

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

April 12, 1984

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

CLERK: — I hereby present, and lay on the Table for reading and receiving, the following petition, which was presented yesterday by Mrs. Caswell:

Of certain citizens of the province of Saskatchewan, praying that the Honourable Assembly may be pleased to stop the funding of abortions out of medicare funds.

NOTICES OF MOTIONS AND QUESTIONS

HON. MR. TAYLOR: — Mr. Speaker, I give notice that I shall on Monday, move first reading of a bill to amend The Marriage Act.

INTRODUCTION OF GUESTS

HON. MR. ROUSSEAU: — Thank you, Mr. Speaker. Mr. Speaker, I'd like to introduce to you, and through you to the members of the Legislative Assembly, 43 grade 5 students from the Ethel Milliken School. They are seated in the west gallery, and are accompanied by their teachers, Barbara Graham, Nonee Garvey, and Bernie Wagner.

I wish them an informative and enjoyable visit, and look forward to meeting with them after question period. Mr. Speaker, I would like all members to join me in welcoming them here today.

HON. MEMBERS: Hear, hear!

MR. BOUTIN: — Thank you, Mr. Speaker. I'd like to introduce to you, and through you, 43 grade 10 and 12 students from St. Louis and Wakaw within the Kinistino constituency. Grades 11 and 12 are accompanied by their teachers, Mr. Ben Heppner from Wakaw, and Mr. Eric Harder from St. Louis.

I hope your stay here will be interesting and very educational, and I will be meeting with you for pictures and drinks at 3:15. I would ask all members of the Assembly to join with me in welcoming them.

HON. MEMBERS: Hear, hear!

MR. SCHMIDT: — Mr. Speaker, I'd like to introduce to you, and through you to this Assembly, 27 grade 8 students from Ituna High School in Ituna, Saskatchewan. They're seated in the east gallery. They are accompanied by their teachers, Bill Hudema, and their bus driver, John Kentz. I will be meeting with them at 2:30 for pictures, and I ask this Assembly to welcome them.

HON. MEMBERS: Hear, hear!

HON. MR. DOMOTOR: — Mr. Speaker, I'd like to introduce to you, and through you to this Assembly, a group of grade 8 students, numbering 25 in total, and seated in the west gallery. They're accompanied by their teachers, Sadie Urban and Daniel Gerwing; their parents, Mrs. Wollman, Mrs. Sharra, and Mrs. Pfeil; and their bus driver, George Grevel. I hope their stay is informative and educational. I'll be meeting with them for pictures on the second floor rotunda area at 2:45. I wish to ask all the members here to welcome them here this afternoon. Thank you.

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HON. MEMBERS: Hear, hear!

MR. LINGENFELTER: — Mr. Speaker, I take a great deal of pleasure in introducing three distinguished persons who are with us today, members of the income and marketing opportunities subcommittee of the Canadian Wheat Board Advisory Council. The individuals are seated in the Speaker's gallery: Ken Galloway from Fort Saskatchewan, Alberta; Brad McDonald from Strathclair, Manitoba; and Michael Halyk from Melville, Saskatchewan. The individuals are in town today to meet with the opposition and the government — I believe met with the Minister of Agriculture. I'm sure all members will want to join with me in welcoming them here today and wishing them good luck in the next week, as many farmers will be watching with interest our well-renowned and faithful wheat board in Canada. Thank you.

HON. MEMBERS: Hear, hear!

HON. MR. HEPWORTH: — Mr. Speaker, I too would like to join my hon. colleague in welcoming Ken and Brad and Michael to the Assembly here this afternoon. I did enjoy meeting with them this morning, I had a fruitful discussion as a follow up to some correspondence we'd had before. I wish them well in their task, and would just ask as well that all members join me in greeting them.

HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

Separate School Teachers' Strike in Moose Jaw

MR. KOSKIE: — Thank you, Mr. Speaker. I'd like to direct a question to the Minister of Education. As the Mr. Minister of Education will realize that we are into the second week of the Moose Jaw separate school teachers' strike, I want to indicate to you, as you are aware, that a number of days ago a concerned parent group in Moose Jaw provided you with a potential solution to this dispute in the form of a petition requesting an inquiry into the situation. I'd like to ask the minister: has she responded to that request? And indicate what was her response.

HON. MRS. SMITH: — Mr. Speaker, yes, I have responded to that particular group verbally by a phone call. I believe it was yesterday morning. And at that time I indicated to the spokesperson that I could not accept the suggestion of an inquiry based on the wording and what they wanted the inquiry into, particularly in view that the dispute is over collective bargaining.

MR. KOSKIE: — I'd like to ask the minister whether she has offered any staff or assistance to the parents in order that they might meet her legal technicalities in order to place before her a concern to, in fact, provide an inquiry, as requested in the petition which you've technically found incorrect.

HON. MRS. SMITH: — Mr. Speaker, it was not on a mere point of technicality. It is on a much broader philosophical issue. For instance, the inquiry was to be into the attitude of the board. Now that's pretty broad in terms of what is happening with the dispute, which technically — to use your phrase — is at the collective bargaining system. We both know that collective bargaining system is a two-way street — a communication system. And in fact, if everything is working well, it probably says something about the positive aspects of communication between both sides, whether it be the teachers or the trustees. And it was for those reasons that I rejected the inquiry into the attitude of the board.

MR. KOSKIE: — Supplemental, Mr. Speaker. If you have refused to accept the parents' proposed solution, I ask you: what are you prepared to do as Minister of Education to get the situation settled soon as possible? Have you and your officials met with both the teachers and

the school board together?

HON. MRS. SMITH: — No, Mr. Speaker, I have not met with them together, and I'm making the assumption that he means the trustees and the teachers together in one room. I have met with a representative of the board. I will be meeting with a representative of the teachers' local association today, and the member from Quill Lake further asks me what we have done. I think he should read The Education Act and the processes as outlined. He wants to know what I've done.

The bargaining structure that we presently have was very deliberately designed, very deliberately designed, to keep minister and government and, hopefully, all politicians as a whole at arm's length from local negotiation processes.

In our education act, Mr. Speaker, we have a process that is called the Educational Relations Board. It begins at approximately sections 235, 236, 237. That board is very much independent of minister and government and politicians. For instance, the Saskatchewan Teachers' Federation and the Saskatchewan School Trustees' Association both appoint two members to it. Then they decide who the chairman is going to be, and if they can't come to an agreement between the four people, then it goes to the Chief Justice to appoint a chairman.

They also have some powers outlined as to what they can do. In a dispute, both sides, teachers or board, may request conciliation mediation or, if the dispute is as such, the Educational Relations Board may initiate that on their own.

Now obviously, as the member from Quill Lake says, we are into our second week of strike. The first day of strike, when it comes to children in the school system, has to be a concern to all. We have been concerned, particularly, when it appeared that both sides were not coming together and would perhaps need some third-party help in monitoring the situation, and being particularly concerned about the continuing withdrawal of services to those students, I had asked the department to contact the Educational Relations Board to see if they were aware, and if they were monitoring. And the answer was yes, they had had one meeting, and they scheduled another one for today, and that is where the matter is today.

MR. SHILLINGTON: — Madam Minister, surely your role is not that of a bar room lawyer to pick nit-picking hotels in a petition which laymen have drafted. The point, Madam Minister, is . . . Would Madam Minister not agree, the point is there is a serious problem in the city of Moose Jaw? Madam Minister, may be able to solve that, using the prestige of your office, and that of your deputy, by meeting them both at once.

I ask Madam Minister to cast off the mantle of a bar room lawyer, and tell this House why you won't sue the prestige of your office, and your deputy's office, to attempt to solve what is admittedly a serious problem in the city of Moose Jaw.

HON. MRS. SMITH: — Mr. Speaker, I can only state the reason that we have an Educational Relations Board which is made up of the partners in education — the school boards and the teachers, the two major partners when it comes to the delivery of that service at the local level. And they have the powers to initiate. They have been monitoring and they are meeting today on the Moose Jaw situation.

MR. SHILLINGTON: — Supplementary. Would Madam Minister not agree that, by any reasonable definition or standard, that process has failed? And would Madam Minister not agree that, when all else fails, it is time for you and your deputy to stop fiddling while Rome is burning, and try to attempt to solve the problem?

HON. MRS. SMITH: — Well, no, Mr. Speaker, I cannot say that the process has failed, because the process . . . (inaudible interjection) . . . Just listen please. The process is one, of the Educational

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Relations Board having a meeting today. They have the powers to go in with a mediation conciliator. They have those powers, and it is up to them to decide whether that is going to work in this situation or not, not me. That's the Educational Relations Board.

I think you're prejudging what that board can do. And that's very unfortunate considering what happened in 1975, when the Regina Catholic School was on strike. The same period of time, April to May – four to six weeks – they could not come to a resolution. The Educational Relations Board was there, and they were able to mediate and to get the teachers back to school, and the children.

SOME HON. MEMBERS: Hear, hear!

MR. SHILLINGTON: — New question, Mr. Speaker. Madam Minister, your colleagues, the Minister of Labour and the Minister of Agriculture, were criticized, both in this House and in editorials in the province, for doing nothing to prevent a dairy strike and then having a crisis fall upon the lap of the House.

Madam Minister, will this government not learn from experience. Has the time not arrived for you to do what you can to avoid a crisis and attempt to intervene and solve it? What has Madam Minister got to lose? Let me rephrase the question: what has Madam Minister got to lose by attempting to solve the problem through your office and that of your deputies?

HON. MRS. SMITH: — He asks, "What is there to lose?" You know, we're in a strike situation, and we're talking about children and schools. There are no winners in a strike, there's only losers. You know, what he would like is immediately back-to-work legislation for school teachers. And he's totally ignoring the process that has been put in place, and he has not given an opportunity to work. The legislation and the intent was for the specific reason that he doesn't want to give it a chance to work.

Saskatchewan Transportation Company Deficit

MR. LUSNEY: — Thank you, Mr. Speaker. I have a question for the minister responsible for the Sask Transportation Company, and a minister who has a unique skill, I think, for turning everything he touches into disaster.

Mr. Minister, a couple of days ago you tabled an annual report for the Sask Transportation Company which states that you've got a \$2.8 million deficit for this year, for 1983. Mr. Minister, that is about the largest deficit of all the years combined that this company has been in business, and that's for the last 36 years.

Mr. Minister, can you tell us how your private sector managerial expertise allowed this company to have such a huge deficit?

HON. MR. GARNER: — Well, Mr. Speaker, maybe we should just point out to the members of the Assembly, and to yourself and the people of Saskatchewan, just who did run this bus company into the red. I think we should set the record straight, Mr. Speaker.

We look at, number one, the prairie shuttle has come back to haunt us again. We still aren't clear of it, you know. And by the time the total costs are in on the prairie shuttle venture little white elephant trip that they took with that, Mr. Speaker, the big white elephant bill comes in at a loss to the taxpayers of Saskatchewan of over \$1 million.

Secondly, Mr. Speaker, secondly, we have to look at how the previous government were playing politics with the bus company in the province of Saskatchewan: 1982, just before the last general election, political miles injected in to the route, the miles for 1983 being 446,124 miles, injected by the NDP in '82 – not cut by this government, because, Mr. Speaker, I think it's very

important that we put a quality transportation service for the people of Saskatchewan first, and a profit second. That's very important, Mr. Speaker.

The combination of their prairie shuttle, the political miles that they injected, are some of the reasons why we still have problems in STC today, but I will say, Mr. Speaker, those problems are being addressed, and by next year, Mr. Speaker, we will see a brighter annual report because we don't have the white elephant prairie shuttle anymore.

MR. LUSNEY: — Mr. Speaker, supplementary to the Minister of Sask Transportation Company. Mr. Minister, it is quite obvious that you won't answer the question directly. You tend to go on the political miles like you did on the political miles on highways. Mr. Minister, a couple of days ago — I believe it was yesterday — you cited one of the problems with Sask Transportation to be their charter service, and you stated this was one of the areas where the company lost business — or lost money.

Mr. Minister, in your report it shows that you made in 1983 about \$700,000 from charter service routes. How, Mr. Minister, can you say that the company lost money, because they made \$700,000 in charter services? Why are you telling the people that the problem is that the charter services didn't make any money, and that the bus drivers are being paid too much? Why are you saying this to the people of Saskatchewan?

HON. MR. GARNER: — Well, Mr. Speaker, once again, what I have said and what the member opposite is saying that I have said are two different things. I have said that revenues were down, and I will refer to page 4 of the annual report for the member opposite, where it's right in there under charter services, Mr. Speaker, where the revenues for the year previous were \$827,301. They dropped by 15 per cent in the year under review to \$703,037. That is a decrease. Now maybe the members opposite call that an increase, but when you get less dollars we have to call it a decrease on this side of the House.

Mr. Speaker, I'm not saying, and it's not for me to judge, how much the bus drivers in Saskatchewan are to be paid, but I think we should lay the facts out to the people of Saskatchewan. And one of the reasons why our charter revenue is down is because we cannot compete in the charter field. The bus drivers' wages paid to STC drivers are in the area of 50 per cent higher than paid by Moose Mountain or Western Trailways. The average, Mr. Speaker — members opposite don't want to hear this — but the average, Mr. Speaker, the average salary paid to the bus drivers in the province of Saskatchewan last year, with benefits included, is in the area of about \$46,700. Now those are facts and figures that I'm quite prepared to share with members opposite when we go into Crown corporation meetings, which is to be called next week.

Mr. Speaker, I've said that the corporation has identified a problem here. Something has to be done to correct that problem. It's as simple as that.

MR. LUSNEY: — A question to the Minister of Highways responsible for STC. Mr. Minister, the bus drivers of this province are paid like other bus drivers, and that's per mile. The amount of miles they put in determines how much they make. Do you not agree with that?

And you cite one area, and that's the Sask Transportation Company bus drivers, and you don't tell us what the private sector drivers are making, and how many miles they've put on. But, Mr. Minister, putting the problem on the bus drivers, I think, is not what you should be doing at this point. You should be saying to the people that even though you made \$700,000 the fact is — and would you not agree? — that you could have had a lot more charter service runs out there, and made a lot more money for Sask Tel, if you had . . . did a little bit of marketing. Because there are charter services, people are coming in trying to charter buses that are being refused.

Are you not aware of this situation, and would you not agree that Sask Transportation could've

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made a lot more money if you had provided the buses and allowed the bus drivers to go out there and do all the chartering that was being asked for?

HON. MR. GARNER: — Oh, once again, Mr. Speaker, we have to set the record straight. The charter rate to charter an STC bus in the province of Saskatchewan is approximately \$2 per mile. Some of the other companies are chartering buses at \$1.75 a mile. Mr. Speaker, it's simple business — simple mathematics. We cannot compete.

The member opposite states about a comparison. I will just share some comparisons, Mr. Speaker: Greyhound, and this is driver wage rate comparison, fact — not an NDP fantasy, Mr. Speaker — fact. Greyhound, their drivers are 11.7 per cent less than STC; Grey Goose, out of Manitoba, 36.5 per cent less; Pacific Coach Lines, B.C., 7.8 per cent; Red Arrow, Mr. Speaker, out of Alberta, 31.5 per cent; and Western Trailways, Saskatchewan — comparing apples to apples — 48.7 per cent less; Moose Mountain, Saskatchewan, 58.5 per cent less.

Mr. Speaker, the fact of the matter is, what the NDP want this government, this administration to do, they want us to go out there and cut service to rural Saskatchewan. Mr. Speaker, that's what the NDP want.

Mr. Speaker, we're not adding political miles, but it's very hard to take buses away from the senior citizens and children that want to travel on STC in this province.

SOME HON. MEMBERS: Hear, hear!

Early Election for Cumberland House

MR. YEW: — Mr. Speaker, I have a question to the Minister of Urban Affairs. The minister will know that at two community public meetings in Cumberland House within the last few days — last Friday, and again last night — the majority of the town council . . . The majority of those present were from the town council, as well as the public.

They passed motions of non-confidence at that community's mayor. The minister will note further that, following last Friday night's meeting, a majority of the community council also voted to dismiss the town administrator. The debate which resulted ended in a fist fight against a council member by the town administrator.

My question is this: your government has extended the terms of elected officials in northern communities in to 1985 as a result of your new Northern Municipalities Act. However, in light of the motions of non-confidence passed by the community, and in light of the high emotion and the tension in that community which now surrounds municipal government in Cumberland House, are you considering early elections for that community?

HON. MR. EMBURY: — Mr. Chairman, this reminds me of Henry Baker. I think I should point out to the member opposite that a motion of council of non-confidence in a mayor has no meaning in law. There is no such motion that can be passed in council.

If they are unhappy with their council, there will be an election, I believe, in October of 1985. The present council of Cumberland House were elected to the LCA (local advisory councils), and, of course, once that became a village they became the council of Cumberland House. The next scheduled election is '85, and we have no plans to call an early election in Cumberland House.

MR. YEW: — Supplementary, Mr. Speaker. People from that community have contacted me numerous times over the course of the last few days, and they have told me that they are extremely concerned about the situation, Mr. Minister. They feel that the residents of Cumberland House have been denied public involvement, freedom of expression, and basic

democracy in the ways that the affairs of their community have been handled.

The infighting has become so bad, Mr. Minister, so bad that the mayor has even attempted to fire the deputy mayor, including another elected official (a councillor), and he has locked the doors of the town office to them and, in so doing, locked the doors to the public in that community.

I ask the minister: does his government find this kind of conduct acceptable? Do you support those decisions and that kind of activity? Further, Mr. Minister, will you at least, at the very least, promise to investigate that situation thoroughly and to meet with both sides of this unfortunate incident?

HON. MR. EMBURY: — Mr. Speaker, I'll point out to the member opposite, the mayor . . . I pointed out to you previously that council has, by passing a motion of non-confidence in the mayor, means nothing. The mayor also cannot suspend members of council. He doesn't have that power either. I think what you're asking is for the provincial government to interfere in local politics and in the local affairs of that council and, I think, Mr. Speaker, that this government believes in local autonomy, and that they should look after their own affairs, and I would suggest to you, sir, that that's what they should do.

MR. YEW: — A new question now, Mr. Speaker. My question has to do with yet another of your government's broken promises to people in northern Saskatchewan. This question is directed to the Minister of Urban Affairs.

In April of last year, your colleague, the member for Meadow Lake, promised the La Ronge town council a special northern capital grant of 214,000. On February 17 of this year, at a meeting of the La Ronge town council, you informed them that you had signed the cheque just two days previous. Here we are into April 12, and the La Ronge town council still has not received this money.

Can the minister please assure us that this grant is forthcoming, and that he will investigate why it has taken his government so long to make good this simple, straightforward commitment?

SOME HON. MEMBERS: Hear, hear!

HON. MR. EMBURY: — Mr. Speaker, I think the member should check with the council. They have it in their hands.

ORDERS OF THE DAY

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 43 – An Act to amend The Power Corporation Act

HON. MR. McLAREN: — Mr. Speaker, it's my pleasure to present Bill 43, An Act to amend The Power Corporation Act, today and to introduce several amendments to that act. While these amendments are basically of a housekeeping nature, they do contain features which will enable the corporation to streamline some customer service practices. There are other sections of the act which simply need updating to bring them in line with sound business principles. I would therefore, Mr. Speaker, like to address each of the proposed changes for the benefit of the Assembly.

Mr. Speaker, under section 3, where we discuss limitation of liability, we want to make it easier for our customers to apply for service. At one time we required all customers to come into the

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office and sign a contract. For some time now we have accepted telephone request for service connections and relocations of service from residential users. This change confirms the present practice.

Mr. Speaker, this is a progressive step which recognizes the value of our customers' time. Often it is not convenient for them to get to the local SPC office. At the same time, Mr. Speaker, the Saskatchewan Power Corporation is in the business of service, and we want to see to it that, if there are improvements in that service can be made, the customer has a right to that better service.

I should mention, Mr. Speaker, that the use of the contract was to ensure that customers agreed with the corporation on the term of service. I am sure we all recognize that, with the vast network of electrical and gas lines criss-crossing this province, it is absolutely impossible to guarantee an uninterrupted supply of energy. One only has to think back to the rash of lightning storms we had last summer to realize that we have an overhead network of electrical transmission lines that are exposed to all weather conditions.

Mr. Speaker, on the natural gas side of the business, there have been accidental contacts with underground lines which have, on occasion, interrupted the gas supply to a community. By including this provision in the act, Mr. Speaker, we will be able to dispense with the taking up of the valuable time our customers spend by going to the SPC offices. At the same time this revision will ensure that SPC and the customers understand their responsibilities. The corporation will still be required to exercise a reasonable degree of care.

The second part of the amendment in section 3 is simply to affirm that the corporation and the customer are each responsible for their own facilities.

Mr. Speaker, the proposed changes to section 10 recognize the value of purchases that has inflated considerably. At present, orders in council are required to authorize the purchase and sale of real property valued in excess of \$25,000, and for the purchase and sale of personal property valued in excess of \$250,000. I request that these values be raised to 150,000 for real property transactions, and to 1 million for personal property transactions. This change will substantially reduce the number of routine requests for orders in council.

Mr. Speaker, a new subsection is proposed for section 13 to recognize the provisions of The Business Corporations Act, which was passed in this Assembly a few years ago. Again, Mr. Speaker, this is simply a matter of housekeeping.

The four sections which follow, namely sections 15, 25, 26, and 30, have been upgraded to reflect the current titles of the senior officers of the Saskatchewan Power Corporation.

In section 30, we propose to apply the experience of the rural electrification program to the very popular Saskatchewan Natural Gas Distribution Program. During the building of the rural electric system, it was found that the process of conducting formal land surveys, and the registering of easements against each parcel of land crossed by those lines would be very expensive. This would have meant that those costs would have been borne by the consumer. Instead, a permission to cross system is used without registration, and this needs to be sanctioned by the legislature authority. It is a system that has worked well for 30 years, and we propose to apply it to the natural gas program.

The next section which is number 55.2 is a new section to the act. It is to provide for the payment of construction charges for a new service over time, or to loan prospective customers the funds to pay those charges. This money will carry an appropriate rate of interest.

I'd like to take a moment, Mr. Speaker, to review the rationale for this amendment. Many of the members of this House may not be acquainted with the fact that the corporation makes an

investment in each new electric and gas service that is installed. When the cost of a new service is calculated, SPC absorbs a portion of that cost, which is equivalent to the revenue it will receive from the customer over a two-year period. The balance of the construction costs are charged to the customer.

Mr. Speaker, those contributions in aid of construction can be quite large, especially as it relates to the extension of natural gas in rural areas not part of the Saskatchewan natural gas distribution program, or to farm irrigation systems.

I don't think I need to remind my colleagues that the farm community is experiencing a cost price squeeze. At the same time we don't want to discourage or limit the availability of an energy service to a prospective customer, especially if that service offers savings in fuel costs and savings in labour input.

Mr. Speaker, I think this new section to The Power Corporation Act shall give some flexibility to SPC in its business dealings. It also will encourage farms to improve their productivity.

The final measure in this bill, Mr. Speaker, is section 58, that provides for the charging of interest on overdue energy accounts. SPC began this practice last year in order to improve the bill-paying habits of some of its customers. I should add that the charging of interest on overdue accounts has had a positive effect on the corporation's collections activity.

I would now like to move, Mr. Speaker, that this Assembly accept second reading of this bill.

HON. MR. BLAKENEY: — Mr. Speaker, I would like an opportunity to review the remarks of the minister in charge of the power corporation, and accordingly, I beg leave to adjourn the debate.

Debate adjourned.

COMMITTEE OF FINANCE

CONSOLIDATED FUND BUDGETARY EXPENDITURE

SOCIAL SERVICES

Ordinary Expenditure – Vote 36

Item 1 (continued)

MR. LINGENFELTER: — Mr. Chairman, I wonder if the minister would outline for me on the issue of legal firms that your department uses, what criteria, or how do you formulate who will be used in the department. And if you will tell me how it breaks down, by which law firm, if you'll give me a percentage of how the law needs of your department are broken down at the present time.

HON. MR. DIRKS: — The basic criteria is an interest and an expertise in the area of family law.

MR. LINGENFELTER: — And the second part of the question was: what percentage of the legal business goes to which law firms? Have you got a complete list? I know when I was in the department, there was a computer print-out that would give a list of the law firms, and what business they did for the department. I wonder if you could give that to me, either confidentially or not confidentially.

HON. MR. DIRKS: — We don't have that information with us here. We'll endeavour to see if we can get it.

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MR. LINGENFELTER: — Just a point of clarification. You say that you will get it for me and send it to me?

HON. MR. DIRKS: — On a confidential basis only.

MR. LINGENFELTER: — The issue of child care and the whole issue of the province's role in becoming involved in family disputes where children may be abused or not abused is one which, I think that while I was in the department, was of a great deal of concern, and I'm sure it still is. Mr. Minister, I know that there is a thought around that The Family Services Act should be amended, and I agree that there are changes that should be coming forward in that area. What I would like to get from you is: at this time, can you give us a prediction on when that legislation may be ready, and when you may be bringing it forward?

HON. MR. DIRKS: — We're in the process of determining what the priority changes should be in the act and in policy. We expect to present a fairly detailed policy document, whether it's in the form of a white paper or whatever, sometime early summer of this year. Then we will expect that there will be public response to that, and we likely will bring significantly amended legislation or a new act to the legislature in the fall sitting.

MR. LINGENFELTER: — So you'd anticipate then, in the fall of '84, and possibly to be passed in the spring of '85 . . . Can you outline a bit of a history of the number of children in care, the total number in care, year by year, let's say, for the last three years? Can you give me some idea whether that number is going up, or down, or staying constant, in terms of the total number at the end of, let's say, three different months in three different years — let's say January 30 of 1981, '82, '83, and '84?

HON. MR. DIRKS: — I don't have January, but I could give you a March comparison. For March 31 of '82, we had 2,422; March 31 of '83, we had 2,465 — a slight increase; and then in January 31 of '84, we had a reduction down to 2,332.

MR. LINGENFELTER: — The number then is relatively constant since 1982?

HON. MR. DIRKS: — Relatively constant. There's been a drop of approximately 100 cases since March 31st of '82, but relatively constant in terms of the overall numbers.

MR. LINGENFELTER: — Yes, I think that The Family Services Act, when you have an opportunity to bring the white paper forward, will initiate a lot of debate and a lot of thought. I think it's a good idea to bring it out in that form so that public input can be forthcoming because it's not entirely clear that society at any one time has only one view on this matter. And I would encourage the minister to not only carry out this kind of a process in the cities, but also to go into as many rural, at least, larger towns as possible to get input from the people out and around.

I would also encourage the minister, when he has these hearings and briefs may come in, that he would listen closer to them than he did with the hearings that he held on day care. And I want to talk a little bit about the day care report which is being prepared, I believe, by your Legislative Secretary. And I would like to ask you, Mr. Minister, whether or not you have received that report and, if you have, when it will be made public?

HON. MR. DIRKS: — No, I haven't received the report yet, so it's difficult to say when it would be made public.

MR. LINGENFELTER: — I missed that. I was talking to another member at the last part of it. Did you say that the report would be made public when you received it?

HON. MR. DIRKS: — I said I hadn't received the report yet, so it's difficult to say when it will be made public.

MR. LINGENFELTER: — Your Legislative Secretary, who is responsible for it, was feeding me some information from the side and, I think, she may be just a step ahead of you. In the hearings that went on, Mr. Minister, I had an opportunity to be present at the Regina and Saskatoon hearing, and I wonder, Mr. Minister, if you can outline and clarify one point.

I know in Saskatoon, particularly, I heard you say very clearly that profit-oriented day care was something that you had no interest in including in your department; that you were personally opposed to it. And yet a month later you were in the press saying limited amounts of profit day care were all right. And I think many people would like you to clarify exactly which of those stands, and I think people will be interested to know if you want a little bit or none at all. But there's two stories out there, and we'd be interested to know what your opinion is today.

HON. MR. DIRKS: — Well my opinion today on this matter is exactly the same as it was when the issue was first raised by the opposition member some time ago when I initiated the study. And at that time the concern of the members opposite was that large commercial profit-making corporate enterprises were going to be allowed into the province of Saskatchewan. I indicated that I had no interest in seeing that happen, that I was opposed to such commercial corporate profit-making enterprises. I did, however, indicate that I believe the modes of delivery are rather narrow and restrictive at present, here in Saskatchewan, and that we need to consider expanding them. And I will naturally wait for my legislature secretary's report to see what recommendations he makes.

MR. SHILLINGTON: — Mr. Minister, you were quoted as saying that you favoured, or at least were prepared to consider, privately owned day care centres. What did you mean by that comment?

HON. MR. DIRKS: — Well, we have centres here in the province of Saskatchewan right now that are privately owned. They were privately owned under your administration, and they continue to be so, and they're still operating. And we have people that are running day care operations out of their homes. And, of course, that is a rather individual, private kind of an enterprise where people are earning their livelihood, whether it's a husband and wife team, or whether it's a single parent, or whatever.

So my concern is that people who are capable, competent, interested in providing child care services to the people of Saskatchewan, that they have the opportunity to do so according to government standards and regulations, and that those people who wish to choose to utilize those kinds of services and facilities are free to do so.

MR. SHILLINGTON: — Mr. Minister, what were you referring to? The minister has every right to complain vehemently, if all you were saying was you weren't going to change what we already had, because that was not what the newspapers reported. The newspapers and the media suggested that you were prepared to consider privately owned day care in a mode that we don't now have.

Admittedly, somebody may take into their house one or two children and look after them, and no one is particularly suggesting that that can or should be done away with. But you clearly left the reporters with the impression that you were thinking of something other than that — a larger day care centre which might be privately owned rather than being publicly owned, rather than being the co-operatives or the NGOs (Non-Governmental Organizations), as they now are.

HON. MR. DIRKS: — Well, I might lay out a scenario for you. Let's say you had a university graduate in early childhood education, who was quite capable in providing that kind of a day care service and would like to set up a small operation and hire one or two people to help that individual provide child care services to people who wanted service in that kind of a delivery and through that kind of a mode. They should be free to do that. Perhaps you have a husband and

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wife team that are very interested in caring for children and are quite capable of doing that. Then my question is: why shouldn't they have the opportunity set up a day care and look after 10 or 15 children? At present they're not able to do that. And we think that's somewhat narrow and restrictive, and they should have the opportunity to do that.

MR. SHILLINGTON: — The difficulty is though, Mr. Minister, that the role of a day care centre involves such a range of variables. Ideally a day care centre should be providing as much education and intellectual stimulus and physical stimulus for the children as is possible to provide.

The difficulty with a privately owned system is that isn't going to be their motivation, unless they're unusual people. Their motivation is going to be, as it is with everyone, to maximize the bottom line, and thus I suggest that they're not likely to spend.

The member from P.A.-Duck Lake may be bored with his meaningless role as a minister without portfolio. That is no reason, however, to disrupt the proceedings. If you must play, go the lounge and get yourself a deck of cards.

Mr. Minister, why would you ... (inaudible interjection) ... I realize that doesn't happen in the Conservative caucus. Mr. Minister, why would you invite a system of day care into being, where the motivation isn't going to be the welfare of the children, but the financial welfare of the people who run it? That's the difficulty with day care for profit is that the children aren't the bottom line. The responsibility for meeting the end of the bills at the end of the month are, and that doesn't necessarily suggest the children are going to get the maximum in education and intellectual physical stimulus.

HON. MR. DIRKS: — Did your government permit family-operated day cares to exist in the province of Saskatchewan? Yes, your government did. Are those family day cares parent co-ops? No, they're not. They're individual operated, individually owned, individually run, and I think you smear all of those family day care operators if you suggest – and you seem to be implying it – that their only interest is to line their pockets with money. You and I know that isn't the case.

We ran a family day care out of our home, and our motivation was to provide security and development and care for children. Now that's altogether different from what the member opposite is suggesting. You seem to have a great concern about people earning a livelihood by providing care to children. Tell me what's wrong with earning a livelihood by providing care for children – competent, adequate care by people that are trained to do so.

The problem with the member opposite, and the problem with the former government, is that you have such a very narrow, restrictive view of things.

AN HON. MEMBER: — The Laxer model.

HON. MR. DIRKS: — The Laxer model – locked in the '50s and '60s.

You know, when it comes to the delivery of social policy, I'm always a little sceptical of people who say there is only one best way to do things. There's never only one best way to do things. There are lots of ways to do things, all which will accomplish the same final, good objective at the end of the line. Parent co-op is one way to do that, but to suggest that that's the only way to do that is to hold a very narrow and restrictive view of things.

SOME HON. MEMBERS: Hear, hear!

MR. SHILLINGTON: — Mr. Minister, there's every difference between a couple who have a few children to whom they can give personal attention and a day care which might have 15 or more children, where the personal attention of the operators with each child is simply not possible. In

such an environment it is essential that the child, as I said, be provided with the maximum in educational facilities, the maximum in intellectual and physical stimulation – the kind of thing that a child gets directly from a parent if they have the parent's full attention, but the sort of thing that is impossible where you have 15 or 20 children, all being cared for by one or two operators.

I say again, Mr. Minister, that the feminist groups, which have universally condemned your proposal, are correct, and I suggest that their expectations of what day care for profit might bring is more realistic than yours. I'd ask you, Mr. Minister, have you met with the feminist groups who have been so critical of your statement, and have you attempted to understand what their concerns are?

HON. MR. DIRKS: — Well, I have met with many groups with regards to day care, and my Legislative Secretary has met with many more groups with regards to day care in the province of Saskatchewan. But if the member opposite thinks that I'm going to listen only to the narrow voice of the radical feminist groups in the province of Saskatchewan, he's got another think coming. It might be that you want to tie yourself in to those groups, but not on this side of the House.

And I would correct your impression of how day cares operate in the province of Saskatchewan. You said that it would be impossible for someone to provide quality care for 10 or 15 children, if there was just one or two people there. Well, that's just what you said.

Well, in fact, the ratio in Saskatchewan right now is 10:1, and I just happened to visit, this very morning, the day care centre at the YWCA in Regina, and toured it, and had a good opportunity to meet with the staff and the children. And, of course, their ratio is 10:1. And that, of course, means 20 children, 2 workers.

That's exactly what you were saying shouldn't be permitted. Well, in fact, those are your regulations. Are you not in favour of the regulations that you permitted for many years, here in the province of Saskatchewan?

I'm not so sure that you understand day care; nor am I so sure that you understand the education of children. And if you want to debate quality education for children, I'll be quite willing and happy to do that with you, reminding you that my background, and my experience, and my expertise is in the field of education. And if you want to debate all afternoon, let's do it.

MR. SHILLINGTON: — I can't believe that the minister is so obtuse as to believe the statement which he just made. I am not suggesting, Mr. Minister, that the YMCA does not provide good quality day care. But with the 15 or so children, there isn't time for the child to have the children – to each have the full personal attention of the operators, and something else must be substituted, and it is, in non-profit day cares.

But I'm suggesting to you that the possibility looms rather large that, in a day care for profit, there isn't going to be that physical environment which provides the sort of intellectual and physical stimulus which must be substituted for the time of the operator, which has to be spread too thin.

I suggest to you, Mr. Minister, that in comparing small day cares, with maybe two or three children, and larger day cares, you're comparing apples and oranges. They must operate differently, and I suggest that they do.

And I suggest to Mr. Minister that you take a serious look at the suggestion you have made. I think it will meet with the approval of virtually no one, except those people who want to get into the system for profit, and that is not an appropriate way to raise children.

We haven't . . . I don't know why Mr. Minister feels that, somehow or other, the years from two

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to six, or whatever period day care is provided, is different. We have not permitted education for profit for a couple of hundred years. Your deputy minister would know the answer to that.

We haven't . . . I don't know why Mr. Minister feels that, somehow or other, the years from two to six, or whatever period day care is provided, is different. We have not permitted education for profit for a couple of hundred years. Your deputy minister would know the answer to that, but I'm sure it's been a couple hundred years since we had education for profit in this country.

It has been a publicly funded system for very good reason. I suggest to you, Mr. Minister, what is appropriate to high schools, what is appropriate to elementary schools, should also apply to the early years, which I happen to believe are every bit as important. You apparently do not, because you are prepared to consign them to a system which has long since fallen into disrepute, in as far as elementary and high school children are concerned.

But I ask the minister why you think that the early years are different than the elementary and high school years where we do not, do not allow it.

HON. MR. DIRKS: — Well, the member opposite is, once again, displaying the problem that he has, a very fundamental problem that he has with regards to understanding education and day care in the province of Saskatchewan, and perhaps a more fundamental problem, that is, understanding the will of the people in Saskatchewan.

Really, where you're going – and I wish you would admit it up front – is you would like to see universal, free day care available to anybody who wants it in the province of Saskatchewan. What you'd really like to do is to shoulder the taxpayer with another 200 or \$300-million tax burden in the province of Saskatchewan, so that we could push the education system down, so you've got two-year-olds and three-year-olds and four-year-olds who are in an education system similar to what we've got for 6-year-olds and 7-year-olds in the province of Saskatchewan. That is diametrically opposed to what this government stands for. I suggest to you, it is diametrically opposed to what the taxpayers of the province of Saskatchewan wants, and it's likely diametrically opposed to sound psychological and pedagogic practice, as well.

MR. SHILLINGTON: — Well, now that the minister mentions it, I think that Havana is universally free, accessible . . . universally free and fully accessible day care. That's in Havana; I don't think it's realistic. But we should be moving as close to that goal as our resources will permit. And I would readily admit, I would readily admit that that is not feasible – financially feasible.

Well, the member from Saskatoon Westmount is, I know, vehemently opposed to any sort of control of this put over the family, but I think that is simply not realistic. I think society has a role to play. I suggest to you, society has a role to play in the early years, as it does in elementary and high school. The reason why it isn't done, and I suggest the only reason why it isn't done is not because of conservative, backward-looking people such as members opposite. The reason why it isn't done has to do with resources.

Mr. Minister, the women's' groups with whom you have dealt – and I suggest that some may be radical, but a goodly number are not, they're mainstream – have asked for additional funding for day care. The budget . . . The amount in the estimates is a reduction. I know I've heard the minister say, "But that's more than what we spent last year, because we didn't fully spend it." Does the minister not recognize that what occurred last year, in fact, is part of the problem? The level of expenditure last year was too low.

Will the minister not admit that the expectations which everyone, which women of all groups, mainstream and the radicals, will you not admit that what is needed is a significantly increased level of expenditure. And for the minister to play games and say, ah, but it's more than we spent last year, is to ignore their concerns. Their concerns are: the level of expenditure last year was

away too low, and the level of expenditure which you have provided for this year will not meet their expectations or their hopes.

HON. MR. DIRKS: — Well of course there are a few people in society whose expectations could never be met because they are very unrealistic. They're the nirvana kind of expectations that you just talked about. Have you read the *Estimate* book? Perhaps you could nod and indicate to me whether or not you've read the *Estimate* book? . . . (inaudible interjection) . . . I didn't think he had read the *Estimate* book, because if you had read the *Estimate* book, and if you had added up the day care figures, you would see there that we are, in fact, increasing day care expenditures by 9.5 per cent in the province of Saskatchewan this year.

MR. SHILLINGTON: — The point is though, Mr. Minister, that the level of facilities with day cares is in the view of those who use them — and I would admit that I'm not an expert on that subject — but in the view of those who use them, the level of service being provided by the day cares is too low. And that view is universally shared by women of all political stripes including, if you are honest, those women who, for whatever reason, might support the Conservative Party. And I suggest to the minister that what is needed is not some tampering with the existing system. What is needed is a new approach to day-care with a lot more facilities and a different method of funding.

HON. MR. DIRKS: — Well, in fact, the standards for the delivery of day care in the province of Saskatchewan have not changed. The regulations regarding the quality of standards have not changed. So you must be careful not to imply that somehow there's been a reduction in standards, because there has not been a reduction in standards.

As I indicated, we are increasing funding by 9.5 per cent in the province of Saskatchewan to day care. And I await my Legislative Secretary's report, and once I've had an opportunity to read and review those recommendations, then we will determine where best we should allot that 9.5 per cent increase in funding, which is a substantial increase in funding when you consider the overall increase in government funding around the order of 4 to 5 per cent.

To increase funding to day care by 9.5 per cent is indicative of this government's concern that we do provide day care services, quality day-care services, to those low income people who really need day care to assist them because of employment concerns or education concerns or health concerns.

MR. SHILLINGTON: — Well Mr. Minister, let me just make it clear that I would not claim that day care was one of the great successes of the former administration either. I'm not suggesting that this is a problem which has rapidly deteriorated, which has been a problem created by this administration, as, I think, I could point to so many others which have. This, however, is not. This, however, admittedly was a problem when the former administration was in office.

Let me ask you, Mr. Minister, when you . . . Since you indicate you have not received the report from the member from Riversdale, let me ask you when you expect to receive that report?

HON. MR. DIRKS: — Well this is now the third time, Mr. Chairman, that I have been asked this question. I will indicate one more time that I expect to receive the report in the not too distant future. Hopefully we can move on to another question, and we don't have to repeat the same ground again.

MR. SHILLINGTON: — Well I recall, Mr. Minister, making that same comment some months ago. And I wonder if you would be kind enough to define what you mean by "the not too distant future."

HON. MR. DIRKS: — I'm hopeful within a month.

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MR. SHILLINGTON: — Is the report going to be made public?

HON. MR. DIRKS: — That determination hasn't been made yet, but I expect that it will be made public.

MR. SHILLINGTON: — I expect that will depend on whether or not the minister likes the recommendations or not. And I suspect that is what will determine whether or not the matter remains public — the matter goes public.

Mr. Minister, I asked the question of the Minister of Health, having to do with By Ourselves. My understanding of the answer of the Minister of Health was that that group had been traditionally funded by the Department of Social Services. Is that accurate?

HON. MR. DIRKS: — I'm not aware that that has been the history in Social Services to have funded that organization in the past. But we will check our records and get that information for you.

Item 1 agreed to.

Item 2

MR. LINGENFELTER: — Mr. Chairman, I wonder if the minister would outline some changes that have occurred in the federal legislation — whose responsibility that falls under — the Young Offenders Act. I understand that the Department of Justice has something to do with it, and you have something to do with it. I wonder if you could, just in broad terms, outline who will be responsible for what part of it. Will you have the institutional portion of it? And what budget item will that come under? And will there, in fact, be expenditures in this fiscal year?

I look at both of the estimates, and I don't see where that's coming into play, and yet I know that there's going to have to be a good deal of money spent. I believe the arrangement with the feds is now that we pick up 50 per cent, and they pick up 50. But maybe you could outline that for us.

HON. MR. DIRKS: — Just for the member's information, the reason why there wasn't any specific category allotted to the Young Offenders Act in the estimates is because we simply didn't know how the negotiations were going to complete, and we are at the stage now where we will be bringing a treasury board submission forward to cover off the costs that will be incurred by the Department of Social Services for this year and into succeeding years when the 16 and 17-year-olds come on-stream.

MR. LINGENFELTER: — Can you tell us at this time what kind of money you're expecting in your department, and what fraction that will be of the total funding that will be needed? Being part of this year's estimates, if you can give . . . oh, a ballpark figure, and I certainly won't hold you to it . . . but if you could give us an idea of what that new arrangement with the federal government will mean in terms of dollars to the taxpayers.

HON. MR. DIRKS: — It's just very difficult to come up even with what might be a legitimate ballpark figure to suggest, because we don't know, in fact, yet, what we're talking about in terms of facility cost that may be needed in total, yet. So, if I can give you some figures, they're just very, very tentative, and I don't think we should use them in anything other than that sense. And we could say somewhere around from perhaps 10 to 14 million, but those are cost-shared dollars, of course.

MR. LINGENFELTER: — When you say cost-share, are you saying between Justice and Social Services? So you're saying roughly about 7.5 will be the provincial share, shared between Justice and Social Services?

HON. MR. DIRKS: — No, that's Social Services. But again, that 7.5 is just a very fluid ballpark figure, and we need to keep that in mind.

MR. LINGENFELTER: — And what exactly does that money represent? I understand that the dollar value may vary one way or the other, but what does it represent in terms of a program or facility? Maybe you could just give us a little outline of what changes are taking place there.

HON. MR. DIRKS: — I think it would be fair to say that the facility cost would likely end up being the largest component of the cost. But in terms of program, we're talking about the provision of detention services, of a secure custody, of open custody in group homes, in private treatment resources, probation services, remand services, and diversion services. And, of course, many of those decisions naturally rest with the judiciary.

MR. LINGENFELTER: — On the issue of day care, just to reopen that for a moment, Mr. Minister, I have had a couple of calls in the last day concerning grants to day care. And I think they're referring to operation grants that have either been delayed or are late in coming out.

Can you tell me with some certainty that moneys that day cares are waiting for, for this month, are either in the mail or coming to them in the very near future? I'm not sure of the detail of it, but the fact that two or three from Regina have called me, saying that there's a delay in their funding (and I believe it's the operating money for the month), can you give a guarantee that it either has gone out, or will be going out in the very near future?

HON. MR. DIRKS: — I'm informed that they're in the mail now.

MR. LINGENFELTER: — And what would the usual time period be? When should they have gone out under normal circumstances? I suppose it has to do with the budget process, but what time of the month do they usually go out?

HON. MR. DIRKS: — Normally they would have been out the first of the month, but because of the appropriation bill, they're in the mail now.

MR. LINGENFELTER: — Yes, I thought that was probably the problem. If you give the assurance that they've been sent, then I will leave that issue.

There's a, I believe, a transition house in Kindersley whose funding I haven't been able to pick up here on this list quickly that you gave to me. Can you tell me what the funding for the transition house — I believe it's the transition house — in Kindersley will be for the coming year?

HON. MR. DIRKS: — I think we're really not talking about a transition house in Kindersley but a sexual assault centre. They evidently received federal funding which will continue to some degree into the '84-85 year, and we are reviewing the whole matter of transition house funding, and the sexual assault funding and that sort of thing in the context of the initiatives that were announced by my cabinet colleague recently.

MR. LINGENFELTER: — I wonder if you can explain to me: you are not giving any funding in the coming year to the sexual assault centre in Kindersley.

HON. MR. DIRKS: — No, it wouldn't be accurate to say that funds are not being given to that organization. What would be accurate to say is that a final determination has not yet been reached on how we are, in fact, going to allocate the funds that are devoted to the whole area of family violence and violence against women. So it wouldn't be accurate to say that they're not going to receive funds. It would be accurate to say that a final determination about where those dollars are going to go has not been made yet. So we can't say yes or no.

MR. LINGENFELTER: — Well all right, we'll leave it at that, with the explanation that no money

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for sure is going to them, and there could be. But I would like to say to you, Mr. Minister, that at a time when your government is increasing funding, for example, to the Pine Grove Correctional Centre in Prince Albert (the women's correctional centre) by 50 per cent, it would seem to me that the priorities of this government have to be closely looked at. And if you look at the priorities where corrections for women receive a 50 per cent increase, and yet direct funding to day cares are cut by 12 per cent, and sexual assault centres are not given funding – and you can look in your estimates and those numbers are there – then people will have to wonder about the priorities of this government.

I would encourage you to use your influence in cabinet to see that programs for women who find themselves in crisis situations – and more and more do as a result of the economic times, I would say—that you would use your influence to bring about some reason in this whole area of services for women in crisis.

HON. MR. DIRKS: — Well I think my colleague, the Attorney General, can speak for himself with regards to funding increases for women's correctional centres. I would remind the member opposite that it is this government which is making as a priority the delivery of services to victims of family violence. And I would remind you that it is rural Saskatchewan which has very little in the way of services. And your government had many, many years to begin to look at that matter and, in fact, you didn't touch it for one reason or another. Perhaps you were insensitive or just weren't aware.

But as my colleague has recently announced, we are going to be introducing a number of new programs that will address that particular area of family violence and violence against women. The infusion of new dollars is substantial. I believe she was speaking in the order of 800,000 new dollars, including a transition house for Yorkton and a number of new initiatives for rural Saskatchewan – something which had been lacking for some time, and something which this government is addressing.

MR. LINGENFELTER: — Well I hear you say it's a priority, and rural Saskatchewan is a priority. And yet, when I ask you the question about Kindersley, there's no money. I think the facts would indicate something other than what you're trying to say.

On the issue of advertising, I wonder, Mr. Minister, if you could outline the amount of money that is spent on advertising in your department and send me a breakdown of the companies that would get the advertising business?

HON. MR. DIRKS: — Would it be acceptable if we sent that over to you as soon as we can locate it?

MR. LINGENFELTER: — Mr. Chairman and Mr. Minister, clause 20 of the blue book, on page 79, the Saskatchewan Assistance plan, you will know that in the past that money has been broken down in the blue book according to various categories, and your advisers will be able to explain that to you. I wonder what the logic was of taking that out. Was it an embarrassment about the large number of unemployed employables, compared to what it was in the '70s and the first year of the 1980s? Or why would you change that so it wasn't immediately obvious to someone looking at these estimates as to where the money was going in terms of welfare payments?

HON. MR. DIRKS: — Well, evidently the tradition developed some time ago for that kind of categorization and, in fact, under your administration and our administration statistics were never really kept according to that categorization in the blue book. So, in fact, someone could in fact have suggested that someone was trying to hide some information because of that. So we have just simply gone with one category to make it much simpler.

MR. LINGENFELTER: — Well maybe, Mr. Minister, you could get for me an approximate estimate of where that money is going to go, the 162 million that you have listed here for welfare

payments. Can you break that down into those categories?

And here again I understand what you're saying, that it's not a perfect system, but you can and should have, I think, a good idea where it's going. Some of it is constant. For mentally and physically handicapped people there's not a great change that occurs each year, and the only great change that there'll be is the unemployed employables, and we just have to make predictions on what that's going to be. That's sort of the job of the minister who happens to be there at the time. But if you'll send that to me, I would appreciate it.

HON. MR. DIRKS: — Yes, we'll endeavour to get that breakdown for you and provide it as soon as possible.

MR. LINGENFELTER: — We talked about the family income plan the other day, Mr. Minister, and, as you know, there's a kick-in point where the people are eligible, with a certain number of children, to get money from the taxpayers of Saskatchewan in the family income plan as a result of the minimum wage being frozen for two years. You will realize very quickly, had the minimum wage gone up 10 cents, 20 cents, 30 cents, certain numbers of people would not be eligible for the family income plan.

My contention would be that McDonald's, for example, or Hudson Bay, are being subsidized by the taxpayers of -Saskatchewan because the minimum wage is too low, and we are paying money out to people on the family income plan as a result of the minimum wage not going up.

If we were to use a 50-cent increase in the minimum wage, do you have any idea how many people would then not qualify for the family income plan?

HON. MR. DIRKS: — Well I would disagree with you categorically in your suggestion that the minimum wage level at present is subsidizing Eaton's and the Bay. I would suggest to you that an increase in the minimum wage would, in fact, have a disastrous effect upon small-business people. It would likely result in some people losing their jobs, and fewer people being employed, and would increase the tax bill to the province of Saskatchewan.

MR. LINGENFELTER: — The historical tradition in Saskatchewan, where we had 4 per cent unemployment and had increased the minimum wage every year, where small businesses were beginning very rapidly, would indicate that you're acting very foolish when you say that an increase in minimum wage would cause unemployment. You now have 8.4 unemployment in Saskatchewan, which is double what it was when you took over, and you haven't increased the minimum wage. So how can you say that unemployment is caused by increases in the minimum wage?

We had 3 per cent, three-and-a-half per cent, and we had the same minimum wage as we have now. We had not half the number of bankruptcies in small business . . . (inaudible interjection) . . . That's right. We also had an NDP government, and the people at the lower levels were treated much more equitably.

And I hear the member from Thunder Creek, who is coming to the defence of big business, and I would quite understand why he would do that. But, Mr. Minister, I would challenge you to look at the statistics on unemployment when it comes to dealing with the minimum wage, and you would very quickly realize that at a time when our minimum wage was increasing, very naturally we had the lowest unemployment rate in Canada. You have not increased it for two years, and you've slipped out of that enviable position of having the lowest rate, and now we're something behind Manitoba in terms of the lowest unemployment rate.

So I think you're being foolish, to say the least, when you try to explain that unemployment is related to the minimum wage. The facts simply don't bear up to very close scrutiny.

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I would like to ask the minister one more time about the release of the Adams report on welfare. I would be very interested in getting a – allowing you, I suppose, to release that report. I would be encouraged if you would do that. But I would like, one more time, to give you an opportunity to sort of name a time frame when you will be releasing that report, because I think, one way or another, that report will become public, and you may want to have the advantage of being the person who releases it.

HON. MR. DIRKS: — I indicated that I expect that it will be released in the not too distant future.

MR. SHILLINGTON: — I want to express a note of general concern, Mr. Minister, about the staffing the level of staffing in your department. I received complaints – admittedly not a very scientific process – but I received complaints from personnel in your department who complained that the staffing levels are too low to enable them to do an adequate job.

Mr. Minister, every subvote but one, regional operations, in fact, has a reduction of staff. I wonder, Mr. Minister, how that can be justified in a period of time when your empire is expanding by leaps and bounds, when the number on welfare is growing almost exponentially.

I know we had the discussion the other day about your rather optimistic belief – no one can accuse you of being a pessimist – your rather optimistic belief that the welfare rates were going to shrink. Mr. Minister, how do you justify the staff reductions in a period of time when the number of people on welfare is growing?

HON. MR. DIRKS: — Well, I'm glad the member opposite has finally take a close look at the *Estimates* book. He will note that there has been a reduction in some of the administrative costs in the Department of Social Services, and I suspect that the taxpayer is clapping when he hears that here's been a reduction in the administrative costs in the Department of Social Services. That's exactly what the taxpayer wants to hear. The taxpayer wants efficiency and he wants economy.

At the same time he wants good quality service delivered to people that need it in Saskatchewan. And if you take a look at regional services, you will note an increase there in regional services, and you will note that we just indicated recently that we are going to be hiring 21 new staff to assist us in our personalized assessment of the need of clients – something which you hadn't thought of previously.

So what the taxpayer is getting is, in fact, better service, reduced administrative costs, and that's what they elected this government to do – better management, better productivity.

SOME HON. MEMBERS: Hear, hear!]

MR. SHILLINGTON: — I seriously question whether or not the additional 21 staff can really monitor all the bingo halls in the province. I seriously question whether they're going to be up to that. I grant you, Mr. Minister, that the public would like the cost of government reduced – I suppose abolished, if they could—but there comes a point in time in which you are required to provide some leadership, as Edmund Burke said, "You owe the electorate your judgement, not your obedience."

There comes a point in time, Mr. Minister, when you are not serving them well by reducing your staff below the level of efficient administration. I suggest, Mr. Minister, that you have in some cases reduced the level of staffing below the level at which the administration of a department can be properly carried out. I cannot prove that assertion, and I know the minister will not accept it, so it's probably not a very . . . it's not going to be a very constructive argument.

Suffice it to say that the telephone calls I get from the staff of your department and from the staff involved in the area, are expressions of concern about the level of staffing, and I accept that.

HON. MR. DIRKS: — Well I'm glad that the member opposite is quoting Mr. Burke. Perhaps, if he continues to read Mr. Burke, he might find that his philosophy of life will change. Certainly his political stand might change, right?

And you indicated that it is judgement which is required, not obedience. Clearly, your government was defeated because you lacked that judgement. The electorate resoundingly was critical of the manner in which you carried out your affairs, and they were resoundingly critical of the manner in which you administered the welfare system.

I think that they elected this government because we promised good management, and good management means less administration. It means a better utilization of the resources that we have, and I think the subvote estimates for Social Services indicate that that kind of administrative efficiency, and sound management, is now there in the Department of Social Services, and it was lacking previously.

MR. YEW: — Thank you, Deputy Speaker. Now, Mr. Minister, yesterday, just before close of the session, I was just starting to discuss the area of day care. I don't want to impose too much time on members of this Assembly with respect to the issue, because it's pretty thoroughly analysed by members on this side in terms of the debate and questions on estimates.

However, I have a point to raise with respect to a proposal I received, a brief that I received from 10 major communities in northern Saskatchewan. This brief was in response to the discussion paper that was issued by your department re day care discussion paper. And the brief comes to the Legislative Secretary from Saskatoon Riversdale. The brief is from the communities of Cumberland House, Sandy Bay, Wollaston Lake, Pelican Narrows, La Ronge, and it covers five other areas on the west side: Green Lake, Ile-a-la-Crosse, Pinehouse, La Loche, Buffalo, and Beauval. This is from the La Ronge Child Care co-operative, that's the umbrella organization for these 10 large centres.

In response to your discussion paper, Mr. Minister, and before I go on, I want some clarity here – read an excerpt of the mandate of the day care program:

The primary intent of this day care program is to facilitate the development of alternate care services, and to provide financial assistance to families with limited incomes who require day care services as a support to employment, and education, and training.

That was the primary intent of this program and the regulations thereto that were enacted in 1975.

Now with respect to your discussion paper, Mr. Minister, I am advised that there has been no response to this group by either your department or the member that conducted the study. I'm not certain as to whether or not, since my meeting with the group, whether or not you have been able to provide a response to their brief. If not, I would strongly suggest that you do, because in the first seven items you raised with respect to your discussion paper, the first seven items —I noted that five out of the seven questions on the discussion paper are unsatisfactory to this group.

Secondly, Mr. Speaker, in terms of training and education, I note that two out of four are unsatisfactory. And in terms of your third question: availability of day care spaces, one out of one question is unsatisfactory. And I notice in the final briefing paper which deals with the mode of delivery, five questions with respect to that area: four of those five are unsatisfactory as well, Mr. Minister.

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The group that I met with were very concerned, deeply concerned, Mr. Minister, because the northern administration district is quite unique in the sense that it is a vast area. These communities have to travel vast distances in substandard transportation and communications systems, and they've pointed out specifically, in detail – and I won't go into detail, Mr. Minister, because it's a lengthy, detailed explanation as to these unsatisfactory positions that those communities have taken.

Rather, I will send a copy of this brief to you as soon as this estimate on day care is complete. Perhaps you may want to respond to the group directly. That is your responsibility, and I wish that you would have some compassion and some regard for the circumstances that those communities have to contend with.

Anyways, I just want to read very briefly some of their reasonings, not in detail with respect to the points raised – but in summation, after the seven points, they state that – and it's in reference to northern funding option for consideration:

At present the North receives an operating grant which provides centres \$20 per day care space. This grant was put in place as a result of the higher costs of centres operating in the North. In assessing this grant, it was felt that the North cannot afford to lose this funding. (That is important.) It was also felt that the consideration should be given to increasing this grant, as the costs of operating in the North have increased considerably over the years.

The additional costs the northern centres have to contend with are: freight charges are high; rental of facilities are high as most northern communities do not have access to community centres; fuel costs are higher; staff wages are higher, due to higher costs of living; many items have to be ordered from the South as there is no access to them in these remote communities; many facilities require costly maintenance and operational costs.

And along with that, Mr. Minister, as I mentioned before, the North is – many of these centres are isolated, and they do not have access as many of the southern centres have.

But as I mentioned, Mr. Minister, I will send you a copy of this brief, and I would wish that you would take some time off to respond to the brief that was presented to your department in response to the questions of discussion that were raised with respect to your white paper on day care, as I feel that it's of utmost importance to many of the families in northern Saskatchewan.

I want to go on, Mr. Speaker and Mr. Minister, to an item that was proposed in this budget. It talks about a Saskatchewan Employment Development Program, and I understand it's a new program. And I wonder, Mr. Minister, . . . I understand that there's 9 million allotted for this item. I wonder, Mr. Minister, if you can advise members of this Assembly and the people in the province, how many jobs you envisage for the northern administration district?

HON. MR. DIRKS: — Approximately 300.

MR. YEW: — Will those jobs be permanent, Mr. Minister?

HON. MR. DIRKS: — Well the member opposite will remember that we covered this ground last night, and perhaps he would like to check *Hansard*, and he can read the answers.

I'll respond to it again. The jobs are 26-week jobs. They are for the benefit of people that are on welfare right now that don't have the opportunity to be involved in the working experience. They will enable that welfare client to earn a salary, to be productive in the community, to make a contribution to local needs. Many of the employers are non-profit organizations and

municipalities that require work to be done, and they are very willing and interested to take on welfare clients to perform that work for them. That's a very important role that those community organizations play. It's very important that we give people on welfare the opportunity to be involved in those kinds of experiences.

MR. YEW: — Last night, yesterday before the adjournment of the session, Mr. Minister, I was quoting questions from other program areas. I had deliberately intended to get into this one because my understanding was it was a new program introduced by your administration. But if not, well I'll just leave it at that.

Item 2 agreed to.

Items 3 to 9 inclusive agreed to.

Item 10

MR. LINGENFELTER: — I have a question there. Can you tell me, Mr. Minister, whether or not during the meetings you had with the day care community you indicated that there would be a cut in staff in the day care operation in your department, or is this coming as a complete surprise to the day care community?

HON. MR. DIRKS: — Well, the member opposite knows that one doesn't go around publicly and tell people what specific kinds of changes are coming up in the budget before the budget is delivered. But I would inform the member opposite that the only reductions in day care staff were in the subsidy unit where considerable efficiency was to be gained because the former government, in fact, had too many people working in that particular area, and the taxpayer could save some dollars by increasing efficiencies. And that's exactly what we're doing.

Item 10 agreed to.

Item 11 agreed to.

Item 12—MR. YEW: — Now that we're in that day care area, Mr. Chairman, I'd like to ask the minister . . . I didn't get a response with respect to the issues I raised, with respect to the brief, Mr. Minister. I wonder, at this point in time, if you may want to comment on the presentation of that brief. I know that you didn't receive the brief in detail because it's a fairly lengthy, detailed response to your discussion paper, but I would certainly like to hear some of your comments on it as to some of the points I raised.

HON. MR. DIRKS: — I'm not intending on making any comments here in estimates on any specific brief. If the brief has been forwarded to my office, then we will naturally forward it on to the Legislative Secretary for Social Services who is responsible for conducting the study, and we can assure the member opposite that the views of that organization will be taken into serious consideration when we, in fact, put together the recommendations that will be coming forward in the report.

MR. YEW: — Mr. Minister, I understand then that the report which you referred to from your Legislative Secretary has not been completed, and that this brief will be taken into consideration, and that, further to that, your Legislative Secretary will respond to that brief to all these 10 large communities.

One question I would have, Mr. Minister, that is, I'm sure that the group, the La Ronge child care co-operative, for the communities of La Ronge, which I mentioned here, would certainly be appreciative if you had an opportunity to sit down and discuss in detail their brief. I wonder, Mr.

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Minister, if that would be possible after the report has been completed, the recommendations have been taken into consideration, and your department has outlined a policy with respect to child care.

HON. MR. DIRKS: — I've had the opportunity to visit the La Ronge co-operative child care in the past. I don't anticipate that I will be sitting down with that particular group to discuss their brief. It was the responsibility of my Legislative Secretary to meet with interested individuals and groups throughout the province to discuss the matter of day care. And she has done that. It may be, in the future, that a circumstance may arise whereby it would be necessary for me to meet with the group in La Ronge, and I would certainly be willing and interested to do that. But it's not likely that I would meet with them to discuss the contents of their brief at this point in time.

Item 12 agreed to.

Items 13 to 22 inclusive agreed to.

Vote 36 agreed to.

SUPPLEMENTARY ESTIMATES

CONSOLIDATED FUND BUDGETARY EXPENDITURE

SOCIAL SERVICES

Ordinary Expenditure – Vote 36

Items 1 and 2 agreed to.

Vote 36 agreed to.

HON. MR. DIRKS: — Mr. Chairman, if I just might take the opportunity to thank the senior staff from the Department of Social Services for their information, and to thank the members opposite for their questions.

MR. LINGENFELTER: — I, too, would like to thank the staff for providing information to us, and if the minister would give the guarantee that over the next week or two, he will get that information to me that he has promised.

HON. MR. DIRKS: — Certainly.

CONSOLIDATED FUND BUDGETARY EXPENDITURE

JUSTICE

Ordinary Expenditure – Vote 3

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

HON. MR. LANE: — Thank you, Mr. Chairman. Before we begin, I would like to introduce to the Assembly the officials that are with me. To my right is Dr. Dick Gosse, deputy attorney general, deputy minister of justice. Behind me, to my right is Dr. John Siu, associate deputy minister. Immediately behind me is Jim Benning, assistant deputy minister. To my left is Gary Brandt, director of administration. Dr. Terry Thompson, I believe, is here and Jim MacPherson, director of the constitutional branch.

Item 1—MR. KOSKIE: — Well thank you, Mr. Chairman. Mr. Minister, I wonder if you could provide me, first of all, with a list of all your personal staff including their salaries and their titles?

HON. MR. LANE: — I'll just have that copy photocopied and I'll have it delivered over to you. It has the salaries and all positions on it.

MR. KOSKIE: — Secondly, if you could provide me with this preliminary information, a list of all the lawyers (as I . . . (inaudible) . . . get to you) who did prosecution during the past year, the name of the firm that they're associated with, and the amount that was paid to the particular lawyer doing prosecution.

HON. MR. LANE: — Take that over to Mr. Koskie, please.

MR. KOSKIE: — Also I would like to know, Mr. Minister, in 1982-83, we have the annual report of the Department of the Attorney General. It probably would have facilitated quite a lot if we had had the '83-84, but under public prosecutions, '82-83, they indicated that there was approximately 33,600 prosecutions during that period of time.

I was wondering if you could indicate for '83-84 the total number of prosecutions.

HON. MR. LANE: — We will have that information for you in a minute.

MR. KOSKIE: — You indicated recently, Mr. Minister, that you had entered into an agreement with the federal government relative to the Young Offenders Act and the basic agreement that had been reached. I noted, after your announcement, that you indicated that you had worked out a financial agreement. Some of the provinces apparently have not yet. I wonder if you are aware . . . I was wondering whether, are you aware of which provinces have not, or was it a collective arrangement when you made the arrangement for the funding with the federal government vis-à-vis the Young Offenders Act?

HON. MR. LANE: — We, I think it is fair to say, participated aggressively in the negotiations with the Government of Canada. I took the position that we were prepared to enter into an agreement when we had an arrangement that was satisfactory, and we thought in the best interests of the people of Saskatchewan. My understanding is that, as of now, we are the only province that has entered into an agreement. However, several of the provinces, and I of course can't speak for them, and I know the hon. member is not asking, I understand are very close to an agreement, and they're into the final discussion stages, and other agreements could be signed at any time.

MR. KOSKIE: — Now in respect to the implementation of the Young Offenders Act, will it be necessary for the province to provide separate facilities in dealing with the young offenders, separate and apart from what we have today, and if so, have any plans or arrangements been made to implement that?

HON. MR. LANE: — Yes, we have already designated by order in council the Kilburn Hall in Saskatoon. I forget exactly what the other facilities were. But that is one of the facilities that has already been designated. The provincial court has been designated the youth court. The director for the purposes of the Young Offenders Act has been designated the deputy minister of social services. As the hon. member knows, the administration or responsibility for the operation of the Young Offenders Act will be primarily Social Services. Justice has responsibility for adult correction. However, we do have responsibility under the negotiated agreement with respect to the legal aid funding for young offenders, and the agreement basically on that is 30 cents per capita up to a 50-50 cost-shared, I believe it was, or the other way around — 50-50 cost-shared, up to a maximum of 30 cents per capita, and we are making arrangement to implement that procedure now.

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MR. KOSKIE: — I want to move into another area and that's, I think, one of the areas that I'd like you to indicate. And, before I do that, perhaps I might just ask you, Mr. Minister, if you could give sort of a general outline of some of the directions that you are opposing in the justice system, in order . . . a sort of update from what you did last year.

HON. MR. LANE: — Well, we generally have been concentrating our efforts on improving the management, and upgrading management throughout the justice system. And I think we've made some major progress. We are in the process, as it applies to the lawyers within the department, with the reorganization of legal services, to now looking at ways to improve the delivery of services. We are looking at ways to begin to assess the capabilities of the lawyers so we can hope to continue to improve the professionalism of the department.

We announced, in the budget, the first step for the automated justice system in Saskatchewan, which will be a three-year implementation, if I recall, three-year implementation throughout the province of Saskatchewan. It will be, I believe, and I think it fair to say, probably the most comprehensive computerization of any justice system within Canada.

Those are the directions. I believe I communicated to the hon. member last year my view that we must begin to get a handle with the general administration of justice and it's going to cost some funds, of course, to modernize it. The initial expenditure on the computerization will be made this year. We've asked for a request for proposals from, I believe, 28 was it? — 21 different computer companies. That should be back, I believe, within a month, and then we will have to get it down to the short list and put it out for tender as to implementation of the automated justice system.

We've gone through, as well, in the last year, and I think fairly smoothly, and I want to commend the officials for the integration of corrections in to the Department of Justice which was a major operation, given the fact that it basically doubled the size of the staff of the Department of Justice. And again, I would like to commend the officials on that area, and I would assume the hon. member will be raising the matter of court reporters. That's one area that will . . . we expect to see some changes.

I happen to be somewhat supportive of the idea of computerization, the mechanical transcripts like *Hansard* uses. I know that many in the Justice system do not like that type of operation. However, I think it's worked well here in *Hansard* and so we are looking at ways for upgrading the supply of transcripts. I hope to have on the question of transcripts, later this year, that backlog reduced dramatically, and the public will see that I expect over the next couple of years, that they will have a very speedy access to the courts, and I hope for an early resolution of their dispute.

We have, of course, brought in the changes to The Small Claims Act which required an additional judicial appointment in Saskatoon. There's been a . . . the appointment, as the hon. member knows, of Judge Ketcheson here in Regina to do with the new increased jurisdictions of small claims courts.

So I think that's a short overview of what we've been doing, and the direction of where we're going.

MR. KOSKIE: — In respect to the legal services in the Department of Justice, you have the public prosecutors, and also you have a number of lawyers within the department dealing with the civil aspect. I wonder if the minister could advise how many public prosecutors are within the department, and the number of lawyers in the civil section.

HON. MR. LANE: — There are 47 prosecutors including the director of public prosecutions. We will supply you with the civil number in a moment.

MR. KOSKIE: — Can the minister indicate whether during the course of the year, that you gave any consideration to possibility of, in fact, reducing down that contingency of lawyers, “in House” so to speak, and really putting more of the prosecutions into the private, and similarly using private lawyers for much or some of the civil action? Has there been any consideration of a direction towards the use of private firms, rather than the continuation of a large amount of the prosecution being done by Crown appointed solicitors?

HON. MR. LANE: — There’s been no change in policy if the hon. member, if that’s the question. We have to and we will continue to monitor it on a cost effectiveness basis, and where we can do it in the most or the least expensive manner, we will continue to do that, but there has been no change in policy.

MR. KOSKIE: — Have you, in fact, done any comparison studies or are you having any comparison studies done for that purposes at the present time, and are any available to be reviewed?

HON. MR. LANE: — We haven’t been doing any.

MR. KOSKIE: — As the minister will know, a family court was established in Saskatoon, and all of the . . . yes, unified family court was established in Saskatoon. The previous government did have plans of establishing a court, a similar court, here in Regina. It’s my understanding that the family court in Saskatoon has worked very effectively in family matters, and the lawyers that I have talked to are very high on the performance of the court. And I was wondering whether the minister could advise whether or not there are any plans to extend a unified family court here in Regina.

HON. MR. LANE: — No, we have no present plans one way or the other. The difficulty I have is what we do about specialized courts beyond the cities of Saskatoon and Regina. And I am more inclined to the view that, if feasible, that we should be looking at either specialized divisions or branches within the existing court structure, because I would like to see and ensure the people outside the two main cities, that they have access to those specialized services as well.

MR. KOSKIE: — Well the difficulty that I have with your approach – I can appreciate that we would like to provide the best possible court system to all of the people in Saskatchewan. But you know, two years have passed, Mr. Minister, and certainly you could have provided it to a considerable portion of the population by at least extending it to Regina. Is that to say that you’re indicating that there’s essentially a road-block to the further expansion? Do you have any plans for the expansion of the unified family court in Saskatchewan?

HON. MR. LANE: — No, I think the hon. member has to bring in to the decision-making a couple of other factors. One, the amendments to The Divorce Act, and the effort by certainly some provinces to have more jurisdiction transferred to provincial court level, whatever it may be called in the province, so that the services can be distributed beyond the major urban centres.

Secondly, the hon. member should know that we are limited in what we can do in that regard in, of course, the dealing with the Court of Queen’s Bench and its jurisdiction.

We did introduce in the Assembly the amendment to section 96, which would allow the provincial courts to assume within provincial jurisdiction, more jurisdiction. That, in my view, would, if we were to proceed – and I say “if” – would allow the provincial courts to take over some of the family court jurisdiction. Now we’ve made no decision, because we can’t get agreement from the Government of Canada to a constitutional amendment. I think that if we had the constitutional amendment then we could have, very expeditiously, a rationalization of the family law matters and we would be able to, I think, as well, very quickly make sure that the services are provided throughout the province.

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MR. KOSKIE: — You make reference to the constitutional amendment. And could you indicate what steps have been taken to date in soliciting the amendment? Has there been joint actions by yourself and other attorneys general? Could you indicate sort of an update as to where the negotiations are?

HON. MR. LANE: — Well all provinces have agreed to the amendment, except for the province of Quebec, I believe. Quebec has agreed, I'm sorry. All provinces have agreed, and all are very supportive. The province of Alberta is supporting for unanimity as opposed to any great desire to the change.

We believed that we had a very sympathetic federal justice minister. However, he has indicated to us that the Prime Minister will not consent to the constitutional amendments. So I gather all provinces are supportive. The Prime Minister, I gather, himself, has opposed the amendment.

MR. KOSKIE: — We have been essentially dealing with . . . And you gave an indication of generally what you're doing in the department to improve the justice system in the province. And I want to turn briefly – or maybe not so briefly – to at least the most recent publicity that has been given in respect to the appointment of judges, and particularly as it relates to the appointment of judges to the Queen's Bench.

I know we have been through this before, and I do not particularly agree with the harness of your position. Particularly, it seems to me, that as Minister of Justice, that it's incumbent upon you to provide the best possible justice in the province. And most recently a group of lawyers in Saskatoon, criminal lawyers, brought forth an action challenging the steps that you were taking.

I wonder if the minister can justify, on the basis of really providing a proper justice system, the actions that he's taking. I know that you have indicated that you have a dispute on with the federal government. But it seems to me what is lacking here is – while that dispute is going on, the disruption, or at least very major problems in so far as the processing cases through both the Court of Queen's Bench and the court of appeal.

And I guess I'd like the minister again to attempt to justify your basic position, and your actions in being the leading defender of justice and, it seems to me, short-changing the whole justice system by the political dispute, I may say, between the federal government and yourself, vis-à-vis appointments. Now I'll ask you to again, perhaps clarify how you can, in fact, justify your particular actions.

HON. MR. LANE: — You're right. We have been through it on numerous occasions. And it is my view, and it's a view that has been argued historically in this province, that there should be some informal consultation between the Government of Canada, which has the power of appointment, and the provincial Minister of Justice, or Attorney General, who is responsible for the administration of justice.

When I say that historically, I indicated in the legislature yesterday the actions of the CCF government in 1951, wherein they reduce the court of appeal – introduce and pass legislation to reduce the court of appeal by one, and reduce the Court of Queen's Bench at the same time. Now my understanding, and I'm subject to correction, that the objective of that exercise was to prevent the appointment of a recently-retired Liberal leader to the Court of appeal, and I gather that was the historical reason for it.

I also indicate and add to the argument the position taken by the New Democratic government in Saskatchewan prior to, I believe, 1981, during the constitutional debate when the then premier, Leader of the Opposition, argued most strongly for consultation with the provinces by the Government of Canada in appointment to the Supreme Court of Canada. So that there was an argument made by the previous government, for consultation.

The existence of consultation is not something new. The existence of consultation . . . I'm sorry. Consultation exists in other jurisdictions. I fully agree, and I maintain the position that it is informal, but at least it exists.

I recall, for the hon. member's attention, a letter by my predecessor, to the Minister of Justice of Canada, requiring consultation on the appointment of judges to the court of appeal and the Court of Queen's Bench, and we've tabled that correspondence in this Assembly.

But I can go a step further. The need for co-operation, and the recognition of the desirability of co-operation, or for co-operation, has been recognized by the Supreme Court of Canada. To quote Mr. Justice Dixon of our Supreme Court: "Co-operative action of all levels of government is required by virtue of the constitution."

So here we have, historically, the position provincial governments requesting it. We have the historical record of legislative action of this Assembly. We have the correspondence by my predecessor, requesting – and assuming – assuming co-operation. And we have the Supreme Court of Canada, which calls for co-operative action because of the two powers given to both levels of government under the constitution. So it's not a unique position.

What is unique about the position, however, is that Saskatchewan, for some strange reason years ago, was exempted from the need for co-operation and consultation. Now you and I can probably agree on this point, that it was the former minister responsible for Saskatchewan in the federal government, the member from Saskatoon-Humboldt, I believe, that occupied that position – the former justice minister of Canada – where co-operation went out the window.

I'll take it a step further, because the information had not been brought to this Assembly before. But there is another area of co-operation. I hope the hon. member will support me on it. It is, with the passing of the present Chief Justice of Canada, historically now Saskatchewan's turn to have an appointee to the Supreme Court of Canada.

And last week I sent a telex to the Minister of Justice for Canada, reminding him of the historic tradition of rotation and appointment from the various areas of Canada to the Supreme Court.

And I hope that . . . I don't expect consultation on this, but I certainly expect co-operation that Saskatchewan's historical position is recognized, that it is, under the traditional practice, a westerner's turn to be appointed, and in that western configuration, it would be Saskatchewan's turn to have a Saskatchewan member appointed to the Supreme Court of Canada. So I hope that co-operation exists. I can't tell you if it will exist. Obviously, the Government of Canada is prepared to consult in other jurisdictions. It's not prepared to consult in Saskatchewan.

I think it would be proper to have the informal consultation. I think the administration of justice would be enhanced with the consultation because it is Saskatchewan court that we are talking about, and I think that co-operation and consultation is most desirable.

MR. KOSKIE: — Mr. Minister, you can talk about the need and the desirability of co-operations of two levels of government, but what I want to ask you, that apparently you have not been able to negotiate that. I ask you first of all . . . I'm not aware that the other provinces are having the same problem, or that their justice ministers or attorney generals have taken the same action. But leave that aside. We're in Saskatchewan.

And what you're saying then is that you're demanding co-operation, and what you're doing is really supplying confrontation because who are the victims, or who is getting the short end of the stick, so to speak, over the confrontation between yourself and the federal government? And, obviously, it's the justice system here in Saskatchewan.

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And I think it's rather appalling, you know, when, in the judgement, Mr. Justice Wimmer, in the case that he brought down recently, and he says:

In the result, there will be the following orders; (1) an order declaring that those orders in council decreasing the number of judges in the court of appeal are *intra vires* and valid, and (2) an order declaring that those orders in council decreasing the number of judges of the Court of Queen's Bench below a chief justice, and 25 other judges specifically referred to (and he mentions the OCs), are *ultra vires*.

He goes on to state in his judgement:

I regret the conclusion 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 and disposed of. The situation in the Court of Queen's Bench is not yet so severe.

And what I'm indicating to you, Mr. Minister, that here is a very much of a concern being expressed by a responsible member of the bench. Mr. Justice Wimmer. And how do you square your actions, when you start talking about co-operation, with the fact that there's such a backlog, and such a delay, in the processing of cases? How far do you want to take this?

Apparently within the judgement, it indicates that you can't keep removing them, as the opportunity arises, to the extent of eliminating the courts constitutionally. But in the court of appeal, apparently, you have the power to reduce them.

And what I'm asking is: do you think it's justified to take this type of action, when it undermines the justice system, to try to strengthen your position with your political feud that you have with your Liberal friend? Because I have some difficulty in the concern as to whether a Tory is appointed a judge, or a Liberal. I don't know if there is any great degree of difference in competence because, obviously, the Minister of Justice would feel himself reasonably competent, but he also was a Liberal and he's now a Tory. And, as a consequence, I would think that it's rather difficult for the public, and for the legal profession, and the citizens of this province, to sit by and to see what is going on here which many have termed really a determination between the two levels of government as to who will hand out the appointments.

And I ask the minister again. Certainly he is indicating that he is seeking co-operation, but it doesn't look very much like co-operation when the Minister of Justice himself is taken to court by a group of his own colleagues in his province to stop the actions that he's taken. I mean, who are you administering justice on behalf of? That's really the question that is being asked.

So I guess I have to ask you again: how far are you prepared to take this? How can you justify reduction in the number of justices in the light of the statistics that there is a substantial increase in the number of cases both before the Court of Queen's Bench and the court of appeal?

HON. MR. LANE: — Well, let me indicate firstly that the hon. member forgets that I indicated yesterday that, with regard to the two vacancies in Yorkton and Estevan, that we had made a proposal for consultation that was rejected by the Minister of Justice for Canada. So I suggest to you that the Minister of Justice for Canada perhaps doesn't see the pressing problem.

I also indicate to you that the orders in council increasing the size of the Court of Queen's Bench and increasing the size of the court of appeal, as passed by the previous government, sat unacted upon for, I believe, about 10 months by the Government of Canada . . . (inaudible interjection) . . .

Yes, my predecessor in your government passed an order in council increasing the size of the court of appeal and the Court of Queen's Bench. They remained vacant . . . (inaudible)

interjection) . . . Yes, but they remained vacant for over a year, or nearly a year, at which point the Government of Canada didn't bother acting. So I don't see that the Government of Canada feels that there's any great problem.

I also, and I know you didn't see all the correspondence, I'm prepared to indicate how pressing it was back on April 1981, and a letter from the then attorney general to the Hon. John Chretien, Minister of Justice and Attorney General of Canada:

Dear Mr. Chretien: I'm withdrawing for the time being my request for two additional appointments to the Saskatchewan Court of Appeal.

And so, obviously, you know there was no pressure at that time. Statistically, as I have indicated on numerous occasions, the work-load of the court of appeal is roughly equal to that of the Ontario Court of Appeal, and I suspect that there is a differential because Saskatchewan has an abnormally high number of sentence appeals, whereas the Ontario Court of Appeal, I would suspect, would deal with a generally – not always – generally more complex cases.

But then you refer to the judgement of Mr. Justice Wimmer, and when he refers to the evidence proposed by counsels for the applicant about the need for more judges because of the case-load, supposedly (and I refer to page 15):

In setting forth the reasons for my decision, I have not found it necessary to refer specifically to every argument put up by counsel for the applicants. I have considered every argument presented, but 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 courts, 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.

So I suggest that the judge rules most pointedly on the point that you raise, and indicated that there was no factual foundation for that argument.

MR. KOSKIE: — Mr. Minister, you hardly addressed the question that I asked you . . . (inaudible interjection) . . . And I would avoid it too, if I had acted in the manner that you have.

You don't put the headlines in the paper, but yesterday after the judgement came down and you got slapped in the face for taking an action which was ultra vires, when your dispute, your political dispute with Ottawa, and you get headlines: "The Justice Minister claims victory in fight with Saskatoon lawyers." Imagine! Here are criminal lawyers wanting to process law through the courts, and are disturbed with it, and here is the Justice Minister elated over his defeat yesterday, and trying to put the best face possible on a disaster that he embarked on.

But take a look at the concern that has been expressed throughout the province. You can find editorials indicating that, "Lane's tactics questionable," in the editorial in the *Leader-Post*. "Petty politics could create treacherous bog for justice." That's the question I'm asking you to address if, in fact, as Mr. Justice Wimmer said in the court of appeal, that there is a tremendous backlog building, and a severe one in the Court of Queen's Bench. I ask you again: how do you justify actions which, in fact, reduce the number?

When you get up to answer, you say, well the former attorney general . . .

Listen, you are the government. What I'm asking you to account for is your specific action. Don't tell me what happened in 1951 or don't even tell me what the former attorney general did. What we're concerned with, particularly, is your actions and how, in fact, you can justify decreasing

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the number of justices for purely political reasons, as has been indicated by the press.

So would you address it in a more positive way, because there are many concerned citizens. There's a concerned legal profession because they, in fact, instituted the action against you. So how do you justify it, and to what extent are you going to carry this on, claiming a desire for co-operation and at the same time undermining, in my view, the proper functioning of justice in the province?

HON. MR. LANE: — Well I can keep repeating my argument. I've given you my legal argument for my position. I've given you . . . I've quoted the Supreme Court of Canada that states that there should be co-operation. I've given you comments out of the opinion yesterday. Now the hon. member obviously quotes from sources, and I wouldn't expect anything different from the sources that you've quoted from than the position that you've given.

You know the Supreme Court of Canada says that there should be a co-operative relationship between the provinces and the Government of Canada — that the constitution requires it. We have not seen that. We have not seen that historically in Saskatchewan — co-operation between the Government of Canada and the Government of Saskatchewan on appointments. You say you don't see other provinces having the same problem. That is precisely my point. It's precisely my point because there is generally across Canada informal consultation between the Government of Canada and the provinces.

I give you the argument: is this a recent phenomenon in Saskatchewan? And I think I've indicated to you on several occasions, with the documented evidence, that it goes back for some 30 years, 30 years . . . (inaudible interjection) . . .

The hon. members, the hon. members criticize my Liberal background. Let me tell you, when I supported the Liberal Party I did it up front. And then when I learned my lesson, saw the light — I admit freely, belatedly — I admit it, belatedly. But I'll tell you what I didn't run around and do was jump into bed with them over the constitution as the hon. members opposite did, and then try and say, oh, boy, I don't like these guys.

I certainly don't . . . I don't run around the province as the hon. members have done and say, oh, we got to help defeat the Liberals, when at the same time they are bearing the full responsibility for having put the Trudeau government and the Liberal government in power. And all I have to do, all I have to do is remind the people of Saskatchewan that the NDP and the Liberals have what Otto Lang calls an organic union. Now that's what Otto Lang says.

And I would just like to remind the people of Saskatchewan how John Munro, the federal minister leadership candidate, views his friends in the New Democratic Party. He said that they should join the Liberals and come together. That's what the Liberal Party thinks of the NDP, that they're just one and the same. They're friends. And the NDP, of course, on the other . . .

MR. CHAIRMAN: — Order. We're discussing Justice rather than political beliefs. Hopefully we could get on with Justice.

MR. KOSKIE: — Mr. Chairman, I want to . . . This is a very, very serious situation. I really think that the Minister of Justice really owns it to the legal profession, to the people of Saskatchewan, for an explanation why he would go so far as to even breach the legislation of The Queen's Bench Act, in his wild desire to attack the other level of government in his political dispute over the appointment of judges.

So I'm going to ask you . . . I want you to put forward and put aside all the rhetoric and address the question of: how can you possibly justify? I'm going to ask you: do you, in your opinion, think that there is sufficient judges in the court of appeal at the present time? Is that your position and can it, in fact, continue for a number of years? Is that the position that you're

taking? Are you, in fact, taking the position that the Court of Queen's Bench is so underworked that, in fact, your action of rather than increasing it as the former attorney general was considering, that you can, in fact, decrease it? Is that your position that the two levels of court, court of appeal and Queen's Bench, have sufficient judges at the present time. Is Mr. Justice Wimmer, then, just merely expressing an opinion that is not substantiated? Is it in fact true that when the chief justice of the court of appeal addressed the lawyers herein Regina, outlining and designating the need for additional lawyers in the court of appeal, that he, in fact, was not talking fact? Mr. Justice Wimmer is not talking facts? Then all I ask you to do is to get up and demonstrate that your actions are justified.

HON. MR. LANE: — Oh, on numerous occasions already today, I've given you a legal justification for my action, and let's . . . For some reason the hon. member does not want to take to heart what the Supreme Court of Canada has said. And I don't know why you ignore the Supreme Court of Canada, but that's what you're choosing to do today.

Secondly, when you talk about the legal opinion of yesterday, and you say that your interpretation that we're breaching The Queen's Bench Act, let's keep one thing in mind: that the orders in council were passed prior to the vacancies subsequently occurring, and that there's no principle in law which says that legislation or orders in council based on a certain set of facts are rendered not valid by a subsequent turn of events. There are new facts. And so we have some concerns what action we're going to take. We happen to think that, that with respect to the learned judge, was an obvious error.

With regard to our constitutional position, the court upheld it. The court upheld our constitutional position as to both the Court of Queen's Bench and the court of appeal.

So I've given you the legal justification: that is the Supreme Court of Canada saying there should be co-operation. There has not been co-operation. Okay. And I remind the hon. member that we made the offer to fill those two positions. It was rejected by the Government of Canada. So there's the legal justification.

I've given you the historical justification. I've given you the historical justification in Saskatchewan, and I can reiterate previous legislatures — your predecessors passing legislation to reduce the size of the court of appeal and the Court of Queen's Bench. I've given you that information.

I've given the historical concern of my predecessor as to the need for consultation, and I've tabled on previous occasions the telex from the former attorney general to the Government of Canada assuming consultation. I've given the political frame of reference justification on this when I gave you what the former premier, the now Leader of the Opposition, Leader of the New Democratic Party, called for consultation with regard to Supreme Court appointments.

The justification is that I think legally, I believe legally and, I know that legally, there should be co-operation. The Government of Canada has seen fit not to give that co-operation.

Secondly, I believe it is in the interest of the justice system that there should be consultation. And there should be, but it hasn't happened. It hasn't happened. So there's justifications from every angle that you can find. You may disagree with them, and I gather you do, and I'm frankly very, very surprised at your position that you believe that it is in the best interests of the justice system that the present Government of Canada continue to make its appointments without consultation with the Government of Saskatchewan. That's obviously your position. I think it's a wrong one. I'm surprised, so I've given you the justifications on the political, the justifications on the legal, and the justifications on the historical. I would hope that the Government of Canada would begin to co-operate.

Now, when you talk about numbers, let's give an example, because there are, in fact, more

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judges in the court of appeal since I became Attorney General than there was before I became Attorney General. Sure, you're obviously . . . You don't want to hear the information. There were five court of appeal judges. There were five court of appeal judges. Now, I think the hon. member should listen to this. See, I don't think you're listening . . . (inaudible interjection) . . . No, you're not listening . . . (inaudible interjection) . . . No, he can't. No, he can't. He can't walk and chew gum at the same time. I don't know how he could talk and listen at the same time. So I ask the hon. member to listen.

I'm going to tell him that there are more court of appeal judges today than there were when I took office. When I took office, there were five court of appeal judges. Today there are five court of appeal judges, plus three supernumerary judges – three supernumerary judges. In effect, we're up to eight – five full-time judges, and the three supernumerary judges. So there are more court of appeal judges today.

Now, fortunately, the argument, for the hon. member's sake, stays with the court of appeal when, historically, we are dealing with numbers less than 10, so he doesn't get confused. There were five before I took office. There are now five court of appeal judges, plus an additional three supernumerary judges. There are eight today.

MR. KOSKIE: — I would like to indicate, Mr. Minister of Justice, that I would rather have the evaluation of the justice system done by Mr. Justice Wimmer, where he says, and I repeat:

I regret the conclusion I have to 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 disposed of.

Mr. Justice Bayda, and I've gone through the report of Mr. Justice Bayda, who documented the need for more justices, and what I ask you: are you, in fact, indicating that there is no backlog in the court of appeal, and that there is no backlog in the Queen's Bench? Are you satisfied with the make-up of those two courts and the case-loads, that you're satisfied to continue your little game with the federal government at the expense of the justice system?

I ask you simply: are you satisfied that there is no demand?

HON. MR. LANE: — Well, I've indicated to the hon. member the historical reason. Let's go back. Are you saying that there should be no backlogs whatsoever? Is that the point you're making?

MR. CHAIRMAN: — Order. Order. Order! It being 5 o'clock, the minister may continue his answer at 7. It being 5 o'clock, this committee is adjourned until 7.

The Assembly recessed until 7 p.m.