

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

**April 12, 1984**

**EVENING SESSION**

**INTRODUCTION OF GUESTS**

**HON. MR. ROUSSEAU:** — Thank you, Mr. Chairman.

Mr. Chairman, on behalf of my colleague, the Hon. Gordon Currie, the MLA for Regina Wascana, and the member of Science and Technology, I am pleased to introduce to you, and to the members of this House, visitors from the Regina 85th Boy Scout Troop.

There are eight scouts, accompanied by Lynn Edwards, and this group is seated in the Speaker's gallery. I hope that you will find your visit interesting and educational, and that you will take away with you a better understanding of the Saskatchewan Legislature, the Saskatchewan Legislative Assembly, and its workings.

I shall be meeting with you at 8:00 p.m., following your tour, in the members' dining room for refreshments.

I would ask members on both sides of the House to join in extending a cordial welcome to our guests.

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

**COMMITTEE OF FINANCE**

**CONSOLIDATED FUND BUDGETARY EXPENDITURE**

**JUSTICE**

**Ordinary Expenditure – Vote 3**

**Item 1 (continued)**

**MR. KOSKIE:** — I was about, Mr. Chairman, to move that the committee rise and report progress in the view of the fact that there seems to be an absence of the minister.

I will . . . Why isn't he here in his seat? . . . (inaudible interjection) . . . Oh, you don't care. This is the people's business, and you don't care . . . (inaudible interjection) . . . Yes.

In all seriousness, Mr. Chairman, this is the first time in this House that estimates have been called, and when the opposition is prepared to go at 7 o'clock at the standard time. At 7 o'clock we were here. It's the prescribed time. And we come into this House, I was addressing a particular subject matter, and I have no minister to address.

So I ask you, Mr. Chairman, perhaps what we should do then is ask . . .

**MR. CHAIRMAN:** — Order, order, order!

**HON. MR. ANDREW:** — The hon. member is wanting someone to answer the questions. I stand ready to answer any questions he has. We will take your questions and answer them.

**MR. KOSKIE:** — Well I'd like to ask the Minister of Finance, substituting for the Minister of Justice, who apparently is unable, or doesn't find it important enough to be here. I'd like to ask you a simple question in respect to the questioning that we were doing before supper.

**April 12, 1984**

I ask you: in your view, Mr. Minister, are there sufficient number of judges that have been appointed to the Court of Queen's Bench and the court of appeal?

**HON. MR. ANDREW:** — I think the Minister of Justice has handled that question, whether outside this House, or inside this House, or in question period, however, you want to look at it.

I believe the approach that the Minister of Justice is taking is a most appropriate approach. I believe that for far too long the provinces have not been involved in a consultative way.

I noticed the other day in question period, the Minister of Justice made reference to the legislation brought in by the CCF government in this province back in the early 1950's, requesting that type of consultation — that kind of view that we have to have in this country to not only deal with justice, but to deal with very many other problems that we have to look at in a more co-operative and more appropriate way in this country. I believe the approach taken by the Minister of Justice is something that will come to fruition. I believe that the number of judges that are presently appointed in the province of Saskatchewan is sufficient to handle the work-load in the legal system that we have.

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

**MR. KOSKIE:** — Mr. Minister, the Minister of Justice said this afternoon that what he did indeed do was to offer up some additional appointees to the federal government. Now would the Minister of Justice have been offering up additional appointments if what you are saying — that there are sufficient justices in the Court of Queen's Bench. He did, indeed, as in his own words, indicated that he made two suggestions — two appointees, recommendations — to fill the position at Yorkton and at Estevan, and that they were turned down.

Now I ask you: if, indeed, he was making the offer to the Minister of Justice for Canada to appoint two additional justices, how can you stand up in this House and say that, indeed, we have sufficient justices?

**HON. MR. ANDREW:** — Oh, I thought the interpretation of the way the question was being asked by the hon. member from Quill Lakes, was to the effect that: is the justice system so under-employed by judges? Is there so few judges that the system is somehow coming apart on us? And clearly that is not the case.

The Minister of Justice has indicated that he made recommendations. He made overtures to the Minister of Justice to have further appointments to the Queen's Bench courts, both in the area of Estevan and the area of Yorkton — clearly an open and consultative approach that we have advocated. Clearly he made that overture to the Minister of Justice nationally, and that was rejected. I think he's indicated that on many occasions. I never suggested for a moment that . . . (inaudible interjection) . . .

I stood in here and indicated that the justice system is not falling apart because of the lack of judges in this province. And I'm sure that's the view taken by the hon. Minister of Justice. And I would stand by that, and I'm sure he would stand by that.

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

**MR. KOSKIE:** — I just want to say, Mr. Chairman, I am sure that the Minister of Justice will, indeed, have the courtesy to advise the opposition the reason for his delay and undoubtedly, if the delay was out of his control, certainly we, on this side, can accept that.

I want to go on, Mr. Minister of Justice, in respect to the lack of the appointment of judges and I want to ask you: what is your particular game plan for resolving the political impasse that you have between yourself and your Liberal cousins in Ottawa?

**HON. MR. LANE:** — Prepared to negotiate with the federal government when it comes to its senses and realizes that there should be co-operation between the federal and provincial governments.

**MR. KOSKIE:** — To what extent, Mr. Minister, are you prepared to sacrifice the justice system in this province, as you have been doing, and as evident by the words of the Chief Justice of the court of appeal, by the Justice Wimmer who brought down a recent judgement finding your actions of trying to cut the justices as an illegal ultra vires of your powers. I ask you, Mr. Minister, how long are you going to sacrifice the justice system in your stubborn position that you, in fact, apparently have to be the one that names the justices?

**HON. MR. LANE:** — I'm a little disappointed. I would have thought over the supper hour, and I gave the hon. member an extra few minutes to try and figure out, try and understand what was going on, and I would have hoped that he would have talked to a lawyer over the supper hour. Again, I gave you some extra time to do that, to get a legal interpretation that was more in tune with the facts and more in tune with, in fact, the legal opinion that was given. One, as I indicated several times this afternoon – this is very repetitive – that the courts rules that what we were doing was within the jurisdiction of the province of Saskatchewan.

**AN HON. MEMBER:** — It wasn't. You got slapped in the face.

**HON. MR. LANE:** — No, you are probably the only lawyer in the province that believes that. Secondly, the judge rules that there should be appointments in both the communities of Estevan and Yorkton, and I had indicated on numerous occasions that we had made the offer to the Government of Canada, to make appointments in those two communities, but that that was rejected by the Government of Canada.

On several different occasions . . . I think we're now at the fifth occasion that I have reiterated the historical legal argument of the request for consultation: one, that there is consultation in other jurisdictions; secondly, historically, the previous administration in 1951 reduced, by legislation, the court of appeal and Court of Queen's Bench. I have tabled on numerous occasions the correspondence from my predecessor, the NDP attorney general, that there would be full and meaningful consultation and that there was an understanding to that effect. I have indicated to you on numerous occasions – I think we are now on the fifth different occasion – that there are more court of appeal judges today than when I took office. When I took office there were five, and today there are eight: five court of appeal judges and three supernumerary judges.

I was able to obtain some information from my officials this afternoon. When you complain about backlogs before the court of appeal, that in fact, the court of appeal on the criminal side, there is no backlog. But they are taking cases, booking about a month and one-half in advance, that they are now making, booking cases, I believe, for June for criminal cases. So your arguments are not holding water at all. I have indicated that the Supreme Court of Canada, and I quote from Mr. Justice Dickson in the Di Iorio Case, at page 200, and I give this to the hon. member for reference:

The establishment of provincial, superior, district, or county courts is a co-operative matter between federal and provincial authorities.

So here we have the Supreme Court of Canada saying that there should be co-operation. We have the historical position of governments in Saskatchewan that there should be co-operation and consultation. I add to that the fact of the former premier, the NDP premier of Saskatchewan, calling for consultation on Supreme Court appointments during the constitutional battle – the legal arguments, the Supreme Court. And I have indicated that it is my view, that it is in the best interest of the administration of justice, that there be consultation between the federal and

**April 12, 1984**

provincial government.

I have said that over, and over, and over again. That is our position. You have taken the position that there should not be consultation, because that is what you've said. You have taken the position that the present federal government should continue to make all its appointments solely on whatever criteria it has been using. That's been your position. We have a difference of opinion. I happen to believe that with . . . (inaudible interjection) . . . You're telling me to sit down.

**AN HON. MEMBER:** — Yes.

**HON. MR. LANE:** — You are telling me to sit down. You asked the question. You've asked the question on numerous occasions. You've asked the question on numerous occasions. And I have answered an historical perspective, the legal perspective, and what I believe to be in the best interest of the administration of justice in this province, that there should be consultation.

The only thing that saddens me is that you're probably the only lawyer in the province that does not believe that there should be consultation on the appointment of Superior Court judges, and I am very disappointed.

**MR. KOSKIE:** — In the annual report of 1982-83, and we should, of course, have the 1983-84 (but reports are seldom on time with this government), that in the court of Queen's Bench for the year ending December 31, 1981, and December 31, 1982, civil actions commenced (excluding divorce), in 1981 was 13,829; in 1982 it had increased to 15,338. Similarly with civil trials, 1,023 in '81. This increased to 1,855 in '82. Criminal trials, criminal appeals heard, 422. Chamber matters heard, up from 13,609 to 15,064, and it goes on.

And similarly, there's the case-load statistics in respect to the court of appeal. And what I'm asking you, Mr. Minister: are you indicating to this House that when Mr. Justice Wimmer, in his decision where he slapped you down for your ultra vires actions . . .

**AN HON. MEMBER:** — I think he agreed with four out of five of them, Murray.

**MR. KOSKIE:** — So he agreed out of four to five, but on the substantive issue, I'll read it to the member from Saskatoon, because he obviously doesn't know. Mr. Justice Wimmer said:

An order declaring that those orders in councils decreasing the number of judges in the Court of Queen's Bench, (and refers to the numbers) are ultra vires and invalid.

And he goes on to say, Mr. Minister:

I regret the conclusion that I have come to because the needs of the court of appeal are greatest. Litigants are now waiting many months and even years to have their appeals heard.

This is the statement, Mr. Minister of Mr. Justice Wimmer of the Queen's Bench.

As I indicated to you, you have the submission by Mr. Justice Bayda. You have the submission by . . . Why else do you suppose that the criminal lawyers of Saskatoon would bring an action against you if they did not have concern? And I ask you how: how can you stand in this House and say that there is not backlogs?

Who is the public to believe — you who are having this fight with the federal Liberals; or are they to believe Mr. Justice Bayda and Mr. Justice Wimmer and the lawyers of this province who are trying to act on behalf of their clients?

And basically what you're saying is that the court of appeal is more and therefore there's no

problem. But that is not the stark reality.

And what I want to ask you — can we agree on these facts — I ask you: one, that we do, in fact, need more judges; secondly, that we need the judges because there is a substantial backlog. Can you, in fact, agree with those two promises and then disagree on whether you have the proper consultation? Will you agree that those two problems exist, that is: one, a need for more judges, and secondly that there is a substantial delay in backlog in the process of justice. Can you indicate your position in those?

**HON. MR. LANE:** — I think the hon. member needs to read the judgement himself. And again, I think this is the fourth time we've been over it. I refer to page 15 of Mr. Justice Wimmer's decision referring to the question of number of judges and here's what he says very pointedly:

In setting forth the reason for my decision, I have not found it necessary to refer specifically to every argument put up by council for the applicant. I have considered every argument presented, but I have found most to be insupportable.

For example, it was suggested that the constitutionally guaranteed rights of the individual applicants had somehow been infringed by a reduction in the size of the course, and that relief should be granted under section 24 of The Canadian Charter of Rights and Freedoms. However no factual foundation was established for this argument.

You have the answer right there. It's been there several days. You're obviously not going to take my word for it. Why don't you take Mr. Justice Wimmer's.

I'll agree, that it would be ideal, it would be better, and it is necessary to have a judge in Estevan and a judge in Yorkton. But I had made that offer some time ago — to have those positions filled and that offer was rejected by the Minister of Justice for Canada. What more can I say?

**MR. KOSKIE:** — I want to ask the minister. You have, in this basic discussion, talked a lot about the need for co-operation and the consultation with the federal counterparts. Confer it up. Can the minister sort of outline what he, in fact, would expect when he speaks of having meaningful consultation and/or co-operation in the important aspect of the appointment of judges? What is your criteria which would constitute consultation and co-operation, Mr. Minister?

**HON. MR. LANE:** — I would expect that the Minister of Justice for Canada would take into account more than simply activities on behalf of the Liberal Party. That relationship to the Liberal Party should not be the sole determinate as to your ability to, or your eligibility to become a judge.

That I will assume and I think, speak on behalf of the vast majority of lawyers in believing that there is legal talent far beyond the Liberal Party. Even I could go so far to suggest that if we looked very, very hard, perhaps amongst the new lawyers, there may even be some talent in the New Democratic Party — legal fraternity, if we look very hard. I say that because I find it interesting that in other jurisdictions there is consultation. We go to B.C. and I notice that a former leader of the New Democratic Party, for example is named a judge by the federal government, Mr. Justice Berger, also Mr. Justice Layton.

So there is consultation in other jurisdictions, but there is no consultation in the province of Saskatchewan. And I have indicated to you, your government was of the same position when it was in power. And historically there's been no change in government's position. The only change in position that's occurred is that you've changed your position from when you were government to where you are now, in opposition. There's ample opportunity for judges to be reflective of other than one organization in the province. There is, I suspect, ample opportunity for female judges. Any one of a number of options is open.

**April 12, 1984**

And I remember what my predecessor indicated when he indicated to many how upset he was when he found out that one chief justice, when he was attorney general, was designated, named, chief justice. He heard about it on the radio — his car radio. There wasn't even the courtesy of a phone call from the Government of Canada to the previous attorney general.

I will freely admit that it's not a happy situation. But I suggest to you that there has been ample opportunity for consultation, and there's been ample offer for consultation, and it's been rejected by the Government of Canada. I really think that that's where you should use your influence with the Government of Canada, and try and get them to reconsider their position.

**MR. KOSKIE:** — Well obviously what you have here, very clearly, is an impasse between yourself and your counterpart in Ottawa. And I don't think you will deny either, Mr. Minister of Justice, that the system, because of this dispute, is being undermined.

And so what I ask you now: what is your game plan in so far as dealing with this issue? I'll leave it at that. I ask you: what's your game plan for the future?

**HON. MR. LANE:** — I told you that we had made . . . the offer was rejected. It's in the hands of the federal government.

**MR. SHILLINGTON:** — Mr. Chairman, no doubt, Mr. Minister, one could devise a better system for appointing judges. The English have a better system. The French have a better system. Even the Americans, for all its haphazard development, have a better system.

But who appointed you as a one-man constituency Assembly to rewrite the Canadian constitution? What is your constitutional authority for insisting on co-operation? There is no constitutional basis for your insistence on the right to be consulted. I ask you, Mr. Minister, who appointed you a one-man constituency assembly to rewrite the Canadian constitution?

**HON. MR. LANE:** — Well I frankly can't believe the question. Under the Constitution of Canada, under section 92(14) the provinces have legislative jurisdiction — exclusive legislative jurisdiction over the administration of justice in the province. And I've been the minister assigned to carry out that responsibility.

You asked me the constitutional position. Keep in mind constitutional position is outlined by Mr. Justice Wimmer, but secondly, and I've referred it to the hon. member opposite that the Supreme Court of Canada has made it quite clear, in the Di Ioria case at page 200, quotation of Mr. Justice Dixon:

. . . establishment of provincial superior district or county courts is a co-operative matter between federal and provincial authority.

**MR. SHILLINGTON:** — Mr. Minister, you have the right to ask to be consulted. You have no right, as a matter of law, and certainly not as a practical matter, to obstruct the administration of justice in order to ensure that the Tory hogs may feed with the same enthusiasm and vigour as the Liberal hogs at the legal trough. That's all it is, Mr. Minister. It's a question of patronage. If the minister actually had some sort of a system for reforming what is a disgraceful method of appointment of judges, members of this caucus would be with you all the way.

Mr. Minister, it is patently obvious to all concerned that you have nothing but Tory patronage, nothing but the interest of Tory patronage in this quest. And Mr. Minister, you have brought the system of administration of justice into disrepute. The system we have for appointment of judges would disgrace any other nation but this. And you, Mr. Minister, seek to make it worse by insisting on equal treatment for patronage. You complain that there has been the odd Liberal appointed to the bench, and there has been, and there has been the odd Liberal appointed to

the bench which has done the bench no credit.

**AN HON. MEMBER:** — What's the solution to that?

**MR. SHILLINGTON:** — The solution to that, Mr. Minister, is not to put the Conservative Party in the shoes of the Liberal Party and that you people have at the trough for a while. The solution, surely, is a different system of appointment. Mr. Minister, I suggest to you that your sordid squabble over the appointment of judges is marring the image of your term of office as Attorney General or the Minister of Justice for this province. I suggest, Mr. Minister, you do what the bench clearly wants you to do; do what the bar clearly wants you to do; and I think the public of Saskatchewan clearly wants you to do, and end this sordid squabble and admit that you have no constitutional jurisdiction to appoint judges.

You may have a role in the administration of the courts. But clearly the appointment of judges is the responsibility of the federal government. That may not be the best system in the world; it clearly is not, but for the moment it is our system, and until that is changed by some other method in this sort of guerrilla war that you've carried on over the last two years, I suggest that you abandon the attempt and let the courts get back to a more impartial and sensible administration of justice.

**HON. MR. LANE:** — Well I don't know how your argument leads to impartiality, and it refutes what you said earlier in your argument. I'm a little surprised to hear you say that the United States system of election of judges, the Missouri system, is better than the Canadian system. However, those are your statements.

I think it fair to say that prior to approximately 1974 there was a workable system in Canada, and it was (and I have stated this on numerous occasions), that the consultation is an informal process. It worked for some time. It was thrown out in Saskatchewan by a previous federal minister of justice. It seems to work in other provinces, but it doesn't work in Saskatchewan. And if you're going to try and put all the blame on me, I can simply read to you a telex from the former attorney general, Mr. Roy Romanow, July 7, 1981, and I quote the paragraph:

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

So don't stand there and say, one, this is a new position. Don't stand there and say that I don't have any constitutional right, because I do. Don't stand there and say that this system doesn't work elsewhere in Canada, because it does.

I agree with you, I agree with you fully, that there has to be a better way. And I hope, through my actions, that there will be a better way.

And I find it interesting that, by my actions, the Canadian Bar Association is calling for a better way. And I find it interesting that many in the bar are calling for a better way because they freely admit the way it's been going is not the ideal.

**MR. SHILLINGTON:** — Well I just wish the Minister of Justice were calling for a better way, as you clearly are not.

You are clearly, Mr. Minister, promoting a role for the Conservative Party in the appointment of judges when they are out of office. You simply, Mr. Minister, seek to substitute your patronage for Liberal patronage.

Neither, Mr. Minister of Justice, is an appropriate way to appoint judges. I will grant you that the relationship has not been as sour in previous years as it is now. That's in part because previous attorney generals or ministers of justice were not as aggressive as you are about it.

**April 12, 1984**

Mr. Minister, there may be competent people who have been appointed, and no doubt there are some very competent people on the bench. But it's somewhat accidental because it hasn't been the primary concern of their appointment. When the Liberal government was in office in Ottawa, Liberals were appointed. When the Conservative government was in office in Ottawa, during the period of John Diefenbaker, Conservatives were appointed.

In some ways it's a shame that the Clark government didn't get around to making some appointments, because we might not have the problems with George Hill and Company that we do if he had made some appointments. But that is a facetious comment.

I say, Mr. Minister, that you haven't pointed to the better way. You have simply made the sordid struggle worse than it is by calling upon a role for the Conservative Party. Nothing, Mr. Minister, in anything you have said – and there has been plenty that has been said by you over the last couple of years – has ever alluded to some system other than the patronage appointment of judges.

You simply want to have the Conservative Party sitting at the dinner table with the Liberal Party when the pie is cut. And that, Mr. Minister, to put it mildly, is no improvement.

Mr. Minister, I call upon you to return the courts to a full strength, as the bar wants you to do, as the bench wants you to do, and as I think the public of Saskatchewan are coming to want you to do.

Mr. Minister, I think there are some limits to the level of patronage which the public will tolerate. I think a government with which you were associated – the government of Ross Thatcher – found that out when they gerrymandered. I think they breached the bounds with public tolerance with that gerrymander.

I think, Mr. Minister, you are coming close to breaching the bounds of public tolerance in attempting to elevate the system of patronage appointments to a share and share alike basis. I suggest, Mr. Minister, that you either advance a constructive proposal – and there are many models for you to follow – or abandon the attempt until after the Mulroney government is elected, when you will no doubt play a full and complete role in the appointment of judges.

**HON. MR. LANE:** — Well I'll respond politically to the part of your argument. I mean, I don't think you can accuse me of supping with the devil. I think that it's well documented that you're the party that put the Liberal Party in office. You're the party that defeated the Conservative government; you're the party that's re-elected; you're the party, that during the minority years from '72-74, propped up, propped up and was the foundation for the Liberal Party of Canada, and I think that's one of the reasons you're down to 11 per cent in the Gallup polls, and you know how low you are in the province of Saskatchewan. And when that Gallup poll is plus or minus 4 per cent, you could be down to 7 per cent. So you can get into that argument. I frankly think that the Canadian system, with informal consultation, is a very workable system. It works in other provinces.

**AN HON. MEMBER:** — It does not.

**HON. MR. LANE:** — It does work.

**AN HON. MEMBER:** — Well, it works to an extent.

**HON. MR. LANE:** — It works in other provinces. How can you say it doesn't work when, in B.C., NDP are appointed, and if I recall – but I forget the name – I think there's been one or two in Ontario as well. So there has been informal consultation, a recognition by the Government of Canada that there are provincial interests, and that judges, on balance, should be reflective of

either different interests or different areas, and that we'll have a stronger bench because of it. I think the Canadian system, with informal consultation, is a very workable system.

**MR. SHILLINGTON:** — Well the informal consultation, Mr. Minister, does not result in a very balanced appointment. You can point to some exceptions whereby New Democrats may have been appointed by Liberals, but the overwhelming majority of judges which have been appointed have reflected the political faith of the party in power, and have not been appointed solely on the basis of merit, which any sane and reasonable person would suggest should be the only criteria for appointment. Mr. Minister . . . (inaudible interjection) . . . Yes, I'm suggesting that the appointment of the judges to the bench does not do this country credit. Nobody believes it does. Nobody who's familiar with the system believes that this system does us any credit.

Mr. Minister, my learned — my friend from Quill Lakes asked a question that I'd be interested in hearing you answer. How far are you prepared to carry this sordid fight? How far are you prepared to carry this? Court of appeal is now backed up for a period of time which we should regard as intolerable. People who are incarcerated, waiting an appeal on the basis of conviction, who might well walk the streets as free men and women if they're acquitted, wait months to have their appeal heard. I know because I waited, I think eight months for such an appeal.

Mr. Minister, how far are you prepared to carry this? How far are you prepared to drive the court of appeal into the ground — and the Queen's Bench — before you admit that the constitutional authority to appoint judges resides with the federal government? This federal government is not particularly of an inclination to change it. My guess is the Mulroney government is not going to be a whole lot better, because they're going to want to, they're going to want to replace retiring Liberal judges with Conservative judges before they hand this over to a better system.

Mr. Minister, how long, how far are you prepared to carry this on? You're obviously hoping that the present government is defeated in the next election in Ottawa, and that you will have a government who will allow you to appoint your friends to the bench. Mr. Minister, now supposing the Liberal government, by some miracle, pulls it out of the fire. How far are you prepared to carry this? And how far are you prepared to impair the administration of justice?

**HON. MR. LANE:** — It's interesting to hear the NDP position. They're calling for a miracle, that the Liberals "pull this out of the fire." We call it a national tragedy. You call it a miracle.

And I think that really indicates the difference between the two parties. And it's nice to see it on record. It's nice to see it on record from the back-benchers over there calling for a miracle, that the federal Liberals "pull it out of the fire." Because, you know, I'm glad you've been forthright and candid for a change on that particular issue, and I'm sure the public appreciates it. I know I appreciate it. I don't think your miracle is going to happen. As I say, I would call it a national tragedy if it did.

But I ask you to keep in mind, very simple fact — two facts. One, there's always been backlogs — backlogs because of transcripts, delay of lawyers, whatever. So let's not take the number as being the cause of any backlog. And the reason you can't take the number as a cause of any backlog, as I indicated on numerous occasions — when I took office, there were five court of appeal judges, and today there are eight: three supernumerary judges and five court of appeal judges. So there are more judges today than there was two years ago.

And remember, two years ago your government and the government in Ontario saw fit to make the decision that the proposed expansion was not of an urgent nature. The position sat vacant for 10 months. There was no urgency two years ago. I see some urgency and panic coming from Liberals because they don't share your optimism that there'll be a miracle.

But you know, let's look at the record. The record is — there are more judges today. Let's look at the record as well two years ago. When the vacancies could have been appointed, they were

**April 12, 1984**

kept open for over 10 months because both levels of government saw no urgencies.

**MR. SHILLINGTON:** — Mr. Minister, you know full well that supernumeraries do not carry a full load. It was never intended that supernumeraries would. And it is more difficult for them to carry a load in the court of appeal, I suggest, than it is in the Queen's Bench.

Mr. Minister, you know full well . . . you know full well Mr. Minister . . . I may be wrong about whether or not there are supernumeraries on the Queen's Bench; I'm not sure. But I can imagine at the trial level, one could carry a load in chambers and so on. But supernumeraries are not expected to carry a full load, nor do they. Given the structure of the court of appeal, it is not easy for them to do so.

Mr. Minister, you know full well that the court of appeal has been understaffed for some years, and the problem is building up. It's like snow building up in front of a snow plow, for the front of a blade of a snow plow — it has been building up over a period of time.

There was a shortage of judges three or four years ago. Slowly — and I admit all too slowly — that was recognized and the number of positions were increased. Then the federal government, for whatever reason, sat on the appointments. But Mr. Minister, two wrongs don't make a right. That's no excuse for you to exacerbate the problem by abolishing the positions.

So I suggest to you, Mr. Minister, that your comments about supernumeraries being appointed is simply a red herring. The minister may not be prepared to admit, but he must be aware that there is a backlog in the court of appeal. It is impairing the administration of justice and you, sir, regrettably, have to accept responsibility for that.

**HON. MR. LANE:** — I suspect that we're seeing a public example of some legal inexperience because the three supernumeraries, in addition to the five, would allow, for example, two panels of three to sit, which weren't able to sit two years ago prior to my taking office. So on court of appeal panels of three judges, in effect, there's double the opportunity since I've taken office than there was before.

Secondly, the general guide-line of supernumerary is anywhere from 30 to 40 per cent of their time. And that's roughly it. Some want to sit more; some want the flexibility. So even if you were to take the guide-line with the three supernumeraries, we've got an additional judge over when I took office.

And I don't buy your argument that it's more difficult in the court of appeal. I suggest to you it's easier in the court of appeal because it makes it easier for the panels to be empanelled. And we should keep in mind the practical situation in Saskatchewan, that Saskatchewan has an abnormally high number of criminal sentence appeals compared to the other court of appeal. So I suggest to you that you're, frankly, off base in your assessment of the impact of supernumeraries. I think you're dead wrong.

**MR. SHILLINGTON:** — Well obviously, Mr. Minister, no one is going to dissuade you of your obstinacy, and no one can. I think it is not going to do you a lot of good politically. You may think this a clever struggle to preserve these positions for the Conservative appointees. I think, Mr. Minister, this is not going to do you a lot of good publicly.

I think, Mr. Minister, it's not going to do you a lot of good personally, either. I regret to say that your term as Minister of Justice is, I'm afraid, going to be known for this struggle, which doesn't do the bench any credit, doesn't do your government any credit, and Mr. Minister, doesn't do you any credit.

**MR. KOSKIE:** — Yes, I want to basically conclude this discussion on this matter. We have pursued it for some considerable length of time. I just ask the Minister of Justice to dignify the

position that he has, to rise above what he claims the impasse, to consider most deeply the concern in respect to the justice system.

I only repeat the situation where it says the scarcity of judges causes postponement in criminal trials. "Queen's Bench in Moose Jaw had asked for an extra week's sitting because it had more cases than could be dealt with during the regular schedule sitting," Batten said Wednesday, "but no Queen's Bench judges were available for the extra sitting."

I don't think we need argue further the problem of processing it through the courts, and certainly as fast as possible. And so I ask you to reconsider the rigidity of your position; I ask you to dignify the position as the leading head of the justice system in this province; I ask you to pursue at least other possible alternatives, either by talking with your counterpart, and seeing whether you can agree on a panel of three or four people and have them submitted to the law society, or to the Chief Justice, for their recommendation for approval.

I ask you whether you would consider at least, rather than just the continuation of the confrontation – I don't know if this particular method that I am indicating to you would be of value. But surely you must have turned your mind, at least, to other alternatives in trying to resolve this problem. I don't know how you can come to this House and so flippantly try to ignore the realities of the situation. And I think it's beneath the dignity of the position, and I would hope that you yourself have submitted to fill the positions in Estevan and Yorkton – have you attempted any other methods in dealing with the impasse that is created? And certainly you have to share a considerable amount of the responsibility.

**HON. MR. LANE:** — Well I would not, if I were you, assume that the names considered, one, were all Tories, because that would be wrong. Secondly, as I've indicated, (and I'll take your comments), but as I've indicated I think that the Canadian system is workable. It has worked in Saskatchewan – one period – the early '70s. It has worked in other provinces, and I think that it can be restored.

I've made it clear that I had indicated to the Minister of Justice for Canada, our willingness to respond to the vacancies in Estevan and Yorkton. That was rejected. And as I say, I take your comments, but I think that the Canadian system is workable. And I think that it would be certainly an improved system – first to admit not a perfect system – if there was the informal consultation which I and previous attorneys general have requested.

**MR. KOSKIE:** — I'll leave that, Mr. Minister. I want to turn to another area, and that is within the *Estimates*, your decision, and that is the contracting out of the work of court reports rather than the previous system.

I think that this raises a couple of major concerns. The privatization, if we can refer to it as that – I think there's certainly . . . I want to ask you, in respect to the smaller judicial centres, whether you are going to leave the regular court reporters (which are essentially paid for by the justice system in those smaller centres) and do the primarily the privatization in the major cities where it's probably more available.

So there is a concern there. The other concern, Mr. Minister, that has been expressed to me is that the cost will be quite considerably more so far as the litigant is concerned. Getting it done through the regular court report is very cheap to the litigant.

But certainly, if you go to the private source, It's very, very much more expensive. And so I ask you to address those basic concerns that have been put forward, that is, the extra cost that it's going to be to the litigant, and, secondly, whether there will be available services in some of the smaller centres. I think of the judicial centre of Humboldt or Yorkton or thereabouts, and whether it's going to be throughout the entire system.

**April 12, 1984**

**HON. MR. LANE:** — I appreciate the hon. member's comments, and he may be familiar with the letter that we've sent out, that we are only looking at Saskatoon, Regina, and Prince Albert. And there are a couple of aspects of the costs.

There would be, in our view, a saving if there was full privatization — which we have not indicated — but about \$400,000. But there will be an additional cost to the unsuccessful litigant. I think we have to accept that.

But we are of the view that there will be some advantages to the litigant. We suspect that there will be an opportunity for those wishing to supply this service that may wish to supply, for example, overnight service or one-week service, or whatever. And they may charge an additional fee for that, but that opportunity will be there. And that speeding up of the process, and the ability to get the dispute before the courts, may have a significant saving to the litigant, one obviously which we can't quantify, but I think an objective that all would agree, that getting the matters before court as quickly as possible is to the advantage of the litigant from a cost factor. So we think there will be some potential cost savings that way.

We think, as well, that the ability to get the matters before the trial more quickly may do away with the negotiating aspect of lawyers on behalf of litigants to not move things along as quickly, which is costly to the litigant that's got a case that is likely to be successful. So there may be an opportunity that way to improve the likelihood of settlements.

So we think there are some offsetting advantages. I've indicated as well, when I mentioned this afternoon, that I am sympathetic to the idea of the electronic transcribing systems, which are opposed by, certainly, some members of the bench. I happen to think that it is a potentially workable system. That probably means fewer court reporters, if it were brought into place, and I use by way of example *Hansard* as an example of the electronic system.

So I believe that the system can be dramatically improved. There may be some, and there will be an additional cost to the successful litigant — or the unsuccessful litigant, not the successful litigant. It will probably be offset in more settlements and getting the matter to court much more quickly.

**MR. KOSKIE:** — Mr. Minister, before you decided to make this move to the privatization of it, did you do a comparative study to find out what it's likely to cost the average, say, civil litigant, rather than under the system that we have?

**HON. MR. LANE:** — Well our preliminary studies would indicate that it will be an additional \$75,000 over the whole province.

**MR. KOSKIE:** — When I speak to members of the bar, they indicate that if you were to maintain at least a mix, that is the regular reporters, and also have some of the private reporters, that that has worked very well, because essentially the clients who have limited money often will not proceed, if they have to incur a considerable risk of costs. No one knows who is going to sustain the costs at the outset. You can only make a calculated guesstimate as to the outcome.

So what they're saying is, if you have the mix that on the regular processed, say civil case, with no particular need to rush it, that they can go through the regular court reporter. However, if you have the alternative also, because when you go through the regular court reporters, they're not always available, you have to make appointments and so on. And if you're wanting to rush one through, and costs is not a problem to your client, then they could move in to use the private system. And I was wondering whether or not you wouldn't, in fact, consider the continuation, at least of the mix.

**HON. MR. LANE:** — I won't rule it out. We indicated in our letter to the court reporters we

would proceed with caution. I would caution the hon. member though, I would doubt that there would be many cases that the difference in cost on court reporting of itself would be the difference between the decision to proceed or would be the determination of whether you proceed or don't proceed. I would think that that narrow aspect I would not greatly influence the decision. I suspect it would be offset, as well, by the likelihood of the matter being resolved, if it is going to trial, more readily, but I preface by saying I don't rule out what the hon. member is saying, and it's certainly one aspect being looked at.

**MR. SHILLINGTON:** — Mr. Minister, you're not ruling it out. But that's not what you're doing. What you're doing is to, is to abolish a system which has worked very well. The system of publicly appointed court reporters. Mr. Minister, I have a multitude of criticisms of this.

I want to begin by asking you if you've had any significant group of people support you in this move. I have to think the bench must have opposed it. I have to think Judge Batten must have contacted you and expressed concern. I'd have to think that a goodly number of law firms have to have contacted you. Do you have any support to what you're doing apart from the treasury board?

**HON. MR. LANE:** — I don't for a minute suggest that changing to what I believe will be a better system, which will be a far improved transcription system, is going to be easy. And there's no doubt there's been a long standing system, but we do have a system where there are anywhere up to eight, nine months backlog on transcripts which are costing litigants a great deal of money. And I don't think the hon. member will stand up and say that we have an ideal system now, and that's not a criticism of any individuals within the system.

I think that from both a management and from an equipment point of view, that there is an opportunity to dramatically improve the system. Now it's going to mean some changes, but I will assure you as I've assured any, that I suspect when the changes are made that they will be more than satisfied, because I think the system will work far better to the benefit of the people using the justice system.

**MR. SHILLINGTON:** — Only, Mr. Minister, if money is of no concern to you. The suggestion that this is a trifling sum of money which isn't going to interest most litigants is nonsense. Might not interest many corporate litigants, but its sure going to interest private litigants.

Mr. Minister, I'm going to be gone next week. I will be gone for four days, finishing up a trial on which we have already spent six days in court. I don't intend to go into it in detail. Suffice it to say it's a story of a businessman who lost his business through what he believes to have been a civil wrong — is suing for a significant sum of money. Yet, if he's successful, he will probably be able to re-establish himself in business.

Mr. Minister, this is probably 10 days in total of courtroom time. You know, Mr. Minister, what that would cost to hire? Because I assume that that litigant would have to be in a position to pay the court reporter's time if he's going to ask her to come to court.

I ask you, Mr. Minister, what do you ask that man to do? The cost of that has got to be between \$1,000 and \$2,000 to hire someone to do it privately. It has got to cost you more than \$100 a day for a private court reporters to spend all day in court. So I ask you, Mr. Minister, if you seriously believe that the cost of transcripts is not a significant factor, I suggest to you in many cases it is a significant factor, and you put an even greater price on justice than presently exists.

**HON. MR. LANE:** — I am very, very surprised at the scenario that you've laid out. Now let's assume that what you say is correct, and that the business client who has lost this amount of money, and he's got a likelihood of success, now has a 10-day trial. And he's successful. At the end of that 10-day trial under the present system, he may have eight or nine months. I'm going to assume, because it's the common practice that the losing party is going to appeal; they're going

**April 12, 1984**

to appeal if, for no other reason, than they are not going to have to pay that judgement.

**AN HON. MEMBER:** — Thanks again.

**HON. MR. LANE:** — No, no, no – thanks that they're not going to have to pay that judgement. You're going to have to wait, probably eight, nine months for the transcript before you can get it down for appeal. Your client will have lost a tremendous amount of money even if successful in the court case. I suggest to you that that's not right. That even if we had, you know . . . (inaudible interjection) . . . What do you mean, no one is in that position? Because that's one of the difficulties.

Appeals are being delayed because transcripts are not ready. So I suggest to you that your client . . . First of all, keep in mind that if he is successful, will have those costs and won't have to pay those costs; secondly, if successful would be penalized because the transcripts would not get done under the present system for some time. So all I'm suggesting to you is that I would have thought, quite frankly, that you (I appreciate the member from Quill Lakes recognizing the problem) I would have thought that you would have been advocating a new system that is going to speed that up.

I freely admit that it may cost the unsuccessful litigant more money, but when we put \$75,000 over the number of cases before trials, I'm not thinking it's a vast, horrendous amount of money. And I suspect that if we have a number of cases where someone decides not to pursue a matter because of the incremental cost of typing up the transcript . . . I would be surprised that that would cause someone not to proceed . . . (inaudible interjection) . . . Oh, don't give me that. I've probably been in court far more than the hon. member. And I'll tell you that I would have been, in many cases, far better off with immediate transcripts than having my client wait for transcripts. And I suggest to you that the public, if we're able to deliver a speedy system, will be more satisfied with that than the present system.

**MR. SHILLINGTON:** — Well, Mr. Minister, if money is no object, it is possible that you may prefer a private system. Mr. Minister, let's follow the scenario through, when a poor man has a case he wants to take to court. Before you go to court, if you're the plaintiff, you've got to get the court reporter, I assume. The defendant is not going to have a lot of interest in getting a court reporter. You've got to have a couple of thousand dollars in trust to handle a trial of that length. Where do you think a man on minimum wage is going to get that kind of money from? I tell you, it's going to be a very serious impediment to people of modest means to pursuing claims which may have a good deal of validity.

I don't know how your firm operates, but it's not every law firm in the city of Regina wants to advance hundreds, and in some cases thousands of dollars to people for disbursements. You, Mr. Minister, are putting a price tag on justice that has not heretofore been there, because heretofore you have not had to worry about the cost of the transcription.

The problem the lawyer has, Mr. Minister, is if you're going to act for that person, you're going to get a bill when it's all over from the private court reporter. She's not going to send it to your client; she's going to send it to you. So that's money that the litigant has got to put up ahead of time. Now if the litigant is a fluent or a corporate litigant, that's not a problem. But if the litigant is somewhat of modest means, it may well be a problem, and a very serious problem. And I suggest, Mr. Minister, that you rethink this proposal because it, as I say, does put an increased price on justice, and no one can deny there isn't one there now.

**HON. MR. LANE:** — I have to reject that argument right, in fact, right now. Right now you pay for the transcripts. You pay for it when you get them. I suspect that the vast majority of lawyers out there ask for moneys before litigation, either in a form of a retainer or whatever, for cost, and they're doing it now. And again I don't see the incremental costs which have indicated is not

very great, across the province, being the determinate as to whether one proceeds it – not one. Many cases people are using private court reporters now, and they're using the private court reporters now when they've got matters they want to get on the courts more quickly. Layers are charging retainers now to pay for the court reporting, typing costs, transcript costs, now. So I don't see where your argument . . .

I do see specialized services developing which will be more costly, which I happen to think the public should pay. If the public wants 24-hour court reporting service, I think they should be prepared to pay the additional cost. I think there's already an additional cost of a — I believe 50 cents a page for . . . 30 cents a page additional for quicker work if you've a rush job. It's already been charged by the existing court reporter system, so there's a premium being charged now. I think that realistically your argument is not a fair one – that the offsetting benefits of having the service more readily available and quicker service will more than offset what I suggest to you – differential will be a marginal cost.

I also saw the other fact that I suspect, that law firms will make contractual arrangements with court reporting services, and will do it on a contract basis. And there will be a saving, I suspect, resulting. Any law firm that doesn't consider that, I think would be unwise. And I foresee that happening. So again, I suggest to you in fairness that the cost, if any, will be marginal; but, I think there will be an offsetting benefit of far better service for the litigant.

**MR. KOSKIE:** — Mr. Minister, how many of the court reporters, in fact, will no longer be employed? And what is the total cost, total cost saving from your budget in respect to the dismissal of those people?

**HON. MR. LANE:** — We've indicated that if there was full privatization, the number of court reporters is 35, and the saving would be \$400,000 annually. We've indicated that in our meetings with them that we are looking at the three cities of Saskatoon, Regina, and Prince Albert.

I can't, as yet, give you the savings and the number, because there are discussions going on with the court reporters, and I suspect that they'll be going on for the next little while, and we'll see where those discussions takes us. So I just can't give you the precise information.

I can, once we have come to an agreement, or don't have an agreement with the court reporters, that I will be able to give you the more accurate figures. I just am unable to give them to you now. I will undertake that once we have the matter decided, the extent that we are going, I will give you that information. I'm sorry I didn't . . . (inaudible interjection) . . . Well if you want to have some success in winning cases, you may be advocating that position.

**MR. KOSKIE:** — You indicated that you're looking at Regina, Saskatoon, and Prince Albert. There are 12 in Regina, 12 in Saskatoon and 4 in Prince Albert. Is it the intention to, or are you not that far along the way yet, to completely delete the existing court reporters from Regina, Saskatoon, and Prince Albert? Or are you still in negotiations?

**HON. MR. LANE:** — Still in negotiations and discussions.

**MR. KOSKIE:** — I guess my colleague asked this question; but, in so far as your argument for doing this, you seem to indicate that there's going to be an added advantage of the speed with which you can get the work done.

Did you look at the other option of adding more court room reporters to the system and thereby keeping the cost very minimal and not prohibitive, as my colleague has indicated, will undoubtedly be the case in many instances?

And, if you're thinking about increasing the speed with which the work is done, why can't you, in fact, increase the number of reporters rather than go privatization?

**HON. MR. LANE:** — For an obvious reason. The way the existing system developed over the years, court reporters are paid in the range of 20, 25 to 30, and chief court reporters 28 to 34, I believe. And in addition to that, they are then paid on a per page basis. Our internal studies indicate that the per-page component, that transcript component, is being done on the other time. It was originally designed to be done on the court reporter's own time. Our indications are that roughly two-thirds of the court reporters' time are used doing these transcripts. So you asked me if we had considered it; obviously we had. The difficulty we have is we had more. We're paying these salaries to get roughly a third of the time to get into the typing. And it just doesn't work.

The system, when it was originally established, I think we all know, was designed to try and keep the top-flight court reporters and give them additional income with the per-page basis. That was the original intent of the system. And all I suggest to you is that because of the way it developed over the years, the system simply has to be changed in order to get service back to the public.

**MR. KOSKIE:** — I think if we were basically honest with ourselves, that one of the reasons that this system that has, in fact, worked very well, which has considerable support among the litigants and among the lawyers . . . I think the truth of the matter is that there has been substantial cut backs of expenditures by this government. And what they are doing here, again, is cutting yet another service, cutting loose a number of competent people within the justice system and turning it over, which will be the responsibility of the litigants. I think it's clear, if one looks at this budget, you can find that there is a considerable decrease in the whole area of providing, at the lowest possible cost, justice to the citizens of this province.

This is only one instance. But if you look at the legal aid, we find that the budget hasn't been increased. And so really what's going to happen is that there will be justice, all right. There'll be justice, justice for the rich because they can afford it.

But I don't think you should, in fact, take a look at the system that you're putting into place and not admit at least, that there's going to be very substantial increase in cost in the preparation for trial. And that has been exactly what the lawyers have been saying.

We had a good system. It could have been improved. And I would urge the minister to, at the minimum, keep a mix, and basically, that's what we had there. But what you're doing is consideration of doing away with the regular court reporters altogether. And that is the direction you're going. I know why you're doing it. You're doing it because you haven't got the money, and that's not a priority for this government. And so I again ask the minister: will you meet with the various interested groups, and with these reporters, and come to your senses and leave in place what was a pretty good system?

**HON. MR. LANE:** — Well I have to reject your allegation it's done because of cut-back in funding. I happen to think that we can significantly improve service to the public. As I indicated, believe that a modern system, an electronic transcription service, for example, if feasible, will give far better service. And this is not . . . None of these systems are cheap to implement, and let me give you an example, when you say cut-backs that you attribute the change to.

I indicated, I had made it clear in the past, that I believe that we must automate and improve the justice system. And in this budget is the first step in the automated justice system in the province of Saskatchewan. The system, as it develops, will interface with other systems, such as the highway traffic board and SGI. It will also have the potential to expand into the civil courts and the Young Offenders Act cases, as the system becomes fully implemented. The initial focus is one on the criminal cases, where volumes are high and potential for improvement is greatest.

The recommended solution is a system based on principle of office automation utilizing small multi-user computers. The feasibility study has been done. The treasury board submission has

been done and approved, and the request for proposals have been issued. Some 21 vendors for hardware and software were approached. We expect to announce on June . . . beginning of June, who the successful supplier of the services will be. That project will cost approximately \$2 million. The initial cost this year: \$338,500, with an additional operating cost of \$223,000; so over half a million dollars is in the budget this year.

The project will provide productivity to each court location through office automation, establish microcomputers at each location.

The quantifiable benefits: annual saving of approximately 472, 000; saving on police overtime, we estimate at 40,000; savings on financial control, approximately \$50,000 a year. It will enable faster response to the public; improve support to prosecution; better planning of correctional facilities and programs; better departmental planning and budgeting; improved scheduling of court facilities.

So we are putting additional funds. I realize that when we try and bring changes into the operation of the justice system, there's going to be resistance to it; but the system has to be improved, and we are putting the moneys in to do it. So I have to reject your allegation, and I had to give the details on the automated justice system because it's one indication that we're putting the moneys into improving the system, modernizing the system. And it is a shift, and there's bound to be some trauma when you make a shift like that, but that's the direction we're going. I indicated that this afternoon.

**MR. SHILLINGTON:** — Mr. Minister, the truth of the matter is that this government has so badly managed the finances of the province that you are unable, at this point in time, to maintain essential services.

Mr. Minister, if your concern were to speed up delays, you would, I would have thought, have appointed more court reporters. That's the obvious need. And if I'm the first person to suggest to you the appointment of additional court reporters, I'll eat that microphone in front of you. I frankly don't think that, I frankly doubt that I am the first person to suggest additional court reporters.

If, Mr. Minister, your goal had been to reduce delays you might have — as my learned friend suggested, a mixed system, as we have for examination for discoveries, whereby a litigant might, if he wishes, bring a qualified court reporter — and I want to get in a moment to what's qualified. But he would also rely, as you can on examination for discoveries, on the court reporter, which is a cheaper system. I suggest, Mr. Minister, your goal was not the delays, your goal was to save some money. And as I say, you've got to the point where you can't even maintain essential services.

Mr. Minister, I want to ask you how you would maintain control. The present system of official court reporters provides a very high quality of court reporting. They are well paid, as I understand it, \$2,100 to \$2,400 plus the fees, transcription fees, which I understand that are about 15 per cent of their income; and they are able to deliver quality commensurate with their salary. It's a very good quality. Mr. Minister, I wonder how you are going to guarantee that a reporter brought in . . . I'm probably driving the *Hansard* reporter mad doing that — snapping an elastic on the microphone.

Mr. Minister, I wonder how you are going to ensure that the quality of reporting to which the bar and the bench and litigants have become accustomed, is maintained.

**HON. MR. LANE:** — First of all, I have to reject your initial argument again as silly, but indicative. Every time this government makes changes to improve productivity, improve the operation of a system, you reject it. And your answer every time is: hire more people. And you know, I suppose you and I could debate the direction of your party. Your answer always is: you've got to hire

**April 12, 1984**

more people.

I've already given you a very logical argument why it's self-defeating in this case. You didn't listen to the calculations. The fact that we intend to modernize the justice system is, in my view, long overdue. And it's going to mean some changes. It's going to mean changes in the way we operate; it's going to mean changes, perhaps, even in the format of documents; and it's going to mean changes in the format, perhaps, of transcripts. And there's going to be people who don't like the changes. But we intend to try and modernize the justice system.

The proposal we have will give us, within the next three or four years, probably the most modern justice system on the provincial court level – and expandable to the superior courts – of any system in Canada.

And I will indicate to the hon. member: yes, there will be changes. But changes don't always have to mean hire more people. It's a difference between you and us. I suggest that the proper utilization of modern equipment – computers, word processors, electronic transcription – will improve service for the public. It's more costly to start – I've told you the cost of the system, nearly \$2 million – but I'm going to suggest to you that when the system is in place, you won't find a lawyer around, other than perhaps your party, who won't admit that it is a far superior system than the one we have today. So I don't buy it.

On the question again on the money being spent, the hon. member said "there's cut-backs." I didn't mention, I was reminded, that there will be an additional up to \$300,000 on young offenders' legal aid. So there's an additional amount going into legal aid. The amount hasn't been set out in a budget because we don't know what the utilization of the legal aid on the young offenders will be for this year, for obvious reasons.

**MR. SHILLINGTON:** — Would the minister answer the question?

**HON. MR. LANE:** — Yes. I do not accept as a starting premise to solve problems we must hire more and more people and make government bigger and bigger. My suggestion to you is that we can modernize the system. We can modernize the system by mechanization . . . (inaudible interjection) . . . Okay, go ahead.

**MR. SHILLINGTON:** — The question, Mr. Minister, is: how do you intend to ensure that with private court reporters, you're able to maintain the very high quality of court reporting we now have?

**HON. MR. LANE:** — That is one of the areas that we are in discussion with the court reporters. But keep in mind that right now there are situations where court reporters, under the existing system (their base salary, whatever it may be, in the range of 25 to 30; or chief court reporters, 28 to 34, plus what they get per page) are employing typists to do the typing of transcripts, which is a rather strange system. Because if you separate the typing function from overseeing what's going on in court, you get two totally different needs. And it may be very expensive to combine them in one individual.

So we have to look at a supervisory role, and we have to look at a typing role. If you take a look – for example, the different system, and you've seen it here in the last three or four years in the electronic *Hansard* – totally different system than the one that was in existence.

And I happen to think that modernization will lead to totally different roles. And, you know, the quality of typists, of course, will always be a factor. But if we can get the transcript, the closer we can get the transcript to the date of trial hearing or whatever the procedure may be, the more likelihood the people will be reviewing the documentation exactly like we do with *Hansard*.

**MR. KOSKIE:** — Thank you, Mr. Chairman. I'm going to move on to another topic, but I'm going

to tell the hon. minister that contracting out is going to be very, very much more expensive to the individual. Every lawyer in the province will confirm that, and I hope that when the system gets into place, that when he realizes this, that he certainly will take steps to at least continue to provide a mix as I have urged him to do.

I want to turn to the area of legal aid, and I want to first of all ask the minister: have you set up the legal aid advisory boards? As of mid-February, I understood that they had not been established.

**HON. MR. LANE:** — No, I made the decision to give the legal aid commission a year, or whatever needed, to get a handle on it, make their administrative decisions with the people who were already on it, so that there couldn't be any criticism that we were rejecting and to dealing with the existing board members. I'm not aware of any changes on the board, so that they've been involved in the process. I would hope to appoint the advisory boards if everything is working smoothly – and I have no indication that it isn't – probably early in the summer.

**MR. KOSKIE:** — It would seem fairly obvious, I think, to most, that during tough economic times many more people will, in fact, require legal aid. I am surprised, Mr. Minister, in the fact that if you look at the budget for legal aid that you have not increased it over last year. What is your defence for not increasing the legal aid budget?

**HON. MR. LANE:** — Well, there is a myth, and that is that tougher economic times means more litigation and more cases before the court. That has been disproven historically, and the estimated case-load intake statistics for '82-84, in fact, will be down about 3,000, based on the information I have.

**MR. KOSKIE:** — Is that the reason that you're putting forward, that there is less demand on the legal aid system, and therefore you can afford not to increase the budget? Is that what you're saying to us? That you have, in fact, by providing the same amount as last year, are you indicating that that's sufficient to provide a reasonable, first-class legal aid system?

**HON. MR. LANE:** — You made the statement that – I believe it was a blanket statement – we know in tougher economic times that the case-load is going up. The information I have is that that's not the case. You know, in many cases in tougher economic times, people are prepared to settle and get the cash – whatever it is – on the claim, and so there are offsetting positions.

I freely admit that, overall, the government is trying to reduce expenditures. It's one of the tougher decisions. I said it last year, that I had to make a tough decision and that was the decision. You know, I've indicated to the legal aid people that the budget would be the same, and it's just frankly one of the tough decisions, and I gather we have a disagreement. I'm prepared to make it, prepared to take it, and I have.

**MR. KOSKIE:** — It's a fairly established trend by this government, if you look at the various portfolios, that the people at the very bottom of the economic ladder are the ones which you are prepared to slash and cut. And I say that why you're doing it is the inability often of these people to be able to lobby the government and to make their case as the slashing takes place. We've seen it in Social Services and we have seen it here again now in legal aid. The legal aid chief was interviewed and he says what he's doing is hoping for another miracle. And one of the ways that he may have to approach it is not saying that there is not going to be a user fee, but those that are reasonably close to the line, he said, that just barely qualify, may in fact have to be paying a portion of their costs. And how else can you deny that you are basically undermining the legal aid system when you haven't, in fact, increased it. When the direction, himself, has indicated that it will be next to impossible to meet this budget. I ask you: can you indicate the number of lawyers and paralegals that were employed throughout the system last year, and whether there will be any cuts during the course of the year?

**HON. MR. LANE:** — I'll give you the figures for this year. I don't have a comparison. I'll give you the figures: the number of legal directors, 13; the number of solicitors, 44; the number of office managers, 5; the number of legal secretaries, 30; the number of community legal service workers, 25; one chairman; one general council; one director of administration; one accountant; one director of financial management; one administrative assistant; one accounting clerk; one library technician.

I'll give you the information that you requested from this afternoon as well. The number of civil lawyers — you asked the question — there are 23, including six constitutional law section, and three in the legislation section. We estimate the total number of prosecutions — and this is an estimate because we won't know until a couple of months after the end of the fiscal year — in the range of roughly 29,000 to 30,000. So again they seemed to have dropped. If you want a comparison, we'll have to go back and get the information from last year, but I'm quite prepared to supply it to you.

**MR. KOSKIE:** — Yes, I would appreciate it if you would, Mr. Minister. In respect to the services that are being provided by legal aid lawyers, again, in discussion with them, here in Regina they are not taking preliminary inquiries. They report to the press that legal aid lawyers put restrictions on services they will provide. And this is a pretty serious situation, I think, to see again the general services being cut.

I want to ask the minister: will he, in fact, review what is going on and the concern within the legal aid lawyers and the legal aid chief or director, that they, indeed, feel that it's next to impossible to continue to provide adequate services with a non-increase budget? And I ask you: why would you cut back in the legal aid to those most in need of services?

**HON. MR. LANE:** — Again, you know, we do have a difference. I mean, you want it bigger, you want more people to supply the services. We think we've brought in a different system that happens to run a little more cheaply, the range of essential services still being supplied . . . (inaudible interjection) . . . Yes, I will freely admit that we're not supplying income tax advice and that sort of thing, as your government did under the legal aid program. But we are supplying the essential services under the federal-provincial legal aid agreement. And that includes representation in court, preparation of documentation and pleadings, employment of non-legal expertise, interviewing witnesses, advice and information.

For the criminal indictable offences we will provide services for offences contrary to an act of parliament proceeded by way of indictment.

Summary conviction offences — we will provide service for summary conviction offences contrary to an act of parliament, for a regulation under such act, or contrary to an act of the provincial Legislature of Saskatchewan, or a regulation under such act wherein the event of conviction and sentence there is likelihood of imprisonment or loss of livelihood.

The Juvenile Delinquents Act — Services will be provided under that act and I refer to the potential increase in cost of \$300,000 for young offenders' legal aid, which is not in the budget, so that there can be that potential increase in legal aid funding for this year.

So when you say "cut", yes. The amount is at the same level as last year. There has been an improvement in management and efficiencies. The same range of services is being supplied. In addition though, there will be additional services supplied this year under legal aid, which is not in the budget because we cannot estimate the use to which young offenders' legal aid will be put.

We are also supplying on the other appeals matter under the criminal aspect. Civil, family law — we are providing the following services, in all matters including court proceedings commenced or defended in order to obtain any of the following relief: divorce, contested or uncontested;

custody disputed, custody including enforcement and variation; access, disputed access, including enforcement and variation of access; maintenance, disputed maintenance, including enforcement and variation; child protection, disputed proceedings under The Family Services Act.

So, I can add to that: restraining orders; matrimonial property, subject to the exclusionary fee-generating rules, which has been in existence for some time; all disputed matters affecting matrimonial property; filiation proceedings; applications under The Children of Unmarried Parents Act, where it is reasonable to expect that support may be obtained in the near future.

I add to that, when you say that we are cutting back at the lower end, the maintenance changes that we have made to improve the ability to collect maintenance from those spouses not paying. I think that has potential for significant impact for those spouses who are carrying the burden of maintenance alone, and you supported that, and I appreciate that and acknowledge that.

So, you know, politics aside, I think when we don't look at the politics of it, and we get down to the fact that the system is supplying the service – more than the basic service – I suggest to you, under the federal-provincial agreement.

**MR. YEW:** — Thank you, Mr. Chairman.

Mr. Minister, I wonder if you may provide us with some information. I'd like to ask you what percentage of the inmates are of native ancestry in the correctional institutions from P.A. north?

**HON. MR. LANE:** — I'll see if we have that information. If we have, I'll give it to you in a minute.

Do you have any other questions? We can pull the information.

**MR. YEW:** — While we're on that subject, Mr. Minister, you could also provide me with the percentage of the corrections officers that are of native ancestry in those institutions. Corrections officers under that institutional . . . employ of those institutions, pardon me.

**HON. MR. LANE:** — We're making notes of the information you're requesting. If you want to give us your other request, we'll pull the information together.

**MR. YEW:** — A third question I have, Mr. Minister, is what programs do you have in place to make sure that more native people get the jobs in those correctional centres?

**HON. MR. LANE:** — If you want to give us the rest of you question, we're having information pulled here.

**MR. YEW:** — The fourth question, and I'll hold for now . . . For my fourth question would be are there any programs for the inmates of native ancestry that would prepare them in coping and competing for employment after they have been released from those centres – from those correctional institutions?

**HON. MR. LANE:** — Let me give you some of the information, general information, and there will be one or two questions. I believe we'll have to pull the information for you.

In 1983-84 natives comprised 63 per cent of all admissions to provincial correction centres, compared to 60 per cent in 1982-83, and 64 per cent in 1981-82. Corrections division staff have a native awareness training program. A native consulting firm provides comprehensive native awareness training to corrections divisions employees. The objectives of the programs are: to increase staff awareness and sensitivity to the similarities and differences between Indian native and white cultures, values, beliefs and traditions; to assist corrections division employees in

their ability to interact with Indian and native offenders; to increase staff awareness of the various Indian and native resources available in the community; to have corrections division employees experience Indian and native culture in a positive and informed manner.

Native programs in the correctional centres (another aspect of your question). In Regina the Native Spiritual Brotherhood organizes various cultural, spiritual and educational activities within the centre. Native elders are in attendance at both cultural and religious ceremonies. Powwows and Indian cultural workshops have been held at the centres. Sweetgrass and ceremonial pipes are allowed at religious functions. Native women's' group attends the centre on a periodic basis. Native alcohol counsellors have access to inmates.

Prince Albert Correctional Centre: native elders and other native groups have attended the centre on a periodic basis during the year of '83-84.

Pine Grove Correctional Centre: native co-ordinating council provides individual and group counselling on topics of such as marital issues, child management, and financing. Native handicrafts are taught. Native women's organization attends. Native court workers attend on a regular basis and provide legal information.

The Saskatoon Correctional Centre; native elders provide group and individual spiritual and cultural consulting services; native arts seminars are held on a regular basis.

In addition, we are having some discussion with the native women as to half-way houses with regard to native women inmates. And that will be a new direction that we are exploring.

**MR. YEW:** — Mr. Minister, that was a pretty lengthy list of programs that you outlined to me. I wonder if I may, Mr. Minister, get a copy of the list of programs that you have just outlined, and also, along with that, a comparison of the budget for the last fiscal year's operation as compared to the budget for this fiscal year's operations, '84-85.

**HON. MR. LANE:** — You do have the *Estimates* which do that comparison. That's all I can give you between last year and this year. If that's not adequate for your purposes, you can let me know by letter or however, and we will endeavour to pull the information for you.

You asked the question of number of natives. I should indicate that there are other programs of general application which, in fact, I think significantly on natives. The fine option program permits offenders to work off their fines in alternative to jail, and is used exclusively . . . or extensively by native offenders. The restitution program, a new program this year, provides judges a credible sentencing alternative where financial restitution is inappropriate or appropriate. The community service order program fits the native concept of justice. It provides judges with a further sentencing alternative, where paying for a crime by conducting community service work, is appropriate. The bail supervision program, a system ensuring the persons are kept in remand, only when necessary. The program is well utilized by natives. The Indian probation program, previously operated by FSI, has been melded into the regular probation program, resulting in the hiring of seven Indian probation officers on permanent staff. We have placed significant emphasis on the recruitment of native staff in the correctional centres, to the point where we are now up to about 10 per cent of the staff being native.

**MR. YEW:** — I guess that 10 per cent would represent the second question I had put into you regarding the percentage of native staff in those correctional institutions, Mr. Minister. I'll go on now to an item I'd missed — I got a little concerned about — and this relates to the FSI, and I have a paper here that outlines some of the concerns that the federation had expressed, just as recently as two weeks ago. And the item of concern was the high percentage of inmates; in the

chief's estimates he estimated that 85 per cent of inmates in Prince Albert Correctional Institute were of native ancestry. And he goes on to say that these inmates are products of a system that is not working. And I have to agree with the Chief of the Federation of Saskatchewan Indian Nations, because that is a fact, and history has proven it. We have always continuously been at the bottom of the economic scale or ladder when it comes to the social and economic mainstay of society. We have received very little. We have not been full participants of a social and economic mainstay of society. And that is very sad, Mr. Minister.

I want to go on, and I want to ask the hon. member a few questions related to the native court worker program. Why, Mr. Minister, have you decreased the budget for this program by 5 per cent?

**HON. MR. LANE:** — In response to your first question, I agree with you on your statement as to the position of native peoples, and you know, I don't disagree with one, any aspect of what you said. Let me indicate where we're trying to come from when we deal with these.

We're concerned with programs that actually work. So many times the native people are caught up by their — through whatever groups involved, perhaps, and . . . (inaudible) . . . we've got a great program; it's going to solve all these problems. We're trying to work with, and support the programs that work.

Internally, for example, we're doing a study on the use of customary law within the province of Saskatchewan; and I have reason to be optimistic that there are areas that perhaps we can adopt that into the provincial system. And I think that it would enhance the respect for the law within the native community. But secondly, it would tend to recognize those courses of conduct that the native people themselves disapprove of and abhor, and perhaps allow the courts to take that into account.

So we are doing work in that area, which I would suspect may have, if it . . . may have some dramatic implications if it's feasible. So we're trying to address it on what we hope will work; and, in fact, solving problems with regard to the native court worker program.

We have had meetings, and I had had meetings as recently as this morning with representatives of the Saskatchewan Association of Friendship Centres, and we will continue discussions with them.

But the reason for the decrease is that last year, after an intensive analysis, the vacancy rate of court worker positions was approximately 25 per cent. With a 25 per cent vacancy rate, salary and travel costs should drop approximately \$65,000 just during the first seven months of operation. Additional savings was realized through vacancies in some managerial and support staff.

We had been unable to obtain, as well, from SAFC (Saskatchewan Association of Friendship Centres) the analysis or the status report we have just received at the beginning of March — March 6 — and at which point we made part of the last quarter payment.

As I say, discussion are going on, and as I indicated to the Saskatchewan Association of Friendship Centre people that I talked to this morning, that I've commended them for their efforts to try and get a handle on it. We're working closely with them, and are prepared to continue discussions. But based on the vacancies in positions, the budget last year really should be about \$65,000 less than what it was last year.

But discussions will continue, and I've indicated that I've appreciated the efforts they've made to date. They are trying to get a handle on the system.

**MR. YEW:** — Mr. Minister, has there been, has there been an increase in the incarceration of

**April 12, 1984**

native people from northern Saskatchewan? – my first question. And the second question, has there been an increase in terms of native court . . . Following that first question now, Mr. Minister, the next question I wanted to raise was the number of charges against people of native ancestry. Has that increased from a year . . . Has there been an increase in that respect as well?

**HON. MR. LANE:** — With regard to your first question, we will endeavour to pull the information. With regard to admissions in the correctional centres – now these are across the province; I haven't broken them down by north and south – there has been an increase in the number of status Indians. There has been a slight increase in the number of non-status Indians. There's been a slight increase in the number of non-natives. So I will get the other information for you. Do you have any other specific questions that we can pull the information?

**MR. YEW:** — Thank you, Mr. Chairman.

**HON. MR. LANE:** — I'm sorry, the number of court charges are not registered by the question of status, non-status, so I can't give you that information.

**MR. YEW:** — Well, Mr. Minister, you did indicate to me, thought, that there has been an increase in the offences and incarcerations of native people, both in the treaty status and non-treaty status. Right?

**HON. MR. LANE:** — And non-natives.

**MR. YEW:** — Thank you. I just want to point out to you, Mr. Minister, the important role that the native court workers' services program provides for people of native ancestry as it relates to the top half of this province, because I, myself, have noticed a tremendous number of inquiries and concerns expressed between the community, the native community, the existing legal aid services that we have in northern Saskatchewan. The services that were offered prior to now were quite helpful. They had limited funding as well, but when your administration came into power we had lost a tremendous amount of funding. We face a tremendous amount of cuts in various sectors.

However, the native court worker services is a very important program for us in northern Saskatchewan. And we have difficulty with respect in the native community in terms of a person's inability to understand their rights, their responsibilities, and their obligations to the court.

And then there is the problem of their unique situations – their life-style and the language difficulty. So when I say to you, -Mr. Minister, that with the cut that is envisaged by the native court workers, it's going to really create a tight. . . It's going to create hardship for the people that run this program and also for the native community, because the southern policy that you have of cutting back on legal aid, cutting back on programs like the native court workers services, and opening it up to the lawyers . . . I don't know how the policy is, really. What I am trying to say is: you have cut back on the services that are direly needed back there, and you have made it available now for the bar to handle these cases.

But the problem here, Mr. Minister, is that many of our people cannot afford a professional lawyer to handle their cases. We don't have that economic base. We don't have the employment opportunity that your people have. We don't have the education, the qualifications to cope with your system. We just haven't got . . . We're quite a ways down on that economic ladder. And those things ought to be considered when you plan for your fiscal year's programs, Mr. Minister. I wonder if you might want to comment on that?

**HON. MR. LANE:** — Well of course I reject the allegation of cut-backs. I've indicated that the legal aid budget is the same and the number of estimated case-loads is going to drop.

Secondly, we are increasing the amount of legal aid based on the Young Offenders Act. With regard to the native court workers program, based on the vacancies of the previous year, there should have been less funds used than budgeted for, because of the, in many cases, 25 per cent vacancy. We're basing it, the budgeting, on last year, but we've already had meetings with them. So I'm concerned about the issue and, you know, we are monitoring it and we'll continue discussions with them.

You know, to say that everything is cut back, I suggest to you is not true, and there are some positive sides. For the first time in Saskatchewan's history, we do have native articling students in the Department of Justice. So there is positive symbols, or positive examples, for the native people. And we're very concerned about the problem. I share the hon. member's concern, but I think you should understand that I've prefaced my comments early. We want programs that work, programs that are working, and we'll support them to the full.

**MR. YEW:** — One final question now, Mr. Minister. You may have outlined several programs, I'm not sure, but just to clarify things for myself. The third item I had requested information on was: was there any programs in your administration for inmates of native ancestry to prepare them for the outside world when they're released from these correctional institutions? I'm sorry, I may have missed it, Mr. Minister, but I wonder if you may just stand on it.

**HON. MR. LANE:** — I've listed all the programs specifically geared to natives. I gave you the list, and I think I read it off. I sent it over to you. In addition, of course, the native people can participate in the other programs that are designed, but they're tailored specifically for natives. And I think it was a fairly extensive list.

**MR. YEW:** — Well that must be this three pages that you sent over. I didn't get an opportunity to review them, Mr. Minister. Thank you very much.

**MR. KOSKIE:** — Mr. Minister, I was wondering whether for Regina, Saskatoon, and P.A., you could indicate to me the number of remand spaces for each of those centres. And I wonder if you could also at the same time provide me with a monthly record during the past year of the number of people that were held in remand in each of the cities of Regina, Saskatoon, and Prince Albert.

**HON. MR. LANE:** — We will supply you with that information. Now that's going to take us some time to pull it together. Do you want it tonight, or . . . ? I'll undertake to supply it as soon as we have it ready.

**MR. KOSKIE:** — I was just wondering, do you happen to have just the number of remands, not the monthly population of . . . just the names of spaces, as a start?

**HON. MR. LANE:** — In P.A., the number of remand spaces is 20; in Saskatoon, 26; and in Regina, 33.

**MR. KOSKIE:** — And in respect to . . . That's the information I want. You can give me the other details as to the monthly average that was being held in each centre.

There has been some discussion in respect to the security at the various correctional centres — fair amount of publicity in respect to Saskatoon, and to some extent in Prince Albert. Has any improvement s been made in respect to the security system?

**HON. MR. LANE:** — We've added on the securities the so-called razor wire, the fine restraining wire that is on top of the fencing in the correctional centres, and we've had a fairly extensive, I think, improvement on the procedures for the guards.

If I can indicate to you the monthly remand population, I will get photocopied the figures going

**April 12, 1984**

back to 1979-80. The average remand in 19 . . .

**AN HON. MEMBER:** — I want the monthly.

**HON. MR. LANE:** — Yes, I'll give you the monthly. I could read them all through, but I will send it over to you. But the total average in 1982-83 was 123 per month; 1983-84 was 111. I will get a copy of this and send it over to you.

**MR. KOSKIE:** — Within the correction system, do you have a problem with sufficiency of space for the remands? You hear various indications that they're doubled-bunked and they're put into facilities that they otherwise shouldn't be. Can the minister indicate the magnitude of the problems in respect to the remands?

**HON. MR. LANE:** — Well the remands have dropped about 10 per cent in the last year. The existing system, of course, is still the same system. They have dropped. Things are admittedly generally tight, but that particular program has had some success and, you know, as I say, there's been a reduction about 10 per cent in the last year.

**MR. KOSKIE:** — Can you indicate the number of escapees during the course of the past year?

**HON. MR. LANE:** — We'll pull that information.

**MR. KOSKIE:** — And were there any suicides within the correctional institutions during the past year?

**HON. MR. LANE:** — I'm advised that there were none.

**MR. KOSKIE:** — What I'd like you to provide, and you may not have it today, but in respect to each of the correctional institutions — that is, starting with Pine Grove Correctional Centre and the provincial correctional centre in P.A., and so on — all of them; what I would like you to do is to provide me: one, with the capacity of each of those facilities, and if you would provide me the monthly number of inmates that were incarcerated in each centre during the past year. Can that be done?

**HON. MR. LANE:** — Yes, we'll supply you with that information.

**MR. KOSKIE:** — One of the actions that your government took shortly after it assumed office, in respect to the general system that was there, is the closing down of the challenge camp near Hudson Bay. And I think from what one reads, the closing down was a bit of an unfortunate situation in that there was a lot of materials left behind — probably thousands of dollars worth of foodstuff, materials and equipment, confidential files, as I understand it. And I wonder if you could explain why the lack of administration on your part, and if you were going to close it down, why didn't you take proper steps to see that it was properly administered?

**HON. MR. LANE:** — Yes, as you are probably aware — and I released the document to the public after the camp was abandoned — I had an internal investigation by Mr. Serge Kujawa of the Department of Justice. And his conclusions and his report I have made public. I will forward the hon. member a copy if he has not received it.

The conclusion was that the challenge camp was vacated, but not abandoned, by its staff after the last graduation:

Given that the staff members did not know of the decision to close the challenge camp until five days after graduation, they planned for and conducted a routine and regular departure of inmates. Departure was neither hurried nor extraordinary. On departing, inmates took with them their personal possessions and belongings. No

evidence suggests they left any clothing behind. Any clothing that remained on site was part of the challenge camp stores. Staff departure was the result of transfers to other correctional institutions. No evidence suggests that it was hurried or chaotic or done with a sense of abandonment.

Two camp closure plans had been prepared. Only one had been committed to paper. However, work on removing equipment from the camp had begun before the plan was delivered to the phase-out crew. One plan called for moving equipment and supplies to Regina in two stages. The other plan did not specify a time span. Either plan required use of discretion by the phase-out crew.

And I can go on and read the pages of conclusions, but I am prepared, if the hon. member wishes, to obtain another copy of the full report on the investigation and submit it to him.

**MR. KOSKIE:** — Mr. Minister, I discussed this with you last year, and I wonder whether, in fact, you have — whether you have, in fact, reconsidered supporting the John Howard Society, and its program, which I thought was very useful.

They had it at Moose Jaw. Your indication there was that it was just on an interim basis, and it was phased out. I know that in Saskatoon that it has been funded by the federal government, and I'm wondering whether — I'm wondering whether, in fact, you will reconsider the funding of John Howard Society and if not, what rationale do you have for . . .

**AN HON. MEMBER:** — Same rationale as he had for bombing the court reform.

**MR. KOSKIE:** — Yes . . . for bombing this very worthwhile program.

**HON. MR. LANE:** — We went through the debate last year as to why we felt, on a cost-effectiveness, that the program did have some deficiencies. I had made it clear to the John Howard Society that if they could get public support to fund the program, we would co-operate with them, and have so co-operated, and will continue to do so. And the department, the prosecutors, have been fully co-operative, and I think that the society will endorse that (they have to me) that they appreciate the co-operation.

**MR. KOSKIE:** — I want to deal with a couple of specifics, and then we'll wind it down. The grants to justice organization, the grants to justice organizations for justice-related activities is down very considerably, 939,970 to 892,970, and I was just wondering whether . . . Would you provide the list of the justice organizations, give me the information as to what they received last year and what they will be receiving this year?

**HON. MR. LANE:** — Yes, I can indicate . . . I will send that information over to you. The main reductions, though, are the Camp Klahanie Society which was in a payment last year of some \$13,185. That was for one particular inmate, that there was a cost incurred that had to be paid, so it was a one-time payment.

The second was the Saskatchewan Freedom Group, of \$14,860, which is no longer in existence. And if you take a look, the previous discussion on the native court worker program and the technical difficulties we had, make up the bulk of any adjustments. But I will forward that over to you.

**MR. KOSKIE:** — Thank you. And in respect to the grants for correctional services, they are down considerably too, and could you provide me with the details of the reason for the drastic decrease.

**HON. MR. LANE:** — The programs are the general 5 per cent reduction, John Howard Society. I suspect that the John Howard Society will be working however, on a young offenders act and

**April 12, 1984**

there will be a new program initiatives in that area. The other was a native liaison program that had been phased out and was no longer in existence; the other was the Canadian Association for Prevention of Crime, which had the same grant, so those were in the adjustments.

**MR. KOSKIE:** — The only other comment that I want to make before we start winding it down, Mr. Minister, is I indicate some concern that, in respect to the Saskatchewan Human Rights Commission, very basically a small decrease; the law reform commission, there is a decrease; the Saskatchewan Police Commission, there is quite a substantial decrease; along with the legal aid where there was no increase in exactly the same amount of budget.

I am concerned in respect to the continuation of carrying on the very useful work that the Saskatchewan Human Rights Commission has in the past, and a little surprised that there is an actual decrease in it. Similarly with the law reform commission, there is a decrease, and the Saskatchewan Police Commission, and I might like your comments in respect to those cuts.

**HON. MR. LANE:** — Well, for as it applies to the Saskatchewan Human Rights commission, you'll note that the staffing is the same. The reduction of \$11,000 comes about because an adjustment in the salary level that had been estimated for the previous year turned out to be more than was required. So there's no actual reduction in their operating use or funds for their operation.

With regard to the law reform commission, the adjustment comes about, and you'll notice the two items, personal services and other expenses. You'll notice the change primarily comes from simply an adjustment in the honorariums paid.

The Saskatchewan Police Commission there has been a reduction in training funds of approximately \$7,000.

Correction — I'm not sure, did you ask corrections administration? I think I indicated to you that was that adjustment in that base contingency fund that had been in existence for some years — has been more or less integrating into the corrections administration — and that's the adjustment there.

**MR. KOSKIE:** — One final one. In respect to Pine Grove Correctional Centre, I see quite a substantial increase in personal services, the number of people. Could you indicate what staff is being added there?

**HON. MR. LANE:** — All of the corrections, any increases, the taking of what previously had been a contingency fund, which varied from year to year depending . . . there was a draw down by corrections based on the number of remands, inmates, etc. We have brought it into the system and we have converted — primarily non-permanent employees have been converted to permanent employees, and that's the adjustment.

Item 1 agreed to.

Items 2 to 33 inclusive agreed to.

Vote 3 agreed to.

## **SUPPLEMENTARY ESTIMATES**

### **CONSOLIDATED FUND BUDGETARY EXPENDITURE**

#### **JUSTICE**

#### **Ordinary Expenditure — Vote 3**

Items 1 to 10 inclusive agreed to.

Vote 3 agreed to.

**CONSOLIDATED FUND BUDGETARY EXPENDITURE**

**SURFACE RIGHTS ARBITRATION BOARD - Nil Vote**

**CONSOLIDATED FUND BUDGETARY EXPENDITURE**

**PUBLIC AND PRIVATE RIGHTS BOARD – Nil Vote**

**CONSOLIDATED FUND LOANS, ADVANCES AND INVESTMENTS**

**SASKATCHEWAN TELECOMMUNICATIONS**

**Vote 153 – Statutory**

The committee reported progress.

The Assembly adjourned at 9:40 p.m.