion, Mr. Minister, that there's a good deal less reason to close these judicial centres than there used to be, with the change in rules. They were at one point in time a fair nuisance, when you had to have an agent appear in chambers in some of these small centres. Indeed there was one judicial centre in which there were no lawyers residing in the community, and the closest lawyers resided about 60 miles from that judicial centre. None of that now, of course, is necessary. Most of this can be done by mail. Even chambers can and is frequently handled by telephone. It's very rare now that you need to send someone from your office out to a judicial centre. It can almost always, with the reformation of the rules of court, be handled in some other fashion: by mail or by telephone.

I know one Regina lawyer who travelled out to Wynyard only to find out that the judge was dealing with the thing by telephone from Regina, and he travelled from Regina. I suggest to the Attorney General, with the change in rules, there is far less reason now to close some of these judicial centres than there was. I'm not saying you may not want to move some of the judicial centres. Your argument that the lawyers may not be where the judicial centres are is fair and you may want to move some of them. But I would strongly argue that none should be closed. Justice should be as close to the people as possible. And if justice only exists in the big cities, it isn't going to appear to be very close to people who live in rural areas.

HON. MR. LANE: — They have my commitment that the access to the justice system will certainly be maintained. I think that's really the question that we're concerned about: that the public (the hon. member says particularly the people in Wynyard) have access to the justice system. There's two other prime examples.

MR. ENGEL: — Thank you, Mr. Chairman. Mr. Minister, I would like to re-echo that point. I think if I looked at a document proposal that listed the judicial centres that were listed for proposal, I'd like to draw your attention to the two in the southern area, and particularly Gravelbourg and Assiniboia. I think if you look at those two centres in particular, you'll find that your costs are not a negative cost to the department in those two centres. When I looked at that list, and without weighing one against the other or saying that we should keep some open at the expense of another. I think there is a prime example — if that centre would be pulled out of, say, Gravelbourg, where you have a bilingual potential for a court there, plus you have three resident lawyers. Talking to the lawyers down there, they feel that if that judicial centre would be closed, it would affect the workload of at least . . . create the kind of a potential where two of those three offices would likely move out of Gravelbourg. I think that you should seriously consider that. I know that that same kind of potential has been raised from within the department, before. I argued strongly, and it never went any further than that. I think if your department people raise it again, I think you should still reconsider that matter and use your good office to maintain these services in those areas.

HON. MR. LANE: — Again, I've repeated that I've given you the commitment that acts as to the courts would in fact be maintained. I take it a step further. I believe there are renovations proposed for Gravelbourg, or they are in process now. So I don't think the member should be unduly concerned at all.

MR. ENGEL: — Can the minister tell me about how much money has been spent on the renovations in Gravelbourg?

HON. MR. LANE: — We'll pull that information for you and we'll supply it to you.

MR. ENGEL: — The other point I was going to raise: were those renovations in particular that would relate to court duties or would that be for alternate use in the courthouse?

HON. MR. LANE: — I'll get you that information as well.

MR. ENGEL: — My understanding was that it is a Department of Education office that's moving in there — a consultant office for the Department of Education. A former Tory candidate by the name of Rene Archambault is getting a nice little office made for himself down there.

HON. MR. LANE: — He deserves a nice office.

MR. KOSKIE: — I have a few more specific areas. I want to get into the overall budget itself.

In respect to the police commission, is it the intention of the minister to continue the concept of the police commission? Can you . . . (inaudible interjection) . . . In respect to the make-up of the commission, I believe there were three members on that commission. I understand that one Sharon Armstrong was terminated by order in council. I wonder whether the minister could elaborate on the reason for the termination of that member of the commission.

HON. MR. LANE: — I believed that there should be some native representation on the police commission and I appointed Oliver Brass.

MR. KOSKIE: — I'm wondering whether having terminated the appointment the Attorney General could indicate whether or not any formal notification to the person involved, who had served the commission for several years, was in fact sent to her. My understanding is that there was an OC passed terminating her appointment, that there was no formal message or letter or . . . She found it out by way of rumor. There was no formal letter written to her.

HON. MR. LANE: — If that happened, I'll apologize, but I know I did send a letter of thanks for her years of service. If notice hadn't gone, it was an oversight, and I'll undertake an apology because it wasn't delivered, if it has . . .

MR. KOSKIE: — It is my understanding that she got no notification on it. Should we check it out, perhaps?

HON. MR. LANE: — I'll check that out; if she didn't I'll extend my apologies.

MR. KOSKIE: — One other area that was of some concern earlier this fall is with respect to the grants to the John Howard Society for their mediation-diversion program, I believe it was.

Can the minister indicate why the delay in the processing of the grants in respect to the John Howard Society and whether or not the grant was reduced from the previous year?

HON. MR. LANE: — I'm afraid the hon. member is not quite correct. The delay in payment came on an additional grant that they wanted because they had gone over budget on the program. We simply had to analyze whether, in fact, the overexpenditure, going over budget, was necessary. We subsequently made the grant

of, I believe, approximately \$11,000, which was the requested amount. So, it wasn't a delay in payment of the approved grant, but an overexpenditure.

MR. KOSKIE: — In respect to the new courthouses for Regina and secondly, in respect to Saskatoon, the new courthouse or the extension, I wonder if the minister could indicate what progress has been made.

I know in the previous year the Attorney General had indicated that the architect had been engaged as of November 1980. He was at work at the Saskatoon courthouse, and similarly some progress was made in respect to the courthouse in Regina. Could the minister indicate whether any further progress has been made?

HON. MR. LANE: — I believe that just simply the preliminary design was the extent of the progress. There has been no further progress, and an announcement will be made in due course.

MR. KOSKIE: — I think what the minister is saying is designs have been made. I'd like him to be more specific in respect to which courthouse he is talking about. Or are you talking about both?

HON. MR. LANE: — Yes.

MR. KOSKIE: — The architect, as had been indicated, for the Saskatoon project was already appointed in 1980, so I take it that from 1980 up until May 8, 1982 some considerable work had been done. Any further progress on the Saskatoon project since May 8, 1982, is really what I want to know.

HON. MR. LANE: — Well, first of all, there wasn't substantial progress that had been done. All that had been done was plot plans as opposed to any detailed architectural plans and as I say, there had been no further progress.

MR. KOSKIE: — Is it the intention of the minister to proceed with those?

HON. MR. LANE: — You would hate for me to divulge cabinet secrets and, as I said, an announcement will be made in due course.

MR. KOSKIE: — During the course of the year under review, has the department further looked at the construction of a courthouse in Regina and in Saskatoon, and have any proposed sites been in fact looked at? If you could, I would appreciate it.

HON. MR. LANE: — Well, obviously proposed sites were looked at in both cities and I can't, I'm afraid, give you a commitment whether there will be an announcement in the year under review, but there certainly will be an announcement in due course.

MR. KOSKIE: — Mr. Minister, what I would like you to provide me with is the total number of prosecutions in the year 1981-82 and the year 1982-83. I'd like to know the total number of prosecutions.

You want to provide that to me, that's fine. I want one other piece of information and that is the number of people that were incarcerated during the year 1981-82 versus '82-83.

HON. MR. LANE: — On the latter, we will have to go to social services

to get that information from corrections.

MR. KOSKIE: — But in your prosecution . . . (inaudible interjection) . . . Thinking it over, are you?

HON. MR. LANE: — Not yet.

MR. KOSKIE: — So there is reorganization. Are you going to provide that?

HON. MR. LANE: — I can't commit as to when you will get it, but we will undertake to do it.

MR. KOSKIE: — I appreciate that.

One other area, and that is in respect to legal aid. I understand, Mr. Minister, that you did in fact set up a commission, the former Justice MacPherson, to look into the legal aid system in Saskatchewan. It is my understanding that the report now is filed with the Attorney General. I would like to know a couple of details in respect to that. Have you a timetable when this report will in fact be made public? Well, I guess that's the first question.

HON. MR. LANE: — Yes, I have received the report. I indicated I received it last week. I expect to make the report public, and I expect to make it public a little later this week.

MR. KOSKIE: — Could the minister indicate the total cost of the MacPherson commission review?

HON. MR. LANE: — We don't have the final bills in, but the account we have to date is approximately \$20,000.

MR. KOSKIE: — Would you mind advising us the per diem paid to Mr. Justice MacPherson?

HON. MR. LANE: — \$400 per day.

MR. KOSKIE: — A little more than Messer.

To turn to the freedom of information — and you had the former Chief Justice Culliton holding hearings in respect to the freedom of information — could the Attorney General indicate at what stage that is, whether he has received the report, and when he is likely to receive the report if he hasn't received it?

HON. MR. LANE: — I believe Mr. Justice Culliton is being paid \$450 per day and I have not yet received the report. I expect the report, from the last word I heard from Mr. Culliton, probably April I gather. I'm going to say we've already been following the freedom of information policy.

MR. KOSKIE: — I want to ask one question which you asked last year, and that is in respect to the human rights commission. I want to know whether you have been receiving any complaints in respect to the operation of the human rights commission.

HON. MR. LANE: — As a matter of fact, I received one in the mail today, but when you ask about complaints, in many cases it is normal that a complaint will come in, you will

send it to the commission or the agency and ask for a reply back. It may turn out not to be a complaint, so I'm not sure that the question is a fair one in that sense.

MR. KOSKIE: — Well, I'll ask it exactly the way you asked. Has the Attorney General received complaints, written, verbal or otherwise, about the operation of the human rights commission?

HON. MR. LANE: — I'd have to check my files and just recall, but I've certainly received correspondence. Again, whether you want to designate it a complaint, or a concern, or whatever, I will indicate to you when I check my files whether I have received any formal complaints.

MR. KOSKIE: — Could the minister indicate whether the need for, and the operation within, the legislation that exists directing the affairs of the human rights commission, is generally satisfactory in his view, or whether or not he has anticipated any particular change in role for the human rights commission, whereby, perhaps some of the functions would be delegated to another body or the overall powers reduced fairly substantially?

HON. MR. LANE: — I don't anticipate any change.

MR. KOSKIE: — I want to ask another specific question that we could deal with in a particular subvote, but in respect to RCMP during the year that we are reviewing, were there additional RCMP personnel taken on in Saskatchewan?

HON. MR. LANE: — Eight.

MR. KOSKIE: — I also want to draw the attention of the Attorney General to prosecutions. The reason why I wanted these statistics is to indicate that I note there is a very considerable amount of additional funds that have been spent under prosecutions, and I was wondering whether it's because of the increase in prosecutions or are there any other reasons for a very substantial increase in that area?

HON. MR. LANE: — Well, the prime reason was to take over the municipal prosecutions in Saskatoon and Regina.

MR. KOSKIE: — And were there any other significant reasons that you are aware of, because the amount is very significant?

HON. MR. LANE: — No.

MR. KOSKIE: — I would like the Attorney General to provide me with any consultants that he has hired in respect to consulting work on behalf of the Attorney General's office during the course of the year. And I'd like to know the name of the consultant, the purpose for hiring the consultant, if indeed you have hired any, and . . .

HON. MR. LANE: — Do you want consultants of all kind or are you referring specifically to legal consultants or do you want consultants of all kind?

MR. KOSKIE: — I want the broad range of consultants that you have hired during the course of the year.

HON. MR. LANE: — I will send over a list or I can read them out to you. The human rights

commission totalling \$24,907: Allan Duddridge Architect Ltd., \$14,142; Susan P. Matthews, \$2,964.61; Pratt Management, \$1,327; Debbie Fink, \$314.50.

The first one was an accessibility study. The next three were affirmative action consultants.

Dr. Arthur S. Leon, \$885; Robert A. Bruce, \$297.50; William M. Mercer, \$3,000.

The first two were a human rights case, *Day v. City of Moose Jaw* and *Moose Jaw Firefighting Association*. William M. Mercer, \$3,000, was for consultant fees, and I believe that was dealing with pensions — my recollection of the files were pensions. Dr. P. O. Davis, consultant, *Day v. Moose Jaw Firefighters*.

And I will send this over to you. I might add that the only consultant that has been appointed since I was appointed Attorney General is the MacPherson study. The rest were previously appointed.

MR. KOSKIE: — What I would like the Attorney General also to provide me with is a complete list of all the law firms or lawyers who have been appointed as prosecuting agents for the Attorney General's department.

HON. MR. LANE: — We'll have that for you in a minute. If you have any further questions, go ahead.

MR. KOSKIE: — I would like also the names of any firms, law firms, engaged by the Attorney General for legal work for any purpose, for whatever purpose, indicating the purpose and the amount paid during the course of the budget under review.

HON. MR. LANE: — Yes, we'll supply you with all that. I know you'll find it very, very interesting reading when you compare the amounts paid by the previous government and the amounts being paid by the new government. Then you'll notice that the bulk of the bills were for work that was done prior to May 10, 1982.

MR. KOSKIE: — Not much done since then. I want to turn to a few specific questions. I would like the names, positions, salaries of all members of the minister's staff. I think you're familiar with that.

HON. MR. LANE: — The staff consists of Mr. Blair Coomber, the executive assistant — salary \$2,803 per month; Mr. B. Patrick Carey, special assistant to the Attorney General — \$5,833 per month; Margaret Folk, clerk-steno 4 — \$1,894 per month; Sheila Hammond, minister's secretary — \$2,056 per month; Rosemary Kuzyk, clerk-typist 3 — \$1,559 per month; Sandra Little, clerk-typist 3 — \$1,550 per month, I apologize — Mr. Coomber is in fact under the Provincial Secretary's budget.

MR. KOSKIE: — Are any of the minister's staff hired through contract as opposed to OC appointment?

HON. MR. LANE: — They're all OC.

MR. KOSKIE: — Are any of the members of the Attorney General's staff assigned a CVA vehicle?

HON. MR. LANE: — Other than myself, no.

MR. KOSKIE: — You indicated all of your personal staff. Do you have one of those acting as a press agent or a communications agent? Or do you have another one hidden away that's a press agent?

HON. MR. LANE: — So that there's no misunderstanding, some of the staff are paid by intergovernmental affairs, some by provincial secretary. I don't know how you wish to do that. I'm sure that as questions come up in each of those departments you'll find the staff complement.

MR. KOSKIE: — The staff complement that you gave me relates to the Attorney General?

HON. MR. LANE: — Right.

MR. KOSKIE: — Can you indicate how many vacant permanent positions there are in the department?

HON. MR. LANE: — The net figure is 21. There are 77 total vacancies; 56 of those are incumbent by non-permanent.

MR. KOSKIE: — I wonder if the minister could provide a record of all CVA aircraft flights charged to the department since May 8, indicating the date, place, departure, destination, and names of persons the flight was charged to in the department.

HON. MR. LANE: — We'll have to supply that. It may be for the full year.

MR. KOSKIE: — Fine. I'd also like the number of charter flights charged to the department since May 8, similarly indicating the date, place of departure, destination, the person this flight was charged to in the department, and the cost of each such charter.

HON. MR. LANE: — We will have to fill that in. That would all be judges and prosecutors, of course.

MR. KOSKIE: — I'd like the minister to indicate the names of all of the personnel who were fired or whose employment was terminated in his department since assuming the office.

HON. MR. LANE: — No one was fired.

MR. KOSKIE: — I guess we're on a question of definition. How many individuals resigned once you became the minister in charge of the Attorney General?

HON. MR. LANE: — I'll give you the order in council terminations: Joanne Bonneville, Phyllis Godfrey, Janice Stocks, Carolyn Wallburn, John Scratch; in the communications secretariat: Donald McMillan, Marvin Blauer, Ashley Blackman, and Gordon Fiechert.

MR. SHILLINGTON: — Thank you, Mr. Minister. Are you the minister in charge of the public utilities review commission?

HON. MR. LANE: — I'm the minister responsible for the public utilities review commission.

MR. SHILLINGTON: — Thank you very much. I want to ask you some questions. I'm sure you can anticipate the nature of those questions. I would appreciate a definitive statement from yourself as to what the goal of the public utilities review commission was. I was under the mistaken impression it was not a game of smoke and mirrors or a travelling road show. I was under the impression, I gather somewhat mistaken, that the function of the public utilities review commission was to control the cost of services to the community. That clearly is not going to prevail if the views of the member for Regina South prevail, because he would have them control rates and not the level of service.

I think it is, at this point in time, common ground that to obtain the same level of coverage as one obtained last year, it's going to cost you a good deal more than 6.7 per cent if the views of the member for Regina South prevail. I likened it on Friday to controlling the cost of a chocolate bar without controlling its size. You haven't accomplished very much. I'd appreciate from you, Mr. Minister, a statement as to what function the public utilities review commission is supposed to serve, and if so, what its powers are, in your view. We have, as you know, a bewildering number of views as to what that commission is supposed to be and what its powers are. So I'd appreciate a statement, Mr. Minister, as to what you think its function is.

HON. MR. LANE: — The commission has several functions. One dominant function is to make sure that the rates proposed by crown corporations are in the view of the commission fair and reasonable. The commission as a result has the power, in our view, to accept or reject or modify rate applications by the applicable crown corporation.

A further dominant function of the commission is to give the public an opportunity to make its views known for rates proposed by the crown corporations under the purview of the commission. I doubt that the members will disagree that the previous practice of basically raising rates in secret had much public support. There's no doubt now that the crown corporations are going to have to be public with their rates, are going to have to defend those rates before a public tribunal, and run the risk of having those rates reduced, perhaps rolled back, whatever decision that the commission takes. I believe that those are two of the dominant functions of the commission.

Whether the commission will in fact reduce the costs of services is a question that the Leader of the Opposition raised. If in fact the costs, interest costs or whatever costs of carrying on a crown corporation, there may be rate increases. The fundamental difference between this government's position and the previous government's position is that at least, whether one agrees with it or not, there will be a public forum to discuss those rates proposed.

MR. SHILLINGTON: — Mr. Minister, you aren't going to get me into an argument as to what the policy of the former government was: in private I was not particularly supportive of the position that was taken. I don't intend to try and support it now. And I think as well, Mr. Minister, in these endless discussions about what the former government did, you people missed something: there was an election and that was supposed to change something. But it hasn't in this regard if the views of the member for Regina South prevail. Now I asked a simple question: does the public utilities review commission have as one of its functions controlling the costs of services to the consumer?

HON. MR. LANE: — It's certainly going to review the rates proposed. If you mean by controlling costs, can it roll back the interest rates at which crown corporations are

going to borrow money, of course it can't. If you are saying, can it control the labor costs that may go in and become a significant portion of the crown corporation's operating expenses., no it can't.

So when you say "controlling the cost of services," I don't know where that takes you, because I don't think you're arguing that position. The question is: if a crown corporation submits a rate increase, will there be public review of that rate increase and does the commission have the power to roll back that rate increase? It most certainly does.

MR. SHILLINGTON: — Does the public utilities review commission have as one of its functions to control the cost of services provided by crown corporations to consumers?

I did not ask the Attorney General whether or not the public utilities review commission could control the cost that the corporation experiences in providing the service. Quite clearly it can't.

I suggest to the minister you are being blatantly evasive if you insist on talking about the cost to the corporation. I am not asking about the cost to the corporation. I am asking you: does the public utilities review corporation have as one of its functions controlling the cost of the services provided by crown corporations to consumers?

HON. MR. LANE: — Certainly, the crown corporation would control the cost of services to the public, if, in fact, every operating cost increase stayed the same — became neutral — and then the corporation came in with a rate increase, certainly.

MR. SHILLINGTON: — I'll try again, Mr. Attorney General, because you are avoiding the answer.

I cannot think of a more basic question — certainly one which is fair. I cannot think of a more basic question. Is the public utilities review corporation supposed to be controlling the cost to consumers of services provides by crown corporations? Is that one of its functions? Yes or no?

I do not need a lengthy lecture on the mechanics of running a crown corporation. I simply need a yes or no.

HON. MR. LANE: — Except I've answered you on three different occasions.

If you are asking me, can the commission control the costs of services when perhaps the operating costs of the crown corporation are increasing, perhaps the borrowing costs are increasing, if those factors are in place, then obviously the commission can't control the cost, because I've indicated to you that it can't roll back wage increases for employees in crown corporations. Nor do I think you're arguing that it should. Nor can it cut back and roll back the interest costs. So, to that point, you know, I've answered that three times.

I'm not sure that you're asking the question . . . Well, let me put it this way: I suggest to you that the question that you have is not a realistic one in that if you're asking whether the public utilities review commission can roll back wage increases, change collective bargaining agreements, change interest costs, no, it can't.

Can it review the operations internally? Yes, it can. It may disagree with the potential capital expenditures of a crown corporation and say that that's unnecessary, which may have the effect of reducing costs.

So, you know, I say take the operations of a crown corporation. If all of those normal operating costs were to stay neutral and at the same level, and then a corporation came in for a rate increase, at that point the public utilities commission could well cut back the costs.

MR. SHILLINGTON: — Is the Attorney General saying that it is unrealistic to expect the public utilities review commission to control the cost of services provided by crown corporations to consumers because the public utilities review commission can't control the costs of the corporation in providing those services? Is that what you're saying: it is not realistic?

HON. MR. LANE: — As a matter of fact, the commission well may take a look at the operating costs of a crown corporation and decide that as a result of the operating costs, the rate increase applied for by the crown corporation is not reasonable, and roll it back. It may take into account, for example, the existing rate structure that was initially filed — the base rate structure — and may in fact roll that back. It's our opinion that those basic rate structures that were filed are under the purview of the commission. So the commission could well roll those back.

MR. SHILLINGTON: — Under the view expounded by the member for Regina South, what is to prevent a crown corporation from asking for a rate increase, and then after the rate increase is denied, decreasing the level of service to the consumer, and so recouping the same financial result? What's to prevent the protection supposedly being provided by the public utilities review commission from being rendered meaningless by a reduction in the size of the chocolate bar, if I can use that image?

HON. MR. LANE: — Of course, what happens is that in the future rate application, that would be one of the factors that the public utilities review commission would take into account and reduce the rates accordingly.

MR. SHILLINGTON: — But, Mr. Minister, I do not see what's to prevent . . . If that's the rules of the game, and if that's acceptable, and if they can do that, I see no reason why the crown corporations couldn't get away with it an endless number of times. What's to prevent it from doing it the next time? I admit that this particular example may require legislation. You people may finally decide you're going to assume some responsibility for the operation of crown corporations, and exercise some discretion, and refuse them. But Mr. Minister, there are an endless number of examples where the levels of service provided by the crown corporations don't require legislation to change. It just so happens this is an unusual example.

Surely, Mr. Minister, it is only realistic to expect the public utilities review commission to control the level of service. There are an endless number of examples of such bodies which do, I suggest to you the Canadian Transport Commission is faced with many of the same — all of the same problems — which your now disembowelled commission is faced with. It controls the level of service, and it effectively controls the cost to the consumer. It does that not just with respect to the level of service provided by railways, but with other things as well with which it is charged, such as some telephone systems, Mr. Minister.

Surely, it is possible, plausible and frequent for price control mechanisms such as this to control the level of service. It is done at the CRTC level. It is done at most other regulatory agencies. Why is it so impossible for the corporation to put forth before a commission its estimate of its expenditures and live with that for the next year? Why is that so impossible for a crown corporation to live with its estimate of its costs? There may be rare examples where something disastrous would happen, and I suspect if it did, the commission might review the matter more often than a year. Surely, it is only reasonable to expect a crown corporation to make an estimate of its costs, one that it is prepared to live with, file that before the commission and let the public utilities review commission make the final decision.

HON. MR. LANE: — In fact, I suggest to you, it would be extremely difficult for a crown corporation to reduce the level of service on those rates for which it has been awarded an increase. I suggest to you that in fact it may do it once, and I would doubt that, but that would be a major factor taken into account in its next application.

Now for you, I never thought I would be in the position of having to be the one to defend the crown corporations against an allegation by the NDP that in fact they're like Bell Canada appearing before the CRTC, and that they would act accordingly. I think you demean the crown corporations by taking that approach. In fact, we expect the crown corporations to be free and frank with the information that they are given. The commission will receive the full co-operation of the crown corporations in their ability to assess the position of the crown corporations and accept, reject or modify the rate increases applied for by the crown corporation — a far more open, and I believe, fairer position than that which existed in the past. And I realize your preface about your views in that regard.

MR. SHILLINGTON: — It's remarkable, Mr. Chairman; we now have yet a fourth position on this poor public utilities review commission. We have the position of the minister that the level of service can be changed, but that doesn't affect cost. Cost is defined as "rate." That's his position; it doesn't affect costs. We have your position that it is not realistic to expect the public utilities review commission to control cost to the consumer because it can't control the costs of the corporation.

We have the premier's position that the whole thing is a grey area and will be under review. I am only thankful there are no more ministers involved in this thing, because if there were, I am sure we'd have as many positions as there were ministers. I say, Mr. Attorney General, the approach that this government has taken to this thing has done the public utilities review commission a great disservice. It began life with a good deal of credibility, and you have disembowelled it, not just in the sense that you have taken away its powers to control the cost to the consumer, but you have disembowelled it in the sense that you have tarnished its image. You have given this public utilities review commission the image of merely being cosmetic. In the end, the corporation will control the bottom line anyway. When they control the bottom line, they control the costs to the consumer.

You've made a curious comment: you indicated that they would only get away with that once, suggesting that this was somehow or other a nefarious thing for a corporation to be doing. Why don't you make it impossible, if you think it's not proper, why don't you just make it impossible for them to do, by ensuring that no change in the level of service can be provided without the consent of the public utilities review commission? If it is so nefarious that a corporation can only do it once and forever be unable to live with the retribution handed out by the public utilities commission, why don't you make it

impossible?

HON. MR. LANE: — On one hand you're asking us to interfere with the commission and on the other hand you're criticizing us for interfering with the commission. I wish you'd make up your mind which way you want to go. I have every confidence that the public utilities review commission will handle the applications and make rulings that they believe to be fair and reasonable. I believe that the commission has ample powers — ample powers — to be able to look into the operations of the crown corporations.

I have, as I say, perhaps a little more faith in the crown corporations than the hon. members opposite. I don't think that there's going to be any deliberate nefarious attempt by the crown corporations to usurp the jurisdiction of the public utilities review commission. Let me assure you that if there is any indication that a crown corporation would attempt to abuse it, this government will be the first to introduce legislation in this Assembly to prevent it. We don't expect it to happen. And we expect that the commission has ample power to be able to make sure that the rates are fair and reasonable.

So, I leave that with you that the commission, and I think I'm paraphrasing the Leader of the Opposition in third reading, when he indicated that the commission will establish its own credibility. That's precisely what will happen. And we could have both parties fighting the existence of the commission. Yet the commission with the powers it has under the legislation has the opportunity to establish its own public credibility. It could do that with the support of both parties. It didn't get it, but it will establish its credibility anyway.

The success of the commission, and we know that, is going to rest on its public acceptance. I'm sure that, given the qualifications of the people on the commission, it will not be long before it has public acceptance, and it will not be long before it has the full support of the public in its review of the crown corporations that come under its purview.

MR. SHILLINGTON: — Well, I may say, Mr. Minister, that the credibility of the public utilities review commission will be established by the manner in which it's able to deal with the applications before it. And if it effectively unable to guarantee that the costs to the consumers are kept within a reasonable level, it's not going to have much credibility.

I may say as well, you and the Premier suggest that if it can't control the level of cost, it will at least serve as sort of a debating forum. But if you're debating with only half the facts known you haven't accomplished very much. Mr. Minister.

If, in fact, SGI were to file an application for a change in rates and not disclose to the corporation that a change in the deductible was imminent, the debate and all the discussion before the public utilities review commission would be largely wasted.

I asked the other day for a set of guidelines. If you will not at least give the public utilities review corporation the powers that you said it would have when you introduced it . . . you said it would control the cost to the consumers. A new day was dawning. No longer would consumers be subject to these exorbitant increases that they used to be subject to in the bad old days before April of '82. You said a new day was dawning, but if that's not to be the case, if the corporations are still to make their own decisions, will you at least give us an undertaking that the corporations will make full disclosure.

I want to say, Mr. Attorney General, that the fashion in which this Assembly discovered this affair does little to enhance the credibility of the public utilities review commission. A minister was asked in this Assembly for a statement of the amount of the increase. He gave it to us at 6.7 per cent. As I recall that question period there was no opportunity to pursue that, because the end of the question period came. He was asked in a scrum outside the House whether or not the deductible would be increased. He said, "No." One more question period proceeded on the basis of that answer. We assumed it; he did not repeat it in the House; we assumed that to be the case. And then his general manager revealed the truth of the matter in yet another scrum outside the public accounts committee. And there certainly wasn't any excess of effort, Mr. Attorney General, to make full disclosure to this House. And if he wasn't knocking himself out to make full disclosure to the House, how on earth can we expect full disclosure to be made to the public utilities review commission?

Surely if you won't give the public utilities review commission the powers that you clearly said it would have, surely at least you will give us your undertaking guidelines will be provided so that the crown corporations have to make full disclosure of their intentions.

HON. MR. LANE: — The commission has the power under the act, as the hon. member knows full well, to ask the crown corporation for its intentions and objectives, etc., so it can fully ask. As I say, if in the future a crown corporation comes forward and lies, which is really the allegation being made by the hon. member, I'm sure that the condemnation of the people of Saskatchewan will come down around the crown corporation. Secondly, this government will be the first to bring in legislation to prevent it. We do not think it necessary. We believe that the commission has some very road, vast powers to ask those very questions and if there's any reservations on the part of the commission, all it need do is ask the crown corporation. The powers in this commission are extremely road, and as we say, I think the best way to resolve the matter is let the commission operate.

As we've indicated and as we've made the commitment, we doubt very much that there will be deficiencies in the way the commission operates. Should there be, we will make the changes. I think you should remember as well, that the commission has the power of public suasion and I believe that that will always be the ultimate weapon of any public utilities review commission in any jurisdiction — its ability to convince the public of its position. And woe betide any government that stands in the way of an angry public led by a commission which feels that it's not being treated properly or being dealt with improperly by those within its jurisdiction.

MR. SHILLINGTON: — I'm going to leave the subject, Mr. Minister, if I may say, with a profound sense of disappointment. I genuinely believe that the minister did not understand the situation when he was involved in the House here, and in the scrum outside the House, and later on in the House. I genuinely believe he misunderstood it. I had hoped that corrective action might be taken so that this public utilities review commission might be what we all thought it was going to be. It's becoming apparent by your answers that the government is certainly too obstinate to admit it made a mistake, and is going to leave the public utilities review commission in a disembowelled condition to avoid further embarrassing the member for Regina South. I am profoundly disappointed that you people didn't have sufficient maturity to admit your mistake.

I want to get on, Mr. Attorney General, to the per diems paid to consultants that you

mentioned. I am, I want to be frank, surprised at the size of them. I am not attempting to make this into a mini-version of the Don Macdonald affair. There is one clear difference, and that is that in this case patronage was clearly not involved. I want to make that clear, that I'm not suggesting this was somehow their patronage, but if I may say, I am surprised at the \$400 figure. I just wonder how you justify paying that kind of a salary which works out . . . I did it quickly without the benefit of a calculator. I am not sure if I ever did master my grade 2 math, but it works out to me to a little over \$100,000 a year. I wonder, Mr. Minister, how you justify that figure, particularly to someone who is enjoying a healthy pension as both those two individuals are. At least with respect to Don Macdonald's \$800 figure, he could argue that he has an office to maintain. I can understand that. I run a spartan office. It is not, in any sense, lavish, as befits the clients that I deal with, and it costs me over \$200 a day to run my office. I could well imagine it costs Don Macdonald a pretty penny to run that office in downtown Toronto, but these people have no expenses that I can see to pay out that \$400. To use a phrase that this government reinvented: that's money in their pocket. I'm wondering how you arrived at a figure at a per diem of \$400 for people who (a) already have a pension, and (b) have nothing in the nature of expenses to justify such a figure.

HON. MR. LANE: — Well, I can't tell you how my predecessor arrived at the figure of \$400 (and I correct the figure) a day for Mr. Culliton. I mean, I simply cannot answer that figure, but obviously, certainly a precedent was established because that then became a bit of a, certainly, requested figure. As the hon. member indicates, patronage was not a factor. These people, I think, are accepted as qualified by all members of the Assembly. There's no doubt that if we wish to get the people of stature that we want to do these studies, we are going to have to pay what they request. As I say, I can't give you any reason why the initial \$400 figure was chosen. It subsequently seems to become the norm at this type of expertise. I can't answer any more than that.

MR. SHILLINGTON: — I want to ask a question, Mr. Minister, on the . . .

HON. MR. LANE: — I'm sorry. Can I just answer further? I can tell you what was paid so that you don't get the idea that it's \$100,000 a year. I gave you the figure earlier. I believe that there was about \$20,000 paid on Mr. MacPherson and from April to January 31 of Mr. Culliton was \$42,000 and . . .

MR. SHILLINGTON: — Well, leave that area, Mr. Minister. I want to go on to the question of the law reform commission. Is the law reform commission considering the area of the matrimonial property laws with a view to recommending any changes?

HON. MR. LANE: — They're reviewing it. They've been reviewing it for over a year and we expect they'll be another few months at it, but we don't have a report back, interim or otherwise.

MR. SHILLINGTON: — So you have no very definite ideas as to when you're going to get a report back from them. The one further comment (I think more than a question), is with respect to legal aid. We will obviously have an opportunity to debate this in the next session of this legislature. Similarly we are not going to have an opportunity to debate it in this session. I want to say, and I will do so very briefly, that I sincerely hope there is no diminution in the role of the legal aid commission and no diminution in the level of services provided. I recognize that some of these problems did not begin with your administration.

I think there is good reason . . . (inaudible) . . . of their role. I think it is

unfortunate that their ability to handle divorces is as limited as it is, because there are people who need divorces who cannot afford them, and cannot get them from the legal aid commission. And, I would hope, Mr. Minister, that whatever the report says, I would hope that the level of services and the range of services provided by that commission would be broadened and not narrowed.

HON. MR. LANE: — I can indicate that you may well take it upon yourself, using the rules, to debate the MacPherson report this session. I can't say that you're excluded on that, but certainly you'll have ample opportunity next session. I believe that you will find the report and its recommendations fair. I believe that you will find the report is concerned about the existence of a legal aid plan that in fact supplies reasonable services to those of Saskatchewan that couldn't afford services otherwise.

With regard to your question on the matter of divorce and the accessibility, in my mind perhaps the problem is far better addressed by changing both the law and the rules as to how divorce is obtained. I'm very supportive of the English system of divorce by affidavit, if there is consent, that in fact that be filed. I happen to subscribe to at least a 3-year waiting period. The existing waiting period — I don't agree with consideration of reducing that waiting period for a consent divorce, but certainly once there is a consent, the 3-year period is past. I believe that it should be made as easy as possible and as cheap as possible. So again, I believe in that change, and I have so urged the Minister of Justice for Canada to support such a change. It may well be, and again, we have some indication that the Minister of Justice for Canada, in his promised amendments to the Divorce Act, that we will in fact see divorce by affidavit in those circumstances. I believe that that will do more to make it accessible than whatever we may do on legal aid. And I really think that that is the way to go.

MR. KOSKIE: — I have a few more questions, Mr. Minister. First of all, in respect to the provincial court judges, could you indicate how many we have in the province, and whether or not any additional ones were appointed over and above the chief justice?

HON. MR. LANE: — There are 46, including the chief judge. We did make a change and appointed the associate chief judge, as we indicated in the Assembly last summer I believe it was. But we have made no further appointments, and there is one vacancy.

MR. KOSKIE: — I understand that during the past year, the salaries of the provincial court judges were in fact adjusted upward. Could you indicate what percentage increase they received?

HON. MR. LANE: — Approximately 12 per cent is my recollection. We'll get the exact calculation. The salary adjustment was made last, again my recollection is, August. It was on the advice of the judicial compensation committee.

MR. KOSKIE: — Just a couple of other questions and I think I can wind down. In respect to the communications secretariat, you have an expenditure there, but the number of person-years — you have no staff listed whatsoever. What I'm really wondering is whether, having given me the list of all those that were removed from the office of the communications secretariat, whether in fact any of that amount is going to be expenditure in the year. In fact, were other employees taken off, because there is certainly no indication of person-years.

HON. MR. LANE: — We indicated that that had been transferred to intergovernmental affairs department effective, I believe, November 1.

MR. KOSKIE: — One other area, I would like you to give me the list of all the justice organizations in which grants are given by the department, the total amount of the grants to each of the organizations. Can you provide that, or send it over, or read it off? It doesn't matter.

HON. MR. LANE: — The Saskatchewan Association on Human Rights — 17,500; Canadian Association of Provincial Court Judges — 18,000; Canadian Association of Chiefs of Police — 5,000; The John Howard Society — 80,000 plus an additional 11,600, 91,600; CLIC — Canadian Law Information Council — 14,220; the Saskatchewan Association of Friendship Centres 918,970; for a total of 1,071,890 plus the 11,600 for the John Howard Society.

MR. KOSKIE: — One final question in respect to the law reform commission. I believe that you have since appointed a new commissioner to the law reform. Could you indicate whether or not that is full time and the amount of payment in respect to the law reform commission?

HON. MR. LANE: — Did you ask for the total amount paid out to the law reform commission or for the individual appointed?

MR. KOSKIE: — To the individual. I think it's Professor Doug Schmeiser was appointed, if I'm not mistaken. I want to know whether it's a permanent appointment and the amount that is being paid.

HON. MR. LANE: — He is a half-time appointment. He's receiving, as a result, one-half of the salary of the previous officeholder, Mr. Cumming, who was paid \$70,000 per year. Dr. Schmeiser is receiving \$35,000 per year.

Item 1 agreed to.

Items 2 to 14 inclusive agreed to.

Item 15

MR. KOSKIE: — Mr. Minister, in respect to the Saskatchewan Human Rights Commission, I notice that other expenses have been decreased from the estimated 1981-82. I wonder if you could advise me of the reason for the decrease.

HON. MR. LANE: — Just economizing in the purchase of equipment, and I believe the word processor was not proceeded with.

Item 15 agreed to.

Items 16 to 23 inclusive agreed to.

Vote 3 agreed to.

SUPPLEMENTARY ESTIMATES (NO. 3)

CONSOLIDATED FUND BUDGETARY EXPENDITURE

ATTORNEY GENERAL

Ordinary Expenditure — Vote 3

Items 1 to 7 agreed to.

Vote 3 agreed to.

SUPPLEMENTARY ESTIMATES

CONSOLIDATED FUND BUDGETARY EXPENDITURE

ATTORNEY GENERAL

Ordinary Expenditure — Vote 3

Items 1 to 10 agreed to.

Vote 3 agreed to.

CONSOLIDATED FUND BUDGETARY EXPENDITURE

PUBLIC AND PRIVATE RIGHTS BOARD

Ordinary Expenditure — Vote 31

Item 1 agreed to.

Vote 31 agreed to.

CONSOLIDATED FUND BUDGETARY EXPENDITURE

SURFACE RIGHTS ARBITRATION BOARD

Ordinary Expenditure — Vote 37

Item 1

HON. MR. BLAKENEY: — Mr. Chairman, Mr. Minister, could you tell me what changes have been made in the personnel on the board?

MR. CHAIRMAN: — Mr. Minister, would you introduce your official?

HON. MR. LANE: — I want to introduce Mr. Bews, chairman of the surface rights arbitration board.

The following members, effective February 23, are no longer members of the board: Mr. Gallaway of Estevan, Mr. Friesen of Midale, Mr. McDougall of Marshall. To date there have been two appointments: Mrs. Bonnie Holtby of Marshall, Mr. Nat Davidson of Estevan.

Item 1 agreed to.

Vote 37 agreed to.

SUPPLEMENTARY ESTIMATES
CONSOLIDATED FUND BUDGETARY EXPENDITURE
SURFACE RIGHTS ARBITRATION BOARD

Ordinary Expenditure — Vote 37

Item 1 agreed to.

Vote 37 agreed to.

CONSOLIDATED FUND BUDGETARY EXPENDITURE
DEPARTMENT OF TELEPHONES

Ordinary Expenditure — Vote 38

Item 1

MR. CHAIRMAN: — Would the minister please introduce his officials?

HON. MR. LANE: — I would like to introduce Mr. Gil McCormick who I'm sure is familiar to most as acting deputy of Department of Telephones.

MR. LUSNEY: — Mr. Chairman, could the minister indicate to this House the executive members that he has with Department of Telephones?

HON. MR. LANE: — The only executive member is Mr. Mike de Rosenroll who is the special adviser to the minister. His salary is approximately \$55,000 per year, my recollection — \$4,585 per month.

MR. LUSNEY: — Mr. Chairman, and Mr. Minister, the deputy minister of Department of Telephones, is he the same minister as for Sask Tel?

HON. MR. LANE: — Acting president of Sask Tel, and yes.

MR. LUSNEY: — Acting president of Sask Tel. Is he under contract to the department or not?

HON. MR. LANE: — He's paid by Sask Tel.

MR. LUSNEY: — Could you give me his salary and when he started with Sask Tel?

HON. MR. LANE: — He started with Sask Tel in 1930. Salary — 87.5 — that's Sask Tel. Maybe I can explain to the member that Sask Tel oversees the Department of Telephones and operates the rural telephone program on behalf of the department. That's how it's operated for some time.

MR. LUSNEY: — Do you have any changes in programming for the rural telephone system to propose?

HON. MR. LANE: — None.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, just one question. About how many rurals are left as operating rurals?

HON. MR. LANE: — 52 companies, 2,200 subscribers.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, did you say 52 companies and 2,200 subscribers?

HON. MR. LANE: — That's right.

MR. LINGENFELTER: — Mr. Chairman, on that issue, how many were amalgamated so far this year? Have you got an up-to-date number on that?

HON. MR. LANE: — The latest figures that we have are 26 companies with 1,392 subscribers joined Sask Tel. Of the 82 operating companies, 26 have passed resolutions to join Sask Tel.

Item 1 agreed to.

Vote 38 agreed to.

SUPPLEMENTARY ESTIMATES

CONSOLIDATED FUND BUDGETARY EXPENDITURE

DEPARTMENT OF TELEPHONES

Ordinary Expenditure — Vote 38

Item 1 agreed to.

Vote 38 agreed to.

CONSOLIDATED FUND LOANS, ADVANCES AND INVESTMENTS

SASKATCHEWAN TELECOMMUNICATIONS

Vote 53 — Statutory

Item 1

MR. LUSNEY: — Mr. Chairman, Mr. Minister, do you have any plans to continue the interconnect system with Sask Tel at this point?

HON. MR. LANE: — I don't understand the question.

MR. LUSNEY: — The interconnect would be with other companies. In the '82, have you allowed any companies, private firms or individuals to connect different components onto the Sask Tel system?

HON. MR. LANE: — Other than the extension telephone policy that we have already

announced, no.

MR. LUSNEY: — Mr. Minister, you have an increase here, an estimate of \$80 million. In the March budget there was a \$55.7 million budget. Can you explain why the increase?

HON. MR. LANE: — It doesn't indicate the amount of money spent in that this is based on the government's fiscal year and Sask Tel is done on the calendar year, so the question there would be total expenditures. You would have to get that from crown corporations.

MR. LUSNEY: — A question to the minister, Mr. Chairman. On the question of free telephones for senior citizens, has the department been considering that in the year under review?

HON. MR. LANE: — It wouldn't be the department . . . I answer only in the interests of expediting matters without prejudice to any future debates or discussion as to what goes on in the statutory vote of the crown corporations, but yes we've obviously considered it and we'll have an announcement in due course.

MR. LUSNEY: — Mr. Chairman, and Mr. Minister, I asked a question on the Department of Telephones before, and I'll ask it now under Sask Telecommunications, and that's regarding the acting president of Sask Tel.

You mentioned the, I believe, that you said he was hired by Sask Tel. He's not under contract to Sask Tel at all?

HON. MR. LANE: — Now, the technical arrangement is that there is a contract with Mr. McCormick by CIC and then he's seconded to Sask Tel. I've given you the amount of payment under that.

MR. LUSNEY: — Is Mr. McCormick presently on any type of pension or anything?

HON. MR. LANE: — Yes, the Sask Tel pension.

MR. LUSNEY: — What is the term of his contract?

HON. MR. LANE: — It's until the end of September 1 of this year.

MR. LUSNEY: — Mr. Chairman, Mr. Minister, maybe I could ask then, do you anticipate renewing the contract or are you looking for a new president of Sask Tel?

HON. MR. LANE: — We will have an announcement in due course which will be of interest to all people in Saskatchewan.

CONSOLIDATED FUND BUDGETARY EXPENDITURE

PROVINCIAL SECRETARY

Ordinary Expenditure — Vote 30

Item 1

HON. MR. LANE: — Mr. Chairman, let me introduce Kathy Langlois who's

director of financial services branch, Department of Revenue and Supply and Services, who oversees the administration of this plus Provincial Secretary.

I would also like to introduce Mike de Rosenroll, acting deputy provincial secretary.

MR. KOSKIE: — Mr. Minister, I wonder if you could provide me with the names, the positions and salaries of all the individuals under personal services in the executive administration branch.

HON. MR. LANE: — I will send over to you the staff summary, executive administration of the Provincial Secretary 1981-82 and secondly, 1982-83. I've given you Mr. de Rosenroll's salary figure under Department of Telephones. He is paid as the acting deputy minister of telephones, although he also carries on the function of acting deputy provincial secretary. So you have that salary.

MR. KOSKIE: — In respect to all of those that are listed here, can you indicate the new appointments since May 8, 1982?

HON. MR. LANE: — Yes, if you check the right-hand column, all the appointments in the right-hand column are new.

MR. KOSKIE: — Right. I'll have to look at it. A fairly substantial change.

Item 1 agreed to.

Item 2

MR. KOSKIE: — Similarly, I would appreciate it if the minister could indicate to me the names, the positions, and the salaries of the present staff in the provincial inquiry centre.

HON. MR. LANE: — Jones, Smith, Harvey Keck — how many more do you want?

MR. KOSKIE: — In respect to the other expenses under subvote 2, I note that there is a fairly substantial increase in expenses. Could the minister indicate what accounts for the basic increase there?

HON. MR. LANE: — The increase may be substantial. It's about \$17,000 and it primarily all comes from increase in telephone costs due to rate increases.

Item 2 agreed to.

Item 3

MR. KOSKIE: — One explanation, information in respect to the increase in the other expenses under that item — \$21,000 to \$41,000. Is that the telephone?

HON. MR. LANE: — \$19,000 — \$19,020 to be exact is an increase in the travel costs for the Lieutenant-Governor.

Item 3 agreed to.

Vote 30 agreed to.

CONSOLIDATED FUND BUDGETARY EXPENDITURE

INTERGOVERNMENTAL AFFAIRS

Ordinary Expenditure — Vote 42

Item 1

MR. VICE-CHAIRMAN: — Would the minister introduce his officials, please?

HON. MR. LANE: — Michael Crosthwaite, deputy minister, to my right; Martin Spigelman, at the back, executive director of constitution and intergovernmental affairs; immediately behind me, Newton Steacy, associate deputy minister of Indian and native affairs; to my right behind me is Mr. Doug Smith, assistant deputy minister of communications, executive director of co-ordination branch; Michael Jackson, director of protocol; Art Battiste, executive director of native affairs; and Cathy Dermody, the administrative officer.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I want to raise a couple of topical items.

AN HON. MEMBER: — Did you have a researcher over here help you with those?

HON. MR. BLAKENEY: — No, I worked those up all by myself.

AN HON. MEMBER: — You did that work all by yourself.

AN HON. MEMBER: — That's why it's been well done.

AN HON. MEMBER: — Thanks to you tightwads.

AN HON. MEMBER: — I'm just trying to fix you up with a couple of new researchers.

HON. MR. BLAKENEY: — Well, I'd be very, very happy, very happy. All contributions gratefully received from the Minister of Agriculture. Certainly they have been scant up to now, but he's got some more, we'll certainly welcome them.

The question has to do with the upcoming first ministers' conference in mid-March, and in particular, I'll ask a fairly simple question at the outset: are there any other issues on the agenda, other than those concerning Indian and native matters?

HON. MR. LANE: — To date, no there are not. There has been discussion between the ministers and the federal government as to other items.

The other items — whether they will be on the agenda will be decided by the first ministers. It may well go into a third day. There is a great deal of concern by the aboriginal groups as to whether other items would take away from the constitutional conference dealing with aboriginal issues. There are some areas that we believe can be resolved under the title "other issues." They include the administrative tribunals within provincial jurisdiction. There are graphs as to whether section 96 could be amended, in that regard.

I believe that there may be a consensus to constitutional change allowing the provinces to establish administrative tribunals within their provincial jurisdiction.

There does not seem to be much likelihood of an amendment to section 96, allowing the provinces to establish their own family courts. The federal government is expressing resistance to that proposal, and I do not expect to see success. There may be an amendment. The difficulty is with Quebec's position as to whether there can be an amendment to allow for a temporary successor to a Lieutenant-Governor in the event of the death of the Lieutenant-Governor.

I believe those are the areas where there seems to be a resolution of the issues.

There have been indications by other provinces to discuss other items. For example, the province of British Columbia wishes to discuss the question of property rights, and Senate reform. The province of Alberta wishes to discuss Senate reform. We have indicated, although with our problems being unique, that we would like to discuss communications, but we don't frankly see much support of the other provinces on the areas that they wish to raise.

I think basically those are the so-called other items. How they will be dealt with has not been decided.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, do the other items include, at this stage of the game, the size and composition of the supreme court and the entrenchment of the supreme court, the constitutionalization of the supreme court, if I may put it in those terms?

HON. MR. LANE: — No, they do not.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, coming back to the constitution and the items we know will be on the agenda dealing with treaty and aboriginal rights. Would the minister give a general outline of the position that will be taken by the Government of Saskatchewan with respect to treaty rights?

HON. MR. LANE: — I suppose it would be easier if I got a copy of the agenda and followed it down. I will see if we have an extra copy and submit to you.

This is the agenda that was primarily proposed by the representatives of the aboriginal peoples which was adopted as the general agenda. The first question is the charter of rights of the aboriginal peoples, which is basically an expanded part 2 of the constitution. There are several subitems in this. Our position is that we are prepared as part of an ongoing process to discuss the question of a charter of rights, but we wish to have firm and clear definitions of what those rights are and what they in fact mean, so that we're both saying the same thing.

As a general comment as well, Saskatchewan has endorsed the concept of an ongoing process. We have expressed our reservations as to whether the ongoing process should be entrenched in the constitution. There is a concern in our minds that perhaps the process then becomes dominant as opposed to trying to resolve problems. We have committed that we would be far more supportive of an accord of the first ministers setting out the terms for an ongoing process.

Reverting now back to the question of the charter, the question of the preamble, of

course, follows from our position that we would prefer to discuss the definition of the rights before we would take a position on entrenchment.

Removal of the word “existing”. We have taken the position that we support the retention of the word “existing.” That position has now been supported by the Government of Canada, so for all practical purposes there wouldn’t be a constitutional amendment anyway.

The expansion of section 35 to include recognition of modern treaties signed outside of Canada and before confederation, and specific mention of aboriginal title including the rights of aboriginal peoples of Canada to a land and water base: again, that follows in our minds within what constitutes the rights under a proposed charter.

Statement of particular rights of aboriginal peoples: same position. Statement of principles: we are prepared to support as part of an accord, a statement of principles which would in fact govern the tenor (and I use that phrase guardedly) of future discussions on an ongoing process. We are prepared if need be to submit a draft, but I gather that this particular conference will have some different dynamics, and we simply wish to hold that in abeyance.

The question of equality of native women: we have already indicated (and I indicated in the Assembly) our support for that position.

Enforcement and interpretation: the latter two items — those, of course, follow from the aboriginal peoples’ position that there should be an entrenched charter. I suppose that if we ever agree on an entrenched charter, that in fact enforcement and interpretation would have to be part of that. But, that again . . .

The amending formula revisions which is topic two, including amendments on aboriginal matters not to be subject to provincial opting out: we haven’t taken a position on that because we have been attempting to see whether there would be an opting-out provision by the aboriginal peoples. We have had conflicting positions, one of which they can opt out. We’re not sure that it would be advisable to have it one-sided and so we raise that until there is a firm position.

The consent clause for aboriginal peoples: we have indicated that we support the question, or the consultation with aboriginal peoples on those areas of the constitution which affect them. We oppose an absolute veto over constitutional change, and that is consistent with our position with regard to Quebec’s veto, which we have indicated publicly that we do not support.

The question of self-government in our view is part of the ongoing process as to what self-government means, and quite frankly we wish to spend more time with the aboriginal peoples represented in Saskatchewan to try and get a precise definition of self-government.

Repeal of section 42, 1(e) and section 42, 1(f): we have indicated that we have no territorial ambitions in extending Saskatchewan into the territories, and we would not object to a constitutional change there, but we do believe that the provinces in fact have a say in the creation of future new provinces and we have made our position clear on that.

Amendments to part 3: this is item 5 of the proposed agenda, relating to the resourcing of aboriginal governments, including equalization; that's an equalization formula. In our mind that is contingent on whatever happens in subject 3, which is self-government. The question of cost sharing: same.

The question of service delivery: we have indicated in the Assembly the other day our concerns about the delivery of services to off-reserve Indians and that will be a matter of some considerable discussion. That position is supported, as far as we've been informed, by the Assembly of First Nations.

The ongoing process: I like to think of the ongoing process as a first item, so that we do make that commitment to continue discussions. There is a conflict within the aboriginal peoples' position as to whether that should be the last item; that presupposes agreement on all the others I believe. I think that's an overview of the position.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, on the minister's review it was clear that there are a large number of items on the agenda and items which are likely to be, at the outset at least, contentious in a major way. My urging to the minister would be to place high priority on establishing some outline for an ongoing process. I say that because I think it's important that we explore these, and I think it's not at all feasible that many conclusions will be arrived at at the upcoming conference on the full list. If we are to continue to have an appropriate dialogue with the native people, rather than a series of yeses and noes (when I say native, I mean Indian and native) then I would put high priority on the ongoing process.

Leaving that, and going to a slightly different subject, is the minister able to give any statement of what he believes the aboriginal rights of non-registered Indians may be in this province?

HON. MR. LANE: — I would say no, for several reasons. First of all, they haven't been determined for Indians. Secondly, we have the amendment to the Indian Act which is forthcoming, which will have the effect of moving some of the non-status Indians into the status Indian category. So, I simply can't answer for those reasons.

I believe we will have to see what positions they will be taking once that amendment to the Indian Act comes, and then commence discussions at that time. I think it very important, and I agree with the hon. member that there can't be a closing of doors. I think that that is going to be the main objective of the conference, trying to convince the aboriginal peoples that, in fact, the doors are not closed.

I believe, given some of the statements of the aboriginal peoples, that if we are successful in doing that, that the process is starting. It's going to be a long process and I think it will on that basis, although not attributed as such, be a successful conference.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I wonder if you'd elaborate a little bit on the proposed changes to the Indian Act with which I am not familiar in detail, changes which are, as you indicate, designed to bring more people under the ambit of the Indian Act — more of the people who are section 91 Indians, who will now become act Indians, if I may put it that way.

HON. MR. LANE: — The major change is the question of a status female Indian who marries a non-Indian and loses her position. That will be converted back and much

follows from that.

You asked the rights. Did you wish a list of the ones that have been proposed by the aboriginal peoples? It's rather lengthy.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, if I may impose upon the minister and not on the House, if you would like to send a list then, just for my own information, I would appreciate that.

I will change the subject, Mr. Minister. What offices has the department opened outside of Saskatchewan in the year we're considering? Which ones existed outside Saskatchewan and which ones, if any, were planned?

HON. MR. LANE: — There's been no new offices. The two that already exist are the only two that remain open.

HON. MR. BLAKENEY: — Mr. Minister, are there plans for opening new offices in the near future?

HON. MR. LANE: — There's an interdepartmental committee which is reviewing the option of offices in Dusseldorf and the Pacific Rim in Tokyo. There's been no final decision as to location, the merits or demerits. But those seem to be the trade areas that we would look to if we are to open offices.

HON. MR. BLAKENEY: — Mr. Minister, have cost studies on the likely cost of offices in Dusseldorf or Cologne or somewhere in that general area, or Frankfurt and any others in, say, Tokyo or anywhere in the Pacific Rim area, have those studies been done?

HON. MR. LANE: — No, the cost studies have not been done as part of the process that is in fact going on.

HON. MR. BLAKENEY: — Without getting into any speculative stories, Mr. Minister, could you indicate whether the planning involves the offices being under the Department of Industry and Commerce or the Department of Intergovernmental Affairs?

HON. MR. LANE: — Well, as it stands right now, it's certainly under the Department of Intergovernmental Affairs and I'm sure that any announcement on reorganization will be announced in due course.

HON. MR. BLAKENEY: — And I'm sure by the minister, since he has announced they are reorganizations, I have noted.

Mr. Chairman, and Mr. Minister, with respect to the planning which has been done to date, and the preliminary planning I will call it that has been done to date, indicating a possible office in western Europe, probably Germany, and a possible office in the Pacific Rim area, probably Japan, what sort of trade patterns or the promotion of what sort of sales of goods or the attraction in what sort of types of investment are being looked at?

HON. MR. LANE: — Again, that's part of the process. The process is looking at the market itself as to whether we have an opportunity for some success. We don't want to just establish an office just to create a presence. We want to look at some possibility of

success either in terms of our markets or attracting investment. The question of the costs — again we want some idea of the cost effectiveness of any office, so that is all part of the process that is now ongoing.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, referring to our relations as a province with the People's Republic of China, can the minister indicate whether the proposal to twin the province of Saskatchewan with the Chinese province of Kirin has been proceeded with during the year? The minister will be aware that the province of Alberta has twinned with the Chinese province of Heilungkiang which is next to Kirin, and I'm asking the minister whether or not we are following the initiative of Alberta in this regard.

HON. MR. LANE: — Well, a recommendation will be going to cabinet in the very, very near future. As to that position, there certainly is, in our view, a great deal of merit to the twinning. We are, as the former government, fully aware of both the market and cultural potential of China and we wish to develop that potential.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I wonder if the minister could give us an indication of whether he or senior members of his staff have had discussions with officials of the Chinese embassy on this general subject recently.

HON. MR. LANE: — In general terms, yes they have expressed directly and through officials their support for twinning, and certainly we have indicated our great interest.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, are any official trips to China contemplated by the minister or any of his colleagues in the near future?

HON. MR. LANE: — None are formally contemplated. I suppose the minister, at some point, would proceed on a trip. I think it would be somewhat contingent on the decision with regard to the twinning as to the desirability of such a trip.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I wonder if the minister can give us any report on the proposals for a demonstration farm which the province of Saskatchewan was discussing with the officials of the People's Republic of China — the proposal being a demonstration farm in China.

HON. MR. LANE: — We are developing (without getting into the specifics) a comprehensive China policy proposal within the department which we expect to submit to cabinet. It would probably likely deal with the agricultural aspects as well as potential for communications, potash, transportation, etc. So we're looking at a comprehensive policy and again we hope to have that before cabinet in the very near future.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I refer now to PCS, to the relatively substantial sale of potash announced by the minister some time ago on behalf of Canpotex. The assertion by the people on this part of the House was that the sale was essentially negotiated by agencies of the Government of Saskatchewan as opposed to Canpotex.

The question I ask is: are matters with respect to the sale of potash now to be left entirely to Canpotex or will the Government of Saskatchewan and PCS be continuing to press the sale of Saskatchewan potash in China?

HON. MR. LANE: — Well, the government as a general policy is requesting all departments to utilize their best efforts to promote whatever Saskatchewan products that they see an opportunity in their travels or contacts, and we're attempting to encourage all departments to take that approach and further, to look for opportunities that may develop. I'm sorry I can't advise as to any relationship between PCS and Canpotex as to furthering that market. I'm sure there's an appropriate forum for that, but I just suggest that as a general policy we are actively encouraging all departments to use all their contacts to promote the province and look for opportunities.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, let me state my view that an opportunity is being missed if we do not exploit the opportunities to sell Saskatchewan potash in the People's Republic of China. And let me state further that I don't think that that opportunity can be fully exploited through the medium of Canpotex since it is my belief that the purchasers of potash in the People's Republic would rather deal with the PCS or the Government of Saskatchewan than they would with Canpotex. I state my personal view. The minister can comment if he wishes when he next answers or comments.

I turn now to oil pricing and ask whether the minister has attended any federal-provincial meetings, either with the federal government or with the province of Alberta, surrounding the imminent difficulties of the price of oil and the energy agreement?

HON. MR. LANE: — No, I have not.

HON. MR. BLAKENEY: — And I'm not sure, Mr. Chairman, and Mr. Minister, whether this question I should direct to him, but who is carrying the responsibility for negotiating those interprovincial and federal-provincial arrangements on behalf of the Government of Saskatchewan? I'm not asking the name; I'm asking what agency of government.

HON. MR. LANE: — In terms of the energy?

HON. MR. BLAKENEY: — Yes, the oil pricing.

HON. MR. LANE: — The energy department, I am advised.

HON. MR. BLAKENEY: — The energy department?

HON. MR. LANE: — Yes.

HON. MR. BLAKENEY: — Mr. Chairman, Mr. Minister, I now turn to the crow rate and ask whether the minister or his officials have had any discussion with the Government of Canada or the governments of other provinces in western Canada on this federal-provincial and/or interprovincial issue.

HON. MR. LANE: — Well, obviously the Department of Agriculture has the lead role. We as a department have been co-ordinating the provincial position for it to be taken. Included in that is any legal position, legal options that the government has.

But the Department of Agriculture is obviously taking the lead role in that area.

HON. MR. BLAKENEY: — Mr. Minister, in the course of your supporting the Department of Agriculture, have you or your officials had discussions in the last month with officials or elected officials of the Government of Canada or the Government of Saskatchewan

or the Government of Manitoba?

HON. MR. LANE: — The Ottawa office has been monitoring the situation, particularly as it pertains to the province of Quebec — maintaining some contacts with Quebec, which resulted in some meetings, or led to an involvement with some of the meetings that the Minister of Agriculture could perhaps report on.

I'm sorry, the department's also been in contact with Manitoba, Alberta and B.C. at an officials' level, too.

HON. MR. BLAKENEY: — Can the minister be a little more specific on the outcome of any dealings with the provinces of Manitoba, Alberta and British Columbia?

HON. MR. LANE: — No, I cannot.

HON. MR. BLAKENEY: — I turn now to the administration and ask the minister: who have been hired since last May?

I've noted, Mr. Minister, a large number of staff changes. I am wondering what senior officers have been added?

HON. MR. LANE: — The following people had their OCs terminated: Mr. Aydon Charlton, Mr. William Dryden, Mrs. Margaret Fern, Mr. David Goldsmith, Mr. Vernon Good, Mr. David Hawkes, Mr. Howard Leeson, Mr. Howard McMaster, Mr. Dean Norton, Mr. Richard Proctor.

Resignations came from Mr. David Boisvert, Michael Jay, Mr. Richard Simpson.

Shirley Long was transferred to social services. There were temporary personnel that have left at various times: Lori Boldt, David Brundage, (that was a summer student), Jeannine Cuddington, Loretta Ellis, Hilliard McNab, Sandra Zentner.

I don't know if you want the dates of all these, Leader of the Opposition. They vary.

Arriving personnel, permanent: The Indian and native affairs branch and the communications policy branch became part of the department effective November 1, 1982. The employees who transferred at that time are not considered in the list of arriving personnel, only those who commenced after November 1, if I can give you the list: Mr. Gerald Adamson, effective January 10, 1983 . . . Would you like the salaries on these while I'm going down them?

HON. MR. BLAKENEY: — Yes, please.

HON. MR. LANE: — \$3,202 a month; Mr. Walter Charabin, December 1, 1982 — \$3,257; Mr. Michael Crosthwaite, July 26, 1982 at \$5,416; Mr. Leonard Exner, May 10, 1982 at \$3,315; Mr. Allan Felix, February 1, 1982 at \$2,297; Thomas Galimberti, January 4, 1983 — \$2,654; O'Neil Gladue, January 1, 1983 at \$2,297; Brenda Hegglin, January 1, 1983 at \$1,500; Ronald Lafontaine, January 25, 1983 at 2,568; Richard Latilley, December 13, 1982 at 4,667; Karen Lessak, April 1, 1982 at 1,828; John Monro, July 1, 1982 at 4,000; Graham Powell, June 21, 1982 at 4,972; Cherryl Schubach, December 1, 1982 at \$1,967; Mr. Douglas Smith, November 8, 1982 at 5,083; Mr. Alan Sobel, January 5, 1983 at \$2,829; Mr. Newton Steacy, June 21, 1982

at 5,834; and Carol Theauvette, who was in the Ottawa office, went from contract to permanent on November 1 at \$3,073 per month.

We have temporary arriving personnel: Irene Janz, August 23, 1982, Michelle Lesperance, February 1, 1983; interdepartmental transfers: Catherine Dermody from protocol officer to administrative officer, and Ron Zukowsky from temporary intergovernmental officer to permanent intergovernmental officer.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, that is a long list. With respect to Mr. Adamson, what are his duties and what are his qualifications?

HON. MR. LANE: — Mr. Adamson is an intergovernmental officer 3. His education: he has a B.A. from the University of Saskatchewan; experience: from 1972 to 1982, the Department of External Affairs. His duties applied to our activities: the international branch dealing with the United States of America; Saskatchewan-North Dakota Advisory Council; any Saskatchewan offices if they should be considered; the IJC in boundary and environmental and transportation problems; foreign investment matters; tourism promotion; countervailing duties; two-way information flow; Europe including the U.K.; Saskatchewan House, co-ordinating efforts with line departments, directing operations, two-way information flow, and then international or economic matters, for example, GATT, OECD, EEC, etc.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, what remains for the other members of the staff?

HON. MR. LANE: — There is obviously a great deal to do.

HON. MR. BLAKENEY: — I turn now to Mr. Walter Cherabin, and ask you: what are his duties?

HON. MR. LANE: — Duties: director of liaison and co-ordination; is accountable to the executive director, native affairs for managing and directing the operation of liaison and co-ordination section of the native affairs division; for liaising with and maintaining an effective working relationship with the Association of Metis and Non-Status Indians. Saskatchewan Associations of Friendship Centres, Saskatchewan Native Women's Association, and other non-government organizations representing native citizens of Saskatchewan for reviewing, analyzing and making recommendations concerning proposals from native and other organizations. I could go on, but it is dealing with the native affairs branch.

HON. MR. BLAKENEY: — Mr. Exner. Could you give me some idea of his duties and qualifications?

HON. MR. LANE: — Mr. Exner is basically an executive assistant with my office and the concomitant duties as an executive assistant.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, would you give me his salary again?

HON. MR. LANE: — Yes. I believe that's the figure \$3,315.

HON. MR. BLAKENEY: — If I have it marked right, \$3,315. Mr. Chairman, and Mr.

Minister, would you tell me what Mr. Lafontaine's . . .

HON. MR. LANE: — Can you give us the list of the ones you wish us to supply the information, and we can either send it over to you or start pulling them.

HON. MR. BLAKENEY: — Basically I'm asking for all of those whose remuneration is greater than \$3,000 a month.

HON. MR. LANE: — Mr. Lafontaine is the administrative analyst 3, native affairs division. His previous experience is Sedco, general manager of Plains Maintenance and Services Ltd., acting assistant manager industrial properties from 1980-1982; CMHC, special projects officer; Department of Industry and Commerce, consultant 3 from 1976-77; had been with human resources development agency as senior projects officer. A senior liaison officer is accountable under general direction of the director to the liaison and co-ordination section for maintaining updated knowledge of native communities, including their geographic, demographic, leadership and economic characteristics, liaising with and maintaining effective working relationships with native organizations, native leaders, etc. Again, I can go on as to the details of that if you wish.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, when did Mr. Lafontaine join the Government of Saskatchewan?

HON. MR. LANE: — The effective date was January 24th. He has had previous Government of Saskatchewan services starting with the Department of Highways, engineering 4, assistant, 1967; Indian and Metis Department, 1971-1973; HURDA, 1975-76; Department of Industry and Commerce, 1976-77; then with CMHC and then back with Sedco.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I will be asking these about the others, so if you want to give me a briefer description of their duties, that's satisfactory with me, Mr. or Ms. Lessak.

HON. MR. LANE: — She's a secretary of protocol and I note the figure is \$1,828 which is under the \$3,000 figure. I wonder if the hon. member . . . We can supply you with the description of each one; they're all printed out. We'll just have to pull them from the order that they are, if that's acceptable.

HON. MR. BLAKENEY: — That's acceptable to me.

HON. MR. LANE: — Over \$3,000?

HON. MR. BLAKENEY: — Yes, that's the ones that I was asking, yes.

Mr. Chairman, and Mr. Minister, I was asking also about some of the people whose services were terminated. I noted they included Mr. Hawkes. What was Mr. Hawkes' position before his services were terminated?

HON. MR. LANE: — Executive director of co-ordination branch.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, can you advise me whether Mr. Hawkes was promoted to assistant deputy minister prior to his dismissal?

HON. MR. LANE: — No, he had been named as acting deputy minister when several others left in the interim. It was an acting appointment.

HON. MR. BLAKENEY: — Can you advise me whether he was acting assistant deputy minister before he was terminated?

HON. MR. LANE: — No, he was acting deputy, not acting assistant, prior to the arrival of Mr. Crosthwaite.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, if Mr. Hawkes had the qualifications to be acting deputy, would the minister advise why his services were terminated?

HON. MR. LANE: — Well, I think that you have to keep in mind that at one period of time there was a shortage of personnel around the office. Several people superior to Mr. Hawkes left the department and Mr. Hawkes, if I recall, was most senior for the temporary. It was made clear to him that we would be looking for a deputy minister, and that it would not be a permanent appointment.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I can understand your wishing to appoint your own deputy minister after the previous deputy minister was no longer in the service of the Government of Saskatchewan. The question I'm really asking is whether or not it was felt that Mr. Hawkes' services were not suitable at any level of the department, and why his services were terminated.

HON. MR. LANE: — Well, I think the general question was confidence by myself, and the advice was unfortunately lacking, and that was the reason.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I must say that I was surprised at several of the people whose services were terminated. I was not surprised at several. I will be frank in saying that. But I continue to be surprised at some of them.

AN HON. MEMBER: — We have more surprises.

HON. MR. BLAKENEY: — You have more surprises I'm sure. But, could the minister advance a reason as to why Mr. Goldsmith's services were not retained?

HON. MR. LANE: — Well, I think in general terms that the Leader of the Opposition knows better than I the sensitivity of the department. So that was a general concern that I think we had to respond to. I think it fair to say that some of the former officials within the department were fully aware of the sensitivity and the need for, I think, rather fast action by the new government. Suffice it to say, without getting into the details — I'm not sure what it serves — but that was a concern of the government and it remains a concern and appropriate action was taken.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, may I say that I have no quarrel with the government making a change in some of these areas, and in this case, let us say with Mr. Leeson, who had been identified in a political way with our party and, let us say, Mr. Proctor. But some of them came as a great surprise to me. If they had any association with the New Democratic Party, it was news to me. I would say that.

I very much regret the pattern being established that anybody in the area of intergovernmental affairs is thought to be at risk when a government changes,

regardless of whether or not they have had any particular reason for giving cause to the new government. I respectfully suggest that a number of the people whose services were terminated gave no such cause. The decision clearly is for the new government to make, and they have made it. I express my regret that that particular stamp is put upon a department of intergovernmental affairs, so that all senior officers are at risk.

May I ask some questions about the new deputy minister. Would you give me any background that the new deputy minister may have in the field of federal-provincial relations or intergovernmental relations? I'm aware that he had some background in external affairs, but I'm wondering what his background may be in Canadian affairs.

HON. MR. LANE: — Just to respond, I share the concerns of the Leader of the Opposition with regard to some of the officials and I can say that in some cases I was disappointed, and suffice it to leave it at that.

Mr. Crosthwaite, from 1976 to 1980, was with the federal Department of Industry, Trade and Commerce and very much involved in the relationship between Ottawa and the province of Saskatchewan in particular, and so has had a great deal of experience. He's also had international experience on two occasions — been with the InterAmerican Development Bank in Argentina and then secondly with the external affairs Canadian embassy in Argentina. The international trade aspect, of course, is of concern to the government.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, would you elaborate a little bit on Mr. Crosthwaite's dealing with Government of Saskatchewan between 1976 and 1980?

HON. MR. LANE: — Well, at the officials' level, it deal with trade development, industrial development, and as I say, at the officials' level, between the province of Saskatchewan and the federal government with the Department of Industry and Commerce.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, would you give me the names of some of the officials of our department or the Saskatchewan Department of Industry and Commerce with whom he had these close dealings?

HON. MR. LANE: — Mr. Bugera who had previously been deputy minister: Mr. Wayne Lorch who is the second name who came to mind; Bryce Baron whose name is not familiar to me. I keep getting names. I gather we could supply you with a list of names. Another name that Mr. Crosthwaite dealt with was Mr. Norm Vickar who may be familiar to members opposite.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, was the position of deputy minister advertised?

HON. MR. LANE: — No, it was not.

HON. MR. BLAKENEY: — Was there any particular reason for not advertising the post?

HON. MR. LANE: — We had an individual in mind for the position and we wished to appoint him.

HON. MR. BLAKENEY: — I want to preface this question by indicating that I am not

necessarily raising objection. I am seeking new information. Is Mr. Crosthwaite the husband of an Elizabeth Crosthwaite who is assistant to the Minister of Revenue, Supply and Services?

HON. MR. LANE: — Well, I'm assuming that he is but I can in no way deal with their marital status at any particular time nor am I privy to the information nor do I want to be.

HON. MR. BLAKENEY: — So, whether or not the spouse of a senior officer of your department is otherwise employed by the Government of Saskatchewan is of no interest to you as minister?

HON. MR. LANE: — That's correct.

HON. MR. BLAKENEY: — Mr. Minister, is that equally true if the employee and spouse work in the same agency of your government?

HON. MR. LANE: — Well, I believe . . . I don't recall in detail the rules under the public service commission . . . That would certainly be a concern if they were breached. I don't recall and my recollection is that one can't report to another, but I'm subject to correction on that.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, can you tell me whether a new agent general has been appointed to assume the office of Agent General in London at Saskatchewan House?

HON. MR. LANE: — Yes, Mr. Robert Larter, former MLA of this Assembly, will take the position effective August 1. I believe the present agent general's term expires prior to that, and Mr. Larter is succeeding.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, have contractual arrangements been arrived at with Mr. Larter with respect to this appointment?

HON. MR. LANE: — He is being appointed by order in council at the same salary and same arrangements as the present agent general.

HON. MR. BLAKENEY: — Mr. Minister, will he have a car provided by the Government of Saskatchewan?

HON. MR. LANE: — There's been no change in policy (and I don't believe there's been a car now) but there has been no change of policy.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I wonder if you can tell me whether Mr. Larter has made trips to London to prepare himself for assuming the duties.

HON. MR. LANE: — There has been the one trip; I don't think there's any other proposed to make the arrangements or whatever is normally done.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, with respect to Mr. Larter's expenses for that trip, were the expenses paid from Estevan, or Regina, or some other location?

HON. MR. LANE: — Well, it has not yet been paid, but it was to be paid if there's a

treasury board submission, because the funds are not available, from his winter place of residence in Phoenix to London, and I gather that is cheaper than the other way.

HON. MR. BLAKENEY: — And you were telling me Mr. Larter's expenses from Phoenix to London were paid.

HON. MR. LANE: — I said that there will be a treasury board submission because there aren't funds in the department as yet and so that process has to apply.

HON. MR. BLAKENEY: — I'm sorry, I didn't mean to misstate your position and you're proper to clarify it for me. Have there been additional trips between Regina and Phoenix which will also be paid for?

HON. MR. LANE: — Yes, two, one for Agribition and one to meet European journalists that were through.

HON. MR. BLAKENEY: — Can you advise what arrangements are made for Mr. Larter in London? My belief is that he is going there sometime previous to his assuming his duties, some weeks, or perhaps a short number of months. Can you tell me what expense arrangement will exist at that time?

HON. MR. LANE: — Well, I understand there's some form of temporary accommodation, that he will be arriving approximately May 1. I gather again that it is normal that there be a month or two prior to the appointment and I gather according to the existing agent general that in fact he was there prior to his taking duties, as well.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, has the department done any polling or opinion research during the year for which the sums are asked to be voted?

HON. MR. LANE: — No, the minister just keeps his ear to the ground.

SOME HON. MEMBERS: — Hear, hear!

HON. MR. BLAKENEY: — I must say that it's a posture which keeps his head out of view and is therefore very much for the benefit of the public.

HON. MR. LANE: — I might say to the Leader of the Opposition, we did make a payment, if that's the question, for a previous polling done by the previous administration — the payment that came after we took office, approximately \$30,000 to Struthers.

HON. MR. BLAKENEY: — Please feel free to ask questions about it. Don't let me inhibit you.

Mr. Chairman, and Mr. Minister, are any major equipment expenditures expected during the year in which we're reviewing?

HON. MR. LANE: — The only major one, the department did acquire a work processor, which was previously approved. There are no . . . You know, I'm using what I would think would be major. It would be something of that nature. There's none planned.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I wonder if the minister could supply us with details of trips by CVA and by charter aircraft. If you wish to send it over, other than reading it, that's fine with me.

HON. MR. LANE: — We'll submit it. There are only the two. The one was for the royal visit, and another one for Indian affairs, native affairs branch. We will submit that to you. Those were the only two that we're aware of.

HON. MR. BLAKENEY: — Mr. Chairman, Mr. Minister, there will be some other standard CVA flights. I'm asking both with respect to . . .

HON. MR. LANE: — We'll supply them for you, but the vehicle answer, I believe, has been given. But those are the only two. We'll supply that information to you.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, turning to the protocol office: have there been any changes in the general polices of the office during the period under review?

HON. MR. LANE: — No, there has been no change in policy. We have commenced studies of a provincial gift program. There has not yet been a recommendation to cabinet, although I expect one shortly. We are also looking at the question of a Saskatchewan award. Again, proposals have not been made to cabinet in that regard.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, there was a large increase in the protocol budget for other expenses. From 177 to 415, I could wait until we came to that subvote, but perhaps it's simpler if I ask now.

HON. MR. LANE: — The major increase was \$132,700 for the royal visit; the grant of \$75,000 to the World Assembly of First Nations; and finally \$41,480 for the patriation party, whatever day that was. That was prior to our taking office — April 16 — the day that the . . .

AN HON. MEMBER: — You forgot about that one, Al.

HON. MR. BLAKENEY: — Oh, well, it's all there on the records. If I'd wanted you not to know . . .

Mr. Chairman, and Mr. Minister, I wonder if you could give me an indication of the policy of the government with respect to an agency for the regulation of cable television. There have been a number of public statements attributed to you in this regard.

HON. MR. LANE: — The policy has not yet been finalized, but the province, as the hon. member knows full well, has to protect the viability of Sask Tel. I think that has to be a main objective. We have to ensure that the people of Saskatchewan have access to whatever may come within that new technology. I don't mean it in the sense of we're going to actively encourage some of the more esoteric or lurid aspects of cable television.

We do believe, however, that we should make sure that whatever Saskatchewan agencies, companies, individuals that want to access the cable television network in the province should be able to do it. We realize the limitations on jurisdiction, but those are our objectives. We want to make sure that Saskatchewan people can access onto that network, that people of Saskatchewan are not prohibited by another agency from having access to whatever may be coming down in the new technologies and the information in the data bases.

Then thirdly, we have to protect the viability of Sask Tel in the changing technology. Those are the general directions. The policy for the legislation is presently being drafted.

HON. MR. BLAKENEY: — Do I understand it, Mr. Minister, that you have been planning legislation to set up a regulatory agency for cable television?

HON. MR. LANE: — That's correct. I had announced that previously, that we were looking at it.

One other aspect in any negotiations, for example, with operators is some formula of rate equalization, and we think we can come as close to rate equalization as possible.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I hear the objectives. They involve some things of very considerable importance to Saskatchewan — particularly, the ability to do some rate averaging, the ability to protect the viability of Sask Tel, and the ability to not have some other agency dictate entirely what services can be operated over facilities provided by Sask Tel.

What do you see as the role of this agency with respect to any program content?

HON. MR. LANE: — We expect it to have no role as to program content. We're not of the view that the government should be determining the program. We do believe that the government, though, has a role in terms of educational television, cultural television. The form of that involvement has not been determined and I do not expect that it will be for some reasonable period of time. But that would tend to be the extent.

The government's role with regard to the classification of television movies, I believe, will more likely be determined by the minister responsible for the classification board. I believe there are some activities in that regard to see whether a proper warning system can be developed. I think that technically we have a great deal of difficulty in prohibiting programming which may be coming from a national cable television licensee. Perhaps we have a role as to be able to require some type of warning and that's an area that's being looked at, like I say, by the film classification section.

MR. ENGEL: — Mr. Chairman, and Mr. Minister, I would just like to have a little additional information. I would thank the minister for sending me over some material this afternoon on the role that you have and the guidelines you've established with SCIC. I appreciate that.

The problem is that I didn't take a little calculator and add up all that list of applications that have been approved. Could the minister tell me approximately how many dollars worth of grants have been approved to date?

HON. MR. LANE: — Approximately 1.5 million.

MR. ENGEL: — Approximately 1.5? Are there some that are going to be announced or forthcoming shortly?

HON. MR. LANE: — There is a possibility of another \$500,000 coming in, but we have not seen it.

MR. ENGEL: — Well, my understanding is that from talking with my own organization that I belong to, to a charitable organization and he's also on the board, there are sufficient submissions with the department to date that it's going to be, in his words, "touch and go" whether this can be processed between now and the end of this budget year. Is the department working at that or are you going to reserve that \$500,000 for them?

HON. MR. LANE: — Yes, my officials advise me that if it meets the criteria they can get it through.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, the minister has advised us that a number of the former officials of the department were terminated, their employment was terminated, because the minister does not have confidence in them. Does the minister think that there is anything inappropriate for any of those people holding offices or appointments with other non-governmental organizations which may be funded by the Government of Saskatchewan?

HON. MR. LANE: — Offhand I don't see a problem. I haven't considered the matter. I suspect that I would have a general concern, but certainly not an overriding one. If, for example, a public servant used any influence to be able to fund an NGO of which he or she was a member . . . But I'm not aware of any problems.

HON. MR. BLAKENEY: — Has the minister attempted in any way to inhibit any publicly funded institution in Saskatchewan from hiring any former employees of the Government of Saskatchewan since its assumption to office?

HON. MR. LANE: — No.

HON. MR. BLAKENEY: — Has the minister read his constituency letter, which by implication advises against such hirings by public institutions?

HON. MR. LANE: — As a matter of fact, my letter says I bring it to their attention, and I brought it to the public's attention, and I think the public has every right to know. If the university or anybody else wants to hire defeated candidates, I think I can bring it to their attention, and I made it quite clear in the letter that the government in no way interferes with the operations of those institutions. But I feel I have every right to bring that to the public's attention.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I wasn't speaking of defeated candidates, I was talking about public servants whose only indicated misdemeanour, and you certainly haven't indicated any other reason for separating them other than you didn't have confidence in them . . . What I'm asking is: is it appropriate for the minister of the crown who offers no other reason why people should be dismissed except that he doesn't have confidence in them to write publicly saying it's all right for them to express their views, but should they then do it at public expense? And that's what your letter says.

HON. MR. LANE: — My letters made it quite clear that they can hire whoever they want. I have every right, as well, to advise the public what's going on, where they are expending their money, or whatever they wish to do. They have every right to do it; I've got every right to tell the public that they are doing it.

HON. MR. BLAKENEY: — Let me get this clear. You don't think there's anything wrong

with a minister of the crown saying that former employees of yours who were let go, for no reason which you will make public, should not criticize at public expense, i.e. should not criticize your government and be holding a job with a university or a non-government organization? Because that's what your letter said.

HON. MR. LANE: — It did not.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, are you saying that that was not the clear implication of your letter?

HON. MR. LANE: — My letter very carefully laid out where former civil servants were working. I made it very clear in the letter that the government in no way interferes on how those organizations operate, but I have every right to tell my constituents where these people are, and that's simply what I did.

HON. MR. BLAKENEY: — You did that, Mr. Minister, but you did more. You said, "They have every right to criticize, but at public expense?" And that is not an implication that you don't believe that they should have that right?

HON. MR. LANE: — Certainly, they most certainly have that right. The public is certainly entitled, on its public expenditures, to know what or who these people are working for or what they're doing, or whatever. I think the public has that right to know. The public may express some dissatisfaction, but it's up to the public to deal with the institution, not up to the government.

HON. MR. BLAKENEY: — Just so I may be clear on your position, Mr. Minister. You are saying that you raise no objection to any non-governmental organization hiring any person who was previously in the employ of the Government of Saskatchewan, based upon the opinions expressed by that person. Do I state your position correctly?

HON. MR. LANE: — That's precisely correct, but I also maintain that I have the right to advise my constituents.

HON. MR. BLAKENEY: — Just so, Mr. Chairman, and Mr. Minister, just so long as we know that it's the MLA for Qu'Appelle-Lumsden talking and not the minister of the crown talking, that's all right. I think that's all those organizations want to know. But it seems to me at least improper for a minister of the crown to suggest that universities and other organizations should not hire people who were previously in the Emily of the Government of Saskatchewan and who have the temerity to criticize your government.

HON. MR. LANE: — First of all, I never said it. Secondly, I think the hon. member knows full well that your letters go out as the MLA for the riding. And you know I stand by what I said before.

HON. MR. BLAKENEY: — Mr. Chairman, and Mr. Minister, I won't labor this point. Fortunately the letter is in writing, and everyone can read it and draw their own conclusions.

Item 1 agreed to.

Items 2 to 9 inclusive agreed to.

Vote 42 agreed to.

SUPPLEMENTARY ESTIMATES (NO. 3)
CONSOLIDATED FUND BUDGETARY EXPENDITURE
INTERGOVERNMENTAL AFFAIRS

Ordinary Expenditure — Vote 42

Item 1 agreed to.

Vote 42 agreed to.

SUPPLEMENTARY ESTIMATES
CONSOLIDATED FUND BUDGETARY EXPENDITURE
INTERGOVERNMENTAL AFFAIRS

Ordinary Expenditure — Vote 42

Items 1 to 3 inclusive agreed to.

Vote 42 agreed to.

MR. CHAIRMAN: — I would like to thank the minister and his officials.

The committee reported progress.

The Assembly adjourned at 11:12 p.m.