

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 27, 1985

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

MR. LINGENFELTER: — Mr. Speaker, it is indeed a pleasure for me to introduce a group of students from the Shaunavon School, the Shaunavon public school, a group of 44 grade 7 students who are seated in the Speaker's gallery, Mr. Speaker.

They are here today with two of their teachers, Mr. Richard Dahl and Mrs. Dorothy Madigan. As well, Phyllis Voll is along as a chaperon, and their bus driver, Darvin Davidson.

Now, Mr. Speaker, this is a special group of students, and the most important reason is that my daughter, Sacha, is with the group.

And I'm sure all members will want to join with me in welcoming the group here today and hoping them a safe return home tonight.

HON. MEMBERS: Hear, hear!

MR. JOHNSON: — Thank you, Mr. Speaker. It gives me pleasure to rise and introduce to you, and through you to the Assembly, some 32 students that come to us from Saltcoats, Saskatchewan, on the Yellowhead highway. It happens to be the future site of a brand-new care bed home coming up in 1985. They are accompanied today by their teachers, Brian Jones and Fred Nicholson.

We hope you had a good trip into the city, and enjoyed the city, and you will enjoy your session here this afternoon in question period. I will say that I will meet with you in the . . . for pictures and drinks after question period.

I hope you had a safe trip in, and wish you a safe trip back home again. And I would ask that Assembly to help me welcome them to the Assembly this afternoon.

HON. MEMBERS: Hear, hear!

MR. BAKER: — Thank you, Mr. Speaker. I, too, would like to introduce 20, 7 and 8 grade students from the Harris Tessier School, and they're accompanied here today by their principal, Harvey Neil, and teacher, Gary Hatchen; and their bus driver is Oswald Clarkson.

I'd like the Assembly to give them a big round of applause and a warm welcome, and I'll meet with you right after question period for refreshments.

HON. MEMBERS: Hear, hear!

MR. HAMPTON: — Thank you, Mr. Speaker. Mr. Speaker, I would like to introduce to you, and to the members of the Assembly, nine of the staff of teachers from Canora Senior Elementary School. They're seated over in the west gallery. I understand that they're going to be spending some time with us this afternoon touring the building. I'm going to meet with you people at 3 o'clock this afternoon for refreshments and pictures. And I would ask all members to join with me in welcoming you people to the Assembly here this afternoon. Thank you.

HON. MEMBERS: Hear, hear!

ORAL QUESTIONS

Impact of Federal Budget

HON. MR. BLAKENEY: — Mr. Speaker, I would like to direct a question to the Premier, and it deals with the federal budget — a very specific question for the Premier. It deals with the 2 cent per litre, or 9 cent per gallon tax hike on gasoline, including farm fuel, which takes effect on September 3rd. My question is this: has the Premier had his staff calculate how much this new tax will cost Saskatchewan residents in a full year, and does his government support the imposition of that new tax?

HON. MR. DEVINE: — Mr. Speaker, I support tax reductions on fuel as opposed to tax increases. I am informed that — I'm not sure I have all information, but I'll get it back to you — I'm informed that the two cents a litre might not be two cents a litre, that it might be 1.3 cents a litre because the 0.7 cents that was used to purchase Petrofina may no longer be charged, so that the consequential increase may not be the full two cents but 1.3 cents a litre.

And I don't have the figures about what the 1.3 will cost Saskatchewan in total, but I'll be glad to get that information.

HON. MR. BLAKENEY: — Mr. Speaker, supplementary. Has your government made representations to the government at Ottawa indicating that, in so far as this tax would apply to farmers and other primary producers, it ought to be covered by a rebate so that there would be no increase in taxes on farm fuels and fuels used by other primary producers?

HON. MR. DEVINE: — Mr. Speaker, yes, we have made representation, and I would hope that the hon. member will bear with me. My colleagues in Ottawa have said to me, as I tried to say Friday, that there had been several substantial tax cuts in Saskatchewan as well as this 1.3 cent per litre gas increase. So they advised me that when you add them all up there are substantial benefits to Saskatchewan, and so on.

So yes, we've made representation. We have added up all the tax benefits — I won't go through them — and when we look at the implications of those to farmers across the board, then there's a fair amount of validity in the argument that is presented to me here in Saskatchewan that the tax savings are significantly larger than the 1.3 cents per litre tax increase across Saskatchewan.

HON. MR. BLAKENEY: — Supplementary, Mr. Speaker. The Premier will be aware that the tax rebate announced last November was only for a limited period until the end of 1986, whereas now we have a tax imposition which, if it's like any other taxes, will be anything but temporary.

Would you make representations to the federal government to make sure that the tax rebate which is now available to farmers is extended beyond that short temporary period or, in the alternative, that the tax applied by the federal government is removed?

HON. MR. DEVINE: — Mr. Speaker, as I pointed out to my hon. colleagues, we were in the business of reducing taxes to farmers, particularly the gas tax . . . (inaudible interjection) . . . Yes, to farmers. As they point out to me, with respect to the tax on farmers, about \$140 million a year that we normally collect, or the former administration would collect or would have collected today if they were still in government, adds up to about \$35 million a year to the farmer.

The farmer, Mr. Speaker, is receiving a \$35 million break now on an annual basis as a result of what we did, as opposed to what the NDP did, and that makes for a significant benefit to the province of Saskatchewan farmers. And they are saying on top of that they have provided with a \$40 million fuel tax rebate. So you put the 40 million with our 35 million, and that adds up to \$75 million that they received in this current year in tax rebates from the federal and provincial

governments. That's more of a tax break than they've ever received in the history of the province before.

SOME HON. MEMBERS: Hear, hear!

MR. LINGENFELTER: — Question to the Premier, and it has to do with another massive tax increase which was announced in the federal budget. It's the extension of the 10 per cent federal sales tax to items like, oh, concentrated fruit juices and chewing gum and soap and candy bars and bandages — that loophole where the children were buying candy bars without paying their 10 per cent. They've plugged that loophole. This tax will amount of \$420 million a year out of the taxpayers' pocket.

I wonder if you can inform the Assembly what that will mean to Saskatchewan taxpayers. If you've done analysis of it, can you tell us what part of that 420 million will come out of Saskatchewan, and whether or not you agree with it?

HON. MR. DEVINE: — Mr. Speaker, I don't have that information with me, but I'll be glad to get it for the hon. member.

MR. LINGENFELTER: — Mr. Premier, while you're at it, I wonder whether or not you will look as well at the impact of the increase in the federal sales tax, which will come into place next January 1st, which will increase the federal sales tax from 10 to 11 per cent, as I understand it, and will take \$825 million out of the pockets of taxpayers in Canada. Can you, as well, look into how much of that will come out of Saskatchewan, and whether or not you agree with that?

Maybe, while you're on your feet taking notice, you can tell us whether or not you agree with the increase in the federal tax, the sales tax, from 10 to 11 per cent — whether or not you agree with that change in the tax structure?

HON. MR. DEVINE: — Mr. Speaker, what I will do for the hon. member is that I will add up all the tax increases and all the tax decreases, and I'll put them all together so that we can net it out, so that we know the benefits and the cost to Saskatchewan people — so that I can talk about very large benefits that Saskatchewan is receiving, and the increases that will apply to across Canada as well as to Saskatchewan.

I'll get them both, and I'll bring them back here, and we can discuss them at length.

MR. THOMPSON: — Thank you, Mr. Speaker. I'd want to direct my question to the Premier. I want to ask the Premier about the blatant lack of fairness in the Mulroney budget — everybody's confused here today.

This budget slaps a 5 per cent surtax on families with gross incomes over \$40,000 per year beginning July the 30th — July 1st. Forty-four thousand tax families are in that category in Saskatchewan alone. They get hit with a 5 per cent surtax on their federal income tax starting in July. Yet the minimum tax on the rich, which Mr. Mulroney promised in last year's federal campaign, is now subject of a study for at least a year. Middle class families get hit with a 5 per cent surtax, but the rich continue to pay little or no tax.

Mr. Premier, is that your idea of fairness?

HON. MR. DEVINE: — Mr. Speaker, I believe that my colleague said he wanted me to address the question of fairness with respect to the surtax. With respect to fairness, all four western premiers agreed — Howard Pawley, me, Peter Lougheed, and Bill Bennett — that there should be significant tax reform in the country to make sure that there is fairness in the tax system.

With respect to the surtax, the surtax that the federal government just brought in, I'm informed,

hits the high income people a lot more squarely than the surtax brought in by the NDP in the province of Saskatchewan a few years ago.

Now if you look at the fairness of the tax, the surtax — the surtax is designed, as I understand it, to help reduce the deficit. And it should be fair. Or if the surtax applied to Canadians is hitting the higher income people, at least more so than a surtax that was brought on by a previous administration, it seems to me that it's moving in the right direction — that it is fairer than the surtaxes that were brought into this province a few years ago.

With respect to fairness in general, I would encourage more tax reform. I have said that. I want to see more of the loopholes removed, or at least designated towards job creation, because you know you want two things. One, you want it to be fair; and two, you want to create economic opportunities in jobs. So if you do have tax expenditures, as they're called by the tax people, then they should be directed towards those kinds of things that create as many jobs as possible.

MR. THOMPSON: — Supplementary, Mr. Speaker. Mr. Premier, more than 240 Canadians with incomes over \$200,000 didn't pay any tax at all last year. Now they're going to have a study to see whether they should pay tax. Why can't the government figure out how to get at those people when it so quickly found a way to slap a surtax on middle class incomes? And my question, Mr. Premier: can you explain why the double standard?

HON. MR. DEVINE: — Well, Mr. Speaker, as the opposition knows, we introduced tax reform and a flat tax to do the kinds of things that we believe Canadians want to see happen. That is, we want to see very high income people paying their fair share. We have encouraged the federal government to look at that. They said that they will bring in major tax reform with respect to corporate reform, and they're going to review and study the implications of tax reform on loopholes and higher income people and so forth.

Now obviously I was able to convince the western premiers, my colleagues, that tax reform was the thing to do. We're going to continue to argue for that. They have made some progress in that regard in terms of the loopholes associated with houseboats and with some other things, and I'm glad to see that they've done that. I would have gone farther and removed more of those loopholes, or redirected and redesigned those tax expenditures so that they were on job creation as opposed to just write-offs.

But yes, I encouraged reform. I believe reform would be more fair. We've started it; the whole country's talking about it. The Premier of Manitoba, Mr. Speaker, wholeheartedly endorses tax reform. He thinks tax reform is overdue, and he gave Saskatchewan a big bouquet for the tax reform measures that we brought in.

MR. YEW: — Thank you, Mr. Speaker. Mr. Premier, when you add up all the figures in the Mulroney budget documents, you find that all the income tax changes, all the federal sales tax increases and so on, will take more than \$1 billion per year out of the pockets of Canadian taxpayers. At the same time, Mr. Speaker, the Mulroney budget gives the oil companies nearly \$2 billion per year in tax cuts. In all fairness, is this a fair approach, Mr. Premier? How is it fair to stick lower and middle-income Canadians for taxes — taxes and more taxes — while your government and the feds are giving the oil companies billions of dollars in cuts?

HON. MR. DEVINE: — Well, Mr. Speaker, with respect to the oil patch, and my colleague raised it, I believe it is fair to point out — because he raised it — that the single largest tax contributor in Saskatchewan today is the oil industry. They are now the single largest contributor; above income tax, above sales tax.

Now I can compare that, I can compare that to an industry, Mr. Speaker, that perhaps was (and maybe this is what you're getting at) . . . would you rather we nationalize an industry? Take the contribution of the nationalized potash industry to the budget of Saskatchewan versus what

we've done in the oil patch, and look at the dollars generated.

The former administration nationalized half of the potash industry. Look at what it's contributing to the province of Saskatchewan with respect to revenues. Take the oil patch as a comparison — take the oil patch as a comparison today and look at the contribution. The number one taxpayer in Saskatchewan today is the oil industry, above anything else. That's 25 to 30 per cent of all the schools, roads, hospitals, nursing homes, whatever it may be, coming out of the oil industry.

It seems to me, Mr. Speaker, that's a very valuable lesson for the members opposite to learn with respect to jobs, economic activity, and revenue. We have created now the number one tax contributor in the province of Saskatchewan, and we expect it will even be better.

Collapse of Pioneer Trust

MR. KOSKIE: — Thank you, Mr. Speaker. I'd like to address a question to the Minister of Finance, and it deals, Mr. Minister, with the biggest business failure in Saskatchewan's history, the Pioneer Trust, and your related actions associated with it.

Now after claiming that your assistance package for the uninsured depositors of Pioneer required speedy passage of the legislature, you have failed to bring Bill 70 before the legislature for six consecutive days. And so I ask the minister: during the course of this delay you have obviously had some time to rethink the government's position, and I ask you whether you have reconsidered your position and finally agreed to establish a public inquiry into the whole affair of the Pioneer mismanagement and the subsequent \$28 million which you initiated that the taxpayers of the Saskatchewan should pay?

HON. MR. ANDREW: — Well, Mr. Speaker, the position of the government remains the same, Mr. Speaker, as set out by myself and set out by the Premier, that we must allow the liquidation process. We must allow the liquidation process to take its course, Mr. Speaker. If at the end of that time there is evidence of need for an inquiry, then that's something that the Premier and the Government of Saskatchewan will consider.

The comments, as I understand, made by the liquidator, Mr. Speaker, is this: is that certainly an inquiry at this time would be inopportune in the sense that it would . . . Mr. Speaker, in the sense — and this is the words of the liquidator — in the sense that what it would do is put at risk some of the ability to recover the maximum amount on those assets as they are being liquidated.

If there was an inquiry, Mr. Speaker, that liquidator would clearly have the right, under federal jurisdiction, under federal law, to deny access to any of that information. Number two: he indicates that until such time as that liquidation is completed, the confidentiality of the deposits (which is clearly one of the areas that would have to be dealt with) would have to be dealt with.

Our view, Mr. Speaker, is that until that liquidation process has been completed, there will not be an inquiry. That is the position we have stated for some time. That matter was voted on in the House here some two weeks ago.

MR. KOSKIE: — A new question to the Minister of Finance. Mr. Minister, you say that the Saskatchewan taxpayers can, in fact, have their interests looked after by the liquidator, that he will indeed look after their interests. And I want to say to you, Mr. Minister, I have some material here which seems to put that claim in question, that the liquidator is not looking after all of the people associated with Pioneer Trust.

I have here a copy of a form letter sent from the liquidator's law firm of MacPherson, Leslie, and Tyerman to a number of families and individuals who had personal loans with Pioneer Trust, and a number of people have called our office over the past week, and some of them very disturbed. The letter threatens these people with legal action unless they pay off their loans in full by the

end of the month.

In the cases brought to my attention, loan payments had been right up to date until the Pioneer Trust collapsed on February 7th. And my question is, Mr. Minister, was the minister aware that the liquidator was, in fact, threatening legal action in this way, and does he know how many Saskatchewan people are being threatened with the call of their loans?

HON. MR. ANDREW: — Well, I am not aware of that in the sense of . . . The liquidator has a legal responsibility to do what he is in fact doing. The Government of Saskatchewan has no right to tell the liquidator how to deal with the recovery of his assets.

I saw a story, and I think it was the Alberta paper, perhaps two weeks ago or something like that, the same type of thing where the person had to pay up the costs and were having trouble recovering the cost of their house. It dropped significantly. That has got nothing to do, Mr. Speaker, with what the provincial government . . .

What we are doing and what we are saying is this: is that there's some unfortunate people who are not covered by the CDIC (Canada Deposit Insurance Corporation). Those are called uninsured depositors. Now we are proposing, Mr. Speaker, to this Assembly in a Bill, and in the policy of the government, that we should provide assistance to those uninsured depositors. How the liquidator pursues the collection in the liquidation of the assets is what the liquidator must do, and he must do it through law. And I would assume that he is. If he is not doing it that way, then certainly that's something that one could challenge.

MR. KOSKIE: — Well, supplemental to the minister, Mr. Speaker. As I indicated, a number of people who called said they had contacted your office, Mr. Minister. And these are people who have had loans, as I indicated. And it's a very serious situation. Did it not cross your mind to follow up their concerns by demanding an explanation of the liquidator to determine whether this is the only course open; to make a demand that a payment be made forthwith of the entire amount of the loans? Are you taking no responsibility on your shoulders in treating these individuals? Why couldn't their loans have been transferred over to the British Columbia bank when they took over the accounts?

HON. MR. ANDREW: — Mr. Speaker, it's easy for the member opposite. If he has some names of people that are having trouble where there's a demand on their loan, Mr. Speaker . . . (inaudible interjection) . . . Well, they say that they're phoning my office. That's an easy statement to make.

What I can certainly offer to the members opposite, if they have some names of people that are having some trouble with regard to their loans, that that's certainly something that they could deliver to me following question period, and I would be certainly prepared to do what I can to see if we can ease the problem they might have with being able to take that loan out, or perhaps another financial institution, wherever it might be. And we would do what we could to try to assist in that.

But to simply say that somebody has been phoning your office and my office without anything else, then certainly that's something that we could pursue and look after following question period if we wanted to meet and were concerned about trying to deal with it.

MR. KOSKIE: — A further supplemental. I'd like to ask the minister then: have you, in fact, received — as has been indicated to our office — have you received any calls or letters from those who have loans outstanding with Pioneer Trust who are, in fact, being demanded to make payment in full? Have you had any letters or calls from people with concerns in respect to their outstanding loans?

HON. MR. ANDREW: — Well, I would take notice of that question, Mr. Speaker. I don't recall

how many letters . . . You get lots of letters into one's office. I would check and see that and have my staff from my office determine whether or not there has been some calls or has been some letters with regard to that and certainly report back to the House.

Most of the loans, as I understand, that are with or were with Pioneer Trust, are for the most part being negotiated with other financial institutions and being dealt with. Perhaps it's a loan that is having some problems with it. Perhaps it's one that is waiting also for some support on their uninsured deposits. I don't know, Mr. Speaker. It's something that one would be prepared to look into and deal with.

But I think other financial institutions in this province, if the loan is anywhere close to being any kind of risk, associated with any kind of security associated with it, I'm sure that a financial institution would look into that and probably lend the money to the person.

MR. SHILLINGTON: — Thank you, Mr. Speaker. Let me say by way of background, Mr. Minister, that you asked for the names. This government's reputation for vindictiveness is such that nobody will allow their names to be used, Mr. Minister.

Also by way of background, Mr. Minister, you suggest that you are a mere spectator. Given the fact that you are picking up the lion's share of the damages when these trust companies are federally regulated, I suggest that you're more than a spectator.

Mr. Minister, the letter, which I can give you, because the names and all identifying items have been blocked out, reads . . . It's a letter on the letterhead of MacPherson, Leslie and Tyerman, signed by Mr. Nilson, and it reads:

You should therefore take steps immediately to repay your loan at the Bank of British Columbia office where you previously dealt with Pioneer Trust.

Mr. Minister, some of these are demand loans but some, I'm informed, are fixed-term loans. I ask you, Mr. Minister, do you believe it is fair that people with fixed-term loans should have to repay them forthwith whether or not they have the means to do so?

HON. MR. ANDREW: — I indicated that if the member had a specific case that one would look into it. Now when the member opposite, Mr. Speaker, talks of being vindictive, last year at this time this House went on for perhaps a month with regard to some alleged wrongdoing and some alleged criminal activity by the member from Regina Centre about an incident involving some land at SGI. That matter was investigated. If we want to talk about vindictiveness, that member, the member from Regina Centre, didn't even have the resolve, Mr. Speaker, that member didn't even have the resolve to appear at the inquiry and advance his case.

MR. SHILLINGTON: — Well, Mr. Minister, I don't know who has got the reputation for being more vindictive. I can just say that they come to me and give me their names, and apparently they don't do that with you.

Mr. Minister, back to the question. Given the fact that you are a major participant in this entire mess — you're cleaning up the damages — given the fact that you represent the taxpayer and the public of Saskatchewan, do you not feel some obligation to check with the liquidator to ask in general terms whether or not this is a practice of a liquidator, to demand fixed-term loans from people who haven't got the means to repay them?

HON. MR. ANDREW: — Mr. Speaker, I indicated on an earlier question, if the hon. member wished to bring the matter to my attention that we would come back . . . (inaudible interjection) . . . Well, sure, it's fine to stand up and rave. If he wants to bring the matter to my attention after question period, we can track the question down, determine the nature of the facts around the situation, and see what the resolve of that particular thing is, Mr. Speaker. That's the way to

approach it if they're genuinely interested in helping an individual. And I indicated that we would do what we could to assist that individual.

INTRODUCTION OF BILLS

Bill No. 85 — An Act respecting Film and Video Classification

HON. MRS. DUNCAN: — Mr. Speaker, I move first reading of a Bill, An Act respecting Film and Video Classification.

Motion agreed to and the Bill ordered to be read a second time at the next sitting.

STATEMENT BY MR. SPEAKER

Ruling on Point of Order

MR. SPEAKER: — Before orders of the day I would like to read a statement. Last Friday a point of order was raised by the member for Shaunavon to the effect that the reply by the Premier to a supplementary question asked by the Leader of the Opposition was out of order, on the grounds that it was not relevant to the question and constituted a speech.

I've reviewed the transcript of the oral question period and wish to bring to the Assembly several matters that I believe will have an effect in the House for other days.

With respect to the special point of order raised, I find the point to be well taken. While the supplementary question was straightforward and offered without debate, the answer given by the Premier did not deal with the matter raised, and was in the nature of a speech, and was therefore out of order.

Members will recall the disorderly nature of much of Friday's question period. A review of the *Hansard* shows that there were other answers given that were lengthy and not strictly relevant to the questions asked. However, it is also clear that many questions included lengthy, argumentative preambles and offered debatable information, and thus were also out of order. I wish to remind members of the guide-lines established by this House for the conduct of question period when our current rules were adopted in 1976. Order, please.

The following guide-lines are particularly relevant to our current problems: Questions must be brief and to the point; questions must be stated without preamble or speech or be in the nature of debate; questions must seek, and not offer, information to the Assembly; answers to questions should be as brief as possible, should deal with the matter raised, and should not provoke debate.

I suggest that members review the complete guide-lines as tabled in the report of the Special Committee on Rules and Procedures, March 12th of 1976. It is my duty, my practice, and my intent to apply the guide-lines for question period as fairly and as consistently as possible without being so stringent as to unduly interfere with the cut and thrust of the process. I ask for the co-operation of all members in adhering more closely to the guide-lines.

ORDERS OF THE DAY

GOVERNMENT ORDERS

COMMITTEE OF FINANCE

CONSOLIDATED FUND BUDGETARY EXPENDITURE

JUSTICE

Ordinary Expenditure — Vote 3

Item 1

MR. CHAIRMAN: — Is the minister prepared to introduce his officials?

HON. MR. LANE: — Mr. Chairman, if I could introduce my officials — on my immediate right is Dr. John Siu, associate deputy minister; Terry Thompson, the executive director of corrections; Kathy Langlois, director of administration, behind Mr. Thompson; John Hylton, behind me to my right. He's the executive director of management services. Immediately behind me is Mr. Jim Benning, administrator of justice services. On my immediate left is Ken MacKay, director of public prosecutions; immediately behind Ken is Mike de Rosenroll, executive director of legal services. Behind Mr. Benning is Gary Brandt, executive director of court services; and Mr. Terry Colin is at the back — communications policy, the communications branch.

Mr. Speaker, before we begin estimates, I would like to take an opportunity to highlight some of the many accomplishments of the Department of Justice over the past year and outline some new objectives for departmental operations in 1985-1986.

The Department of Justice was established, as members know, on April 1, 1983, as part of government-wide reorganization of functions and responsibilities. The new department retained the functions of the former attorney general's department and, in addition, was assigned responsibility for provincial adult corrections, previously in Social Services, and services formerly provided by intergovernmental affairs.

The primary goal of the organizational changes was to achieve improved co-ordination and increased efficiency. The action taken to consolidate justice-related functions in one department was but the first step in a modernization process which is under way throughout the provincial justice service.

Some of the past accomplishments, Mr. Chairman: the provision of a better justice service to the citizens of the province is a worthy objective which we all share; however, it is an objective not easily attained, especially in times of financial restraint and scarce resources. In keeping with the management philosophy of our government, my department has been working toward the desired result through the practice of internal economies to free up required resources. In fact, there has been a major thrust within the department over the past two years to improve productivity and efficiency.

Some of the specific initiatives are: productivity improvement. Two major strategies to improve productivity and efficiency in operations are being carried out. The first strategy involved the implementation of a number of organizational development initiatives. The second strategy concerned the automation of certain key administrative functions.

In the area of organization development a number of organizational changes were undertaken to consolidate various functions and streamline the administration of the department. For example, a new Legal Services Division encompassing all legal services to the government; for example, civil law constitutional branch legislative services was created. The functions of the former administrator of estates and official guardian were combined in the office of the Public Trustee. Management of the land titles and personal property registration systems were combined in the position of the Master of Titles, and various organizational changes with respect to administrative services to the courts were effected.

The automation of various administrative functions in the courts, and other operations, have been a second major component of the thrust towards improved productivity and efficiency. The justice automated information network is a \$1.1 million project for the automation of many of the administrative functions of the provincial courts and prosecutors' offices. This was

announced last year and has been progressing quite satisfactorily.

The majority of the required software programs required for the system will be tested this month in three pilot locations: Saskatoon, Wynyard, and Melfort, on computer hardware now being installed at those locations. Upon successful testing, the system will be fully operational in 15 cities by the end of 1985. I expect this system to achieve a significant improvement in the efficiency of day-to-day justice administration while, at the same time, increasing its effectiveness.

The novelty of this project, Mr. Chairman, in terms of its magnitude and its advanced use of computer technologies, has attracted the interest of the Canadian Centre of Justice Statistics which has agreed to share in the cost of developing the system. Jurisdictions from across Canada, as well as from other countries, have expressed an interest in the innovative approach that has been adopted in Saskatchewan. Several changes in the court reporting system introduced last year have now been operational for several months, and I'm pleased to report that the new system is functioning very well.

Private reporting firms are handling all examinations for discovery and civil trials in Saskatoon and Prince Albert and Regina. The turn-around time for transcripts in the three centres has been reduced to an average of six weeks from 16 weeks for both civil and criminal appeals. In addition, the newly acquired transcription equipment has reduced transcription time by 10 to 15 per cent.

The surrogate court registry has now been automated to simplify searches. The level of service to the bar has been improved through the elimination of law stamps and the establishment of deposit accounts for individual law firms. Word processing equipment has been installed in the department's central office, and other components of office automation are being proceeded with.

As I've indicated, the productivity improvement measures were intended, not only to increase operational efficiency and effectiveness, but to ensure that the resources available for needed improvements and programs and services are available. And I'm pleased to report there have been major accomplishments in broadening the range and quality of justice services to the people of Saskatchewan.

(14:45)

Innovative action has been taken to assist victims of crime — women and children, the elderly, who are most vulnerable to changing social conditions. There are an example of several new initiatives which have been undertaken in the last two years. In recent years spousal abuse has been increasingly identified as a widespread and serious social problem. The detrimental consequences of family violence will affect the entire community, but especially threaten the well-being and emotional security of women and children.

As part of the government-wide response to this problem, I have directed the police to treat cases of wife abuse as they would any other serious act of violence. In order to determine the effects of the new policy, I have directed my department to investigate and monitor the response of police and prosecutors in cases of wife abuse. This has led to the initiation of a major family violence research project, jointly funded by the federal and provincial governments, which is now proceeding under the direction of a family violence research committee.

In a related area, a working committee consisting of representatives of several departments has been established to review and co-ordinate the department's response to child abuse, and to report on the recommendations of the Badgley commission released by the federal government in August of 1984. The committee will be submitting a report in action proposals for government consideration later this year.

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I am pleased to report, Mr. Chairman, that new community-based corrections programs, bail supervision, restitution, community service order program introduced by my department over the past few years have achieved unprecedented success.

These programs were designed to broaden the range of sentencing options available in criminal cases to Saskatchewan courts. They provide opportunities for the application of sanctions which are not only socially productive, but beneficial to the victim, the community, and the offender alike.

As all members are aware, Saskatchewan has led the way in developing responses to the problem of the drinking driver. One of the most important initiatives in this regard was the proclamation in December of 1983 of section 168 of The Vehicles Act, which allowed blood samples to be taken from drinking drivers who are injured in accidents.

During the first year of operation, the police investigated 129 cases in which blood samples were requested. These cases involved eight deaths, 240 people injured, and an estimated property damage in excess of \$700,000. Most of the offenders in these cases would have escaped prosecution in the absence of the new legislation. Although a constitutional challenge of the legislation is still before the courts, 33 convictions were registered with the highway traffic board in the year following proclamation.

We are pleased to announce the federal government has now proposed legislation in Bill C-18, presently before the House of Commons, which includes similar provisions to those in Saskatchewan Vehicles Act, section 168.

My department has continued to place a strong emphasis on activities related to the development of effective crime initiatives in collaboration with the police commission. For example, the department has organized a crime prevention awards function to coincide with national crime prevention week. And a brochure outlining crime prevention techniques for senior citizens was prepared and circulated.

In collaboration with the federal government and the Federation of Saskatchewan Indians, the department embarked on a major new initiative to foster greater Indian involvement in the justice system. Four feasibility studies are currently underway in the areas of aboriginal customary law, Indian justices of the peace, law enforcement, and corrections, with the objective of determining how the justice system might respond to the needs of the Indian people.

And finally, it should be noted that my department has undertaken to improve the level of dialogue and communication with the public generally, as well as professional and special interest groups, concerning justice policies, programs, and issues.

The department has also provided grants in support to other agencies — for example, public legal education association, John Howard Society, the bar association, etc. During 1984 a specialized communications function was established in the department to co-ordinate and enhance communications within the department as well as its communications with the bar, other officials in the justice system, and the general public.

In addition to continuing the major thrusts of the last two years, my department will, during the current fiscal year, be undertaking major new initiatives which I would like to announce. These initiatives reflect the high priority that has been given to the justice measures which provide support for families, women and children, and youth.

One of the first priorities of the department in 1985-86 will be the implementation of a system for the automatic enforcement of maintenance orders which will be phased in in the fall of 1985.

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As most members are aware, maintenance orders are presently issued by the courts. However, many of these orders are ignored, and at present may become difficult or impossible to enforce. This places a heavy financial burden on dependants. Maintenance is most frequently ordered for the purpose of providing financial support to dependent children. However, if the order is not or cannot be enforced, families may be forced to go without the basic financial resources to which they are entitled.

The new program will be designed to change this situation by introducing new enforcement measures which will ensure that persons responsible for the payment of maintenance under a court order live up to their responsibility. It is intended that eventually all orders issued in Saskatchewan will be eligible for enforcement through this system.

This new initiative, I believe, will support the integrity of the family, especially the single-parent family, and will also reduce reliance on government income assistance for the purpose of supporting fluctuating income levels. The initiative means, in practical terms, that the stress and financial burden of enforcing a maintenance order will be removed from the shoulders of dependent children and spouses, and taken on by government.

Additionally, I believe that effective enforcement will foster public respect for the administration of justice and reaffirm the public belief that family members are morally responsible to assist in supporting the family unit.

By moving ahead with this program now, we will be putting Saskatchewan in the forefront of progressive action to help deal with the real economic issues which families, especially single-parent families, are experiencing.

As a further initiative in the area of family law services, I am pleased to announce the creation of a family law unit within the legal services division of the Department of Justice. This action has been taken in view of the evident need for a separate unit to deal with a great variety of complex issues which have arise in the area of family law for the last few years.

The new unit will be responsible for providing legal advice in family matters to the department, and government generally, that will assist the department, as well, to develop appropriate policies in respect of family matters. This will entail a review of provincial legislation as well as co-ordination of activities with the Government of Canada. And it will also provide legal counsel to act for the Department of Social Services in matters under The Family Services Act in the major centres of Regina and Saskatoon.

As you are aware, a new Young Offenders Act for Canada came into force on April 1, 1984. My department, in collaboration with the departments of Social Services, and Supply and Services, are, in 1985-86, mounting several further initiatives required to complete the process of implementation.

My department will be expending some three-quarters of a million dollars to enrich the prosecution courts and corrections program to implement the provisions of the Young Offenders Act. This is in addition to the expenditures of other government departments.

As announced by the Minister of Social Services, Supply and Services will be making expenditures in the range of \$12 to \$14 million for youth facilities, and Social Services will be expending an additional \$6 to \$7 million annually on programs for young offenders. The expenditures indicate the government's commitment to providing a broad range of high-quality programs for Saskatchewan youth who come in conflict with the law.

I should note that my department is highly supportive of the philosophical thrust of the new legislation. I am particularly pleased with the emphasis it places on the development of alternative to incarceration for youth who come in conflict with the law.

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This will ensure that young people who commit minor offences will be given an opportunity to be involved in socially productive programs and activities which will be of benefit to victims and the community at large.

I'm also pleased with the additional protection for the rights of youth that the statute now provides. However, we are also aware of the problems which must be corrected by federal legislation.

Mr. Chairman, I am pleased to announce today a major program to modernize and automate the Saskatchewan Land Titles system. A number of initiatives will be undertaken to make the system more flexible and responsive to a fluctuating but ever increasing work-load. Modernization will involve such measures as the purchase of memory typewriters and microfilm equipment, and computerization of the chief surveyor's index.

A study of the feasibility of automating Certificates of Title will also take place. In the short term, these measures will result in improved turnaround times in transactions handled by the system. This will not only be more convenient for the public and the members of the bar but will reduce the cost for homeowners and small business.

Mr. Speaker, I am pleased to announce today that the Personal Properties Security registry operated by my department will develop a telephone inquiry centre supported by an accounts receivable system. This system will enable regular users of the service: banks; financial institutions; small business; and law firms to request a property search directly by means of a telephone call to the inquiry centre and to receive an immediate response. At the same time, the user will be automatically billed for the service through the accounts receivable system. This is in marked contrast to the present procedure in which buyers and sellers must submit their search request by mail or through the nearest court house and may experience a delay in receiving a reply.

The new system, now in the process of development, is expected to be fully operational by September 1, 1985. It will, in effect, provide a service now available in Regina to the buyers and sellers throughout the province.

The Department of Justice will, as another priority, maintain its current emphasis on the expansion and improvement of community-based alternatives to incarceration, restitution, and community service programs. Community service programs, in particular, have proven to be effective and efficient in sentencing options for the courts. Both programs are based on the concept of natural justice and pay particular attention to the concerns of the victim. They contribute not only to the achievement of better justice but, by having offenders reimburse victims for their losses, also lead to a reduction in overall justice costs.

Based on the experience of last year, Mr. Chairman, it is projected that nearly \$1 million in restitution will be ordered during 1985-86, while at least 45,000 hours of community service work will be performed.

In addition to the policy and program initiatives and various productivity improvement initiatives referred to earlier, the department has introduced, or will shortly introduce, some new pieces of legislation. The department has introduced legislation to ensure the conformity of Saskatchewan statutes for the Canadian charter of rights. As most members will recall, in September of 1984 the government released a discussion paper, Compliance of Saskatchewan laws for the Canadian charter of rights. An omnibus Bill has now been introduced.

It should be noted that the constant reference to charter cases and issues in the printed and electronic media has, I believe, raised public awareness about, and sensitivity to, human rights issues. Our courts have demonstrated a serious appreciation of the importance of the charter in

our society, and have contributed significantly to the jurisprudence in the area. We will therefore be taking further initiatives to re-examine the existing Saskatchewan Human Rights Code and to broaden the mandate of the human rights commission.

Other legislation will be of interest to private citizens in the business community. They include: a new small claims act to facilitate the collection of claims for small amounts; a new Builders' Lien Act to clarify and modernize the law with respect to liens in the construction industry; a Pre-judgement Interest Act has been introduced which will enable the plaintiff injured in an auto accident to collect interest on money owed by the defendant, from the time of the injury to the date of judgement. Equality of status and guest passenger legislation has been passed in this session.

In conclusion, Mr. Chairman, I am pleased to report that a clear sense of future direction has now been established within the Department of Justice. The essence of that direction is a thrust toward the modernization of our provincial justice system and the development of high-quality programs and services appropriate in the '80s to the needs of Saskatchewan citizens.

It is my hope that the department can maintain and enhance the quality of its service to its traditional client groups and agencies. At the same time, it is my expectation that the department will play an active role in seeking solutions to the problems being experienced by the more vulnerable members of our society. While the course that has been set for my department is a challenging one, given the complex world we now live in, I believe much has been accomplished over the past two years. Moreover, I am confident that further significant progress toward established goals will be achieved in 1985-86.

MR. KOSKIE: — Thank you, Mr. Chairman. I listened with interest to the minister's comment emphasizing efficiency and productivity within his department, and no one will quarrel with the concept of greater efficiency and productivity within the running of any portfolio. I think the question is whether or not, along with efficiency and productivity, whether the quality of justice is being maintained throughout the system. And on that particular area I want to draw the minister's attention to a couple of items that are of considerable concern to the legal profession.

(15:00)

Before going into that, I note that the minister has found a great deal of efficiency and productivity recently when it came to the appointment of judges. He certainly increased his productivity, and suffice to say that . . . I guess what I would like to ask the minister — we had a great amount of discussion in the past in respect to the need for more justices appointed to the court of appeal and the Queen's Bench, and you had great difficulty at that time, and a running battle with the chief justice of the court of appeal here in Saskatchewan. You found it impossible to deal with appointing necessary justices.

However, a certain event seems to have happened in Ottawa, where you have your cousins now in office, under the Mulroney government. And certainly you had no difficulty in finding suitable Tories to fill important positions in the court of appeal and in Court of Queen's Bench.

I was wondering, and certainly I think the public should be aware of the difficulty that you had before, because if they look at some of the key appointments that have been made recently by the federal government, and I take it, in conjunction and in consultation with you, Mr. Minister of Justice, we have such notable people being appointed as George Hill from Estevan. He was the former president of the Tory party. We have Grant Armstrong, who had been Hill's partner, being appointed. We have Irving Goldenberg of Saskatoon being appointed — was the president; had to resign the presidency of the Tory party to take up this new duty in the Court of Queen's Bench, I believe.

We have further evidence in the appointments of the provincial magistrates or provincial court

judges, in Russell Rathgeber, a member — a partner of one of the members of the House.

I guess, just to get a clarification so that the minister had indicated that it was absolutely and totally necessary that there be a consultative process take place, that the best would be chosen, I would have assumed he was saying, to fill the vacancies and the needed appointments.

And I would like the minister to indicate whether there has been a formulation of a principle under which future appointments will be made, whether he be government or subsequently when we take over again, and have you laid down a general understanding of the consultative process? Because it seems rather strange that you had no problem immediately filling these vacancies once you had a Tory federal government, and certainly the complexion of the appointments indicate two things were necessary: that you have a federal government Tory; and secondly, that the nominees for the positions be high-profile Tory officials and lawyers.

So I'm interested to know what progress the minister has made in the subsequent appointment, and the nature of the consultative process that took place in such notable appointments as the past president of the Tory party, George Hill; and the current president of the Tory party, Mr. Irving Goldenberg, and Rathgeber, and Armstrong, and you can go on and on on the list.

HON. MR. LANE: — Well yes, I can go on and on and indicate that, because of consultation between myself and the federal government which did not exist when you talk about our cousins in Ottawa, your spouses in the Liberal party did not deign to consult with us, for the first time Saskatchewan has a woman on the court of appeal, and I think that most people in Saskatchewan have taken some pride in that, and I'm disappointed that the hon. member opposite has seen fit to be critical of that appointment.

Let me indicate that . . . Let me tell you what a Liberal member told me after the last appointment — one of the very few left — and he's thinking of joining your party or you joining his — I'm not sure which way it is — indicated to me in no uncertain terms that the appointments made by the Conservative government were far superior to most appointments made. And the bar itself was very satisfied and, in some cases, quite impressed with the quality of the appointment.

Having said that, Mr. Chairman, the consultation process is, as I have argued for some time, and that was that the prerogative of appointment is that of the Government of Canada; that I believe that there should be an informal consultation process. The Minister of Justice for Canada has made it clear publicly that he would have that informal consultation process with the various provincial representatives, and I say, Mr. Chairman, that our differences with the previous federal government and the battle, so-called, that we had, was one in which the administration of justice will be far better served in the future, and it was well worth it.

MR. KOSKIE: — As the minister well knows that there always has been the prerogative of the federal government to make the appointments, and certainly there was the previous informal consultation, so nothing has changed. Actually what changed is that the anticipation of a Tory government being elected in Ottawa, that really held up the justice system here at ransom so that you could get some of your political, high-profile Tories into the justice portfolios, or in the justice positions. And I don't think anyone can deny that what you have done is further politicize the whole appointment . . .

AN HON. MEMBER: — Politicize.

MR. KOSKIE: — Well, whatever. You have absolutely made the appointment of the justices on a basis of political patronage.

And it seems to me that it's regrettable that a government in Ottawa, and a government here which has been always supposedly scorning political patronage, now has stooped to the level of appointing former presidents of the Tory party here in Saskatchewan to key positions in the

Court of Queen's Bench and in the court of appeal and would, in fact, during the years before the Tory party was elected in Ottawa, would hold the justice system at ransom. That's how sick it is, and how your actions really reflected how determined you were that it had to be leading Tories, the payoff to your friends in the Tory party, to appoint them to positions of justices in the Court of Queen's Bench and court of appeal.

So nothing has changed, Mr. Minister. The only thing is that you are able now to appoint your political buddies into positions of . . . in the judicial system. And it seems to me that what we need is high quality individuals on the merit of their performance within the legal profession, regardless of political affiliation. And I would have hoped that when you were holding out against the appointment with the running fight with the chief justice of the court of appeal, I would have thought that here you are going to come forward with a definite approach that subsequent appointments would indeed be made on the basis of outstanding merit within the legal profession, and that you would indeed cast aside the political patronage aspect.

But I think it's evident to all of the people of Saskatchewan, and certainly to the legal fraternity, that nothing has changed; it only has been magnified. The Liberals did it, so the Tories can do it better. That's about the level we have achieved.

You talk about the efficiency and the productivity within your department. And I want to turn to really a basic concern that has been put forward, Mr. Minister, by the Saskatoon Criminal Defence Lawyers' Association, over your plans to replace the court reporters with tape machines at the Queen's Bench trials.

The association notes that during recent experiments with your new system lawyers were frequently interrupted and told to speak into microphones feeding the tape recording system, and at one point an adjournment had to be called because the tape machine malfunctioned.

So I want to . . . I take it that it has been the practice to use just the tape recording systems at the provincial level, and that now what you're doing is hoping to introduce just the tape recordings of trials at the Queen's Bench. And that that is proceeding, if I'm not mistaken, on an experimental basis. I'm wondering whether you have analyzed that type of experiment to be able to give any kind of a conclusion as to whether or not you feel that you're able to have the trials conducted, and the evidence simply recorded on tape recordings.

HON. MR. LANE: — Well as I indicated in my remarks that the new system is saving approximately \$400,00 annually, and has reduced the waiting time for transcripts by two-thirds, if I can respond to Mr. Brayford's . . . because I frankly question the accuracy of many of his statements and will be looking for a suitable opportunity to respond to him.

He makes the comment that it's going to hurt some innocent people; it's going to help some guilty people. We're assuming that he's referring to the possibility of court reportings not being recorded properly; as a result someone may get set free.

In every courtroom, there will be dual recorders. If for some reason one breaks down, the other automatically activates. It is impossible to erase the tapes with the equipment to be used, and all microphones in the courtrooms operate on separate channels to ensure high quality play-back.

He made the comment that lawyers were frequently told by the court to speak up or move closer. My response is: because the lawyers are wandering around the courtroom, the sound going through the microphones into the tape was not as loud as that heard when the judge or witness were speaking directly into the microphone. The transcription unit was able to pick up every word that the lawyer said throughout the cases, although the voices of the lawyers could have been louder.

The court case was a test, and we have found that microphones should be improved. Court Services has already ordered a better quality microphone.

He said that the machines malfunctioned, and a 10-minute adjournment was required. The machines did not malfunction once during the entire case. The adjournment was called when a malfunctioning tape was placed into the recorder, and a buzzer indicated that the equipment was not usable. Because this is a new system, the court clerk was not totally familiar with its operation and took approximately five minutes to determine what happened.

Mr. Brayford went on with other criticisms. And we just respond that the provincial court proceedings have been recorded with tape recorders for years. The recorders were unsophisticated and did a less than adequate job. With the new technology available in sound equipment, the quality of tape recorders has improved dramatically. This has been evident with the elimination of inaudible portions of provincial court proceedings and the increased productivity of the typists typing them from the tapes.

All preliminary hearings have been recorded with the new electronic equipment since May of 1984. During that period of time, over 1,000 cases have been transcribed, and only three preliminary hearings were adversely affected.

So I indicate to the hon. member that we are experimenting with some different systems. But so far, it is working extremely well. The time of delay of receiving the transcripts has been reduced significantly for the litigants, and I suspect that further improvements would, in fact, reduce the cost to the general public, and further indicate to the hon. member that the law society is prepared and encouraging us to continue with the use of the sound equipment in two or three pilot projects in different judicial centres and then, over a period of time, expand the new system through the entire province, providing the pilot projects justify that; and they appear to be doing that.

(15:15)

So where you're getting your criticism that much of the bar are opposed to it, I think is not accurate, with all respect; that in fact, the president of the law society and the benchers have indicated that, continue with the pilot projects and expand it throughout the province.

MR. KOSKIE: — Well I take it that you have been using the tape recording of the proceedings at the level of the provincial courts. Have you done an analysis of whether there has been any difficulties throughout the provincial court system where all that is done is the actual taping of the proceedings?

My understanding is that there is a considerable amount of problems with it in picking up all of the testimony.

HON. MR. LANE: — Not with the new equipment. Now they may be referring to some of the obsolete equipment that has been used over the past several years. But I'm advised by my officials that they haven't had the complaints or haven't received any complaints. And within the last two weeks I've met with the benchers, and the benchers made it quite clear to me that they are more than pleased with the new equipment and the court reporting system, and that they're more than satisfied with it.

MR. KOSKIE: — I happen to have just a copy of a transcript here of a provincial court in Regina and I look at the . . . and I can get more of it. But they start off on the first page, the court, and if you look at the second page there is: inaudible, not clear, inaudible, not clear. It goes down: inaudible, not clear; court, inaudible, not clear.

On one page, one page that I have here, there are one, two, three, four — inaudible, not clear —

on one page.

And I wonder whether . . . This is, let me see, this is the 11th and 15th day of April 1985. And, as I say, it was in the Provincial Court of Saskatchewan in Regina. And I don't know how you can say that there are no problems when on one page there are four to five inaudible, not clear, when one of the witnesses is giving testimony.

I guess what I ask you: do you have this so-called new equipment in the provincial courts? And how can you, in light of what I have here on the transcript — and I can bring in more pages of it, and it just intensifies or increases the number of times in transcribing what was on the tape — inaudible, not clear.

HON. MR. LANE: — I'm advised that the new equipment in the Regina provincial court would go into effect when the new provincial court-house move took place, which was May 1. In all likelihood that was older equipment, and that's one of the things that we are trying to replace. Since the new equipment, as I indicated, in the first 1,000 there were only three malfunctions out of the 1,000, and those have been rectified. So in all likelihood that was the old equipment that we are trying to replace.

And we freely acknowledge, and it's a matter that I brought forward when we were in opposition, that that equipment was, in fact, obsolete. And it's the change now that is removing that. So I'm advised by my officials that if it happened, in all likelihood it happened with the old equipment. The new equipment came into play in the provincial court in Regina when the move took place, which was May 1st.

MR. KOSKIE: — Well have you had an opportunity to talk, to discuss the matter with the Saskatoon Criminal Defence Lawyers' Association, the spokesman of which you said correctly, is Mark Brayford, president of the some 50 members of the Saskatoon Criminal Defence Lawyers' Association?

And in their comment in respect to what you're doing, he says: "In my personal view it's an extremely regressive step."

And so I wonder whether you've had an opportunity to take it up with the Saskatoon association, and whether they are satisfied? Or are you simply saying that what this individual and the concern that he's expressing when being interviewed has no merits?

HON. MR. LANE: — Quite frankly, no one can understand what Mr. Brayford is talking about. His criticisms were not valid. As I say, my natural line of communication is with the benchers, and the benchers expressed to me more than satisfaction, that they were quite pleased with the new system. I have had no communication from Mr. Brayford as to any problems, just what I see in the paper. I've refuted each one of them, that many of the statements were simply not accurate.

To take it one step further, Mr. Brayford proposes a new system, supposedly. That system has been working in Alberta — that's the computer-assisted transcription — and it's been found to not be workable. Alberta is having second thoughts about it. And it's far more expensive.

So I think, quite frankly, Mr. Brayford, at best, is less than aware of the situation, and that, as I say, we've refuted most of the criticisms as being less than accurate.

MR. KOSKIE: — I wonder if the minister could advise whether he is modelling what he is doing here in respect to the recording of the evidence at a trial in the Queen's Bench level? I just wonder whether you have copied it off of any other jurisdiction, whether other jurisdictions are, in fact, using the basic procedure that you're using with the tape recorders and without having any reporters in attendance at the Queen's Bench level trials for a back-up?

HON. MR. LANE: — Well, we are not copying off of anyone else. We are advised that the province of Quebec uses just the straight tapes without the court reporters in attendance. I gather it's a dual-tape system, is it, so that the parties can take the tape. It seems to be working extremely well there. But this is not following any specific. We are looking at equipment that's workable through our court system.

We do have differences in some of the rural court houses as well, in acoustics and the type of equipment that would function effectively there, so we are developing our own system.

MR. SHILLINGTON: — Thank you very much. Mr. Minister, the particular transcript that is being referred to came about because I wandered into my partner's office — he does most of the criminal work — I wandered into my partner's office trying to find another file, saw the transcript on his desk, and noted on the face of it, "transcript prepared by tape." I took a look at it, just because I was curious — the first one I'd seen. I was aghast at what I saw. Mr. Minister, you couldn't make any sense out of it: Regina versus Kinny. You simply couldn't make any sense out of it.

Mr. Minister, I gather at the . . . it was a chambers application. I gather at the show cause hearing, I gather it was commented on by the judge, and I have tried to get a transcript of his comments and have not been able to. But I gather his comments went beyond merely commenting on the transcript before him. I gather it went beyond that, and he commented as well on the general system of relying on a machine to transcribe the voices.

In his genius, man has made some machines which are extremely reliable, but in my experience tape recording machines and microphones are not in that variety. They are among the most unreliable of devices, Mr. Minister.

In very many cases, Mr. Minister, the transcripts I've seen taken down by tape, there's a fair number of inaudibles when either the microphone is turned the wrong direction or someone gets away from the microphone or for some other reason the machine does not pick up the voice. It's one thing to do that, I suppose, on a speeding charge. It's quite another thing to put a person through a murder or rape charge twice because the . . . which could happen. A new trial is conceivable, and under a correct circumstance a new trial might result.

I suggest to you, Mr. Minister, for serious offences and for serious civil matters which involve enormous expense, a tape recording device of whatever quality is simply not a reliable enough device to be hinging your trial on. And that's what you're doing.

HON. MR. LANE: — Well, with all respect, the indications from my officials — one, the prosecutors have brought no such report of any comments by the court, but, as I indicated to the member from Quill Lakes, that it's that obsolete equipment that we are trying to replace. The new equipment will be in place in the new Regina provincial court May 1st, and so far in all tests, and wherever used, it's been well received by the court. I'm just advised Mr. Justice Scheibel on one matter praised the new recording system and those involved appreciated it.

So we're quite comfortable that the matter that you've brought to our attention is on the old equipment that we freely admit is obsolete and had problems. The new equipment has not caused the problems. The new equipment has been well received by the bar, by the judges, and it is working extremely well, and I indicated that in my report. It's now being supported by the benchers of the Law Society. The Law Society has written to me asking that it be extended further throughout the province, and it seems to work to their satisfaction and working well.

MR. SHILLINGTON: — Well, Mr. Minister, I don't intend to carry this on endlessly. Suffice it to say that no tape recording machine, however new, or however expensive, is as good as a well-trained court reporter. We are losing jobs, and I think we are losing a very important part of the court system when we lose that court reporter who sits there, and is able to turn her head to

pick up the comments that are said, and who has the human intelligence that a machine does not.

As I say, I don't intend to carry it on endlessly, but I, Mr. Minister, for my part want to register my disapproval of the phasing out of court reporters. I think they are an invaluable and necessary part of our justice system.

HON. MR. LANE: — All right. I simply respond that I doubt very much that we are costing jobs because those in the private sector seem to be setting up new businesses fairly actively to take on the business, and it's an opportunity for them. Many look upon that. I do suggest to you that if we can develop a system that does take the information that's given in any court room, the evidence down, and that we can get a transcribing system developed so that the litigants are getting a very fast turnaround, then the justice system is enhanced in my view.

In criminal matters the accused will have every opportunity for a trial as quickly as possible. And in the matter of civil trials, having the transcripts back quickly means that litigants will save money and that justice will be enhanced as a result.

(15:30)

MR. KOSKIE: — Well talking about extending it to throughout the province, can you enlarge on that? Let us just take Humboldt or Melfort court room. Is this equipment supplied on a permanent basis, installed in the court houses, or is it transmitted by official of the court?

HON. MR. LANE: — When the equipment becomes available, we would look at installing it permanently in the various court houses.

MR. KOSKIE: — And having once installed it and the system in place, I take it there are some 21 court reporters remaining, if I'm not correct. That may not be the right number. You can correct me on that if, but I take it that it would, in fact, phase out from your department the positions of the remaining court reporters. And if you could give me the number, I would appreciate it.

HON. MR. LANE: — Well we're still at the situation of evaluating the system, and not only that we be satisfied with its effectiveness but that the public and the bar be satisfied as to its effectiveness. So no decisions have been made, and will not be made until such time as the system's operation has been evaluated.

MR. KOSKIE: — In the evaluation of it, will the legal profession and the judges themselves have input into the acceptability of it? What mechanism have you set up for monitoring and the evaluation of it?

HON. MR. LANE: — Well I have received representations, as I indicated, of support from the benchers. The local bar will be consulted when we get into the pilot projects. We have had communication through Mr. Brandt with the chief justice of the Court of Queen's Bench, so that we have, I think it fair to say, excellent lines of communication with the bar and with the judiciary on it, and will continue that. Mr. Brandt has been assigned the duties to maintain those contacts, and has been doing that.

MR. KOSKIE: — Okay. I want to turn to the Law Reform Commission's proposal regarding the suggested changes to The Matrimonial Property Act. I guess first of all, could you advise me who is heading up the Law Reform Commission and indicate the nature of the salary that is being paid to the chief officer of the Law Reform Commission?

HON. MR. LANE: — The members of the Law Reform Commission have not changed since last year. They are: Professor Douglas Schmeiser, the Law College, University of Saskatchewan; now Madam Justice Margorie Gerwing; and Mr. Gordon Kuski, who is at present president of the Law

Society of Saskatchewan. There's been no change in the remuneration since last year.

Dr. Schmeiser is receiving, I believe, \$35,000 a year — yes — which is one-half the rate of the previous incumbent who had it as a full-time position. The total payment last year to Dr. Schmeiser was actually less than the 35,000 allocated — it was \$30,994.43; to Mr. Kuski, the remuneration was honorarium and expenses, totalling \$1,219.44; and the honorarium to Madam Justice Gerwing — and I'm assuming that's prior to her appointment — is \$950.01. How that figure was exactly arrived at, I can't tell you, but the total then is \$33,163.88.

MR. KOSKIE: — And in respect to the report, the tentative proposals for the reform of The Matrimonial Property Act, there are a number of substantial changes that they have recommended. And not to detract from the total report, there's — certainly in respect to gifts, the present act provides that where one spouse receives during their marriage a gift or inheritance, it is deemed to be the joint property of both spouses and thus equally divisible on marriage or dissolution, unless there is evidence of a clear intention that the property was intended for one spouse only, and not both. And I think their recommendation reverses that onus.

The other one is in respect to appreciation in value of property. I take it that is one of the major changes, that if you bring in, if one of the spouses bring in property to the marriage, under the previous act the value of that what he brought into at the time of the marriage would be deemed to be his, but not the appreciated value would in essence be split. And that has been recommended that if you bring in certain property of a given value at the time of the marriage, and then it appreciates, and there is no circumstances providing for the appreciation, that that particular partner would indeed be entitled to the appreciated value as well.

I'm wondering what process has taken place since the recommendations by the Law Reform Commission? Can you indicate whether there have been any hearings and whether you have taken any position in so far as bringing in changes in respect to the married women property Act?

HON. MR. LANE: — No, I've taken no position because I'm awaiting the final report of the Law Reform Commission. I am advised that the final report should be presented to me some time by the middle of summer, and at that point I have assured those concerned that there would be ample opportunity for public input, should we make a decision to make changes, while obviously we've made no such decision for change.

I am advised by the chairman that, pursuant to my request that the Law Reform Commission hold public hearings, that it's held one or two and that the attendance or response was surprisingly low. And I can get that information for you specifically from the chairman. I just received a verbal report. I had requested that there be some public hearings to respond to concerns raised. As I say, I am awaiting the final report. We will make an assessment, but we've made no plans for changes, and it would be premature to comment on the interim report. I am told by the chairman that there may be changes, and they may be significant, but no details were given to me.

MR. KOSKIE: — Well I would appreciate if you could provide me with the information as to any hearings that the commission has had following their tentative report — where they were held, and the particular dates on which they were held.

HON. MR. LANE: — Yes, I'll supply that to you. If you want it this afternoon, we'll try and pull it, but I'll get it to you in the next day or so if that's satisfactory.

MR. KOSKIE: — If it was provided so that we have an opportunity to assess what hearings they have held and where. I guess the other thing that you indicated is that they're going to be bringing down shortly the final report. You seem to indicate that at that time the public further would have an opportunity before enacting any of the provisions of the final report. Is that the

undertaking that you're giving to the legislature and to the opposition at this time?

HON. MR. LANE: — That's the position that I've made clear for some time, that prior to any change of the legislation, that we would give ample opportunity for public input into it. I mean, I can't anticipate what the report could be. We could reject a report, in which case I would doubt that there'll be much of a need for public hearings. But before there's any changes to the legislation, I've undertaken publicly that there would be an ample opportunity for public participation.

MR. SHILLINGTON: — Thank you very much. Mr. Minister, I must have misunderstood the process. I understood the early report which came down was a final report. I gather that's not true. It was a tentative proposal, I gather. I think one may anticipate, given the response you have indicated, if the commission is reporting to you that they've had a low level of public response, it would seem unlikely that the final report will differ materially from the interim report.

I would assume that the purpose of issuing an interim report is to give the public something to react to before you finalize your report. I assume that's the process — you file an interim report, give the public a chance to react to it, then you finalize it. If, as indeed you have reported, the level of response is fairly low, one might anticipate the final report will not look very different from the interim report.

I am pleased that we have your undertaking that there will be full public hearings on it before any legislation takes place. To put it mildly, I, for my part, find parts of the interim report quite unacceptable. The movement with respect to matrimonial rights has been an attempt to give women a position of equality with respect to the division of matrimonial property. I think that is a fair characterization of what our legislation has tried to do. It has not started from the assumption that all people are born equal, and that women are equal to men. It began with an assumption that in this area women are not equal, by custom and tradition and by our previous laws, and that the law should lead and attempt to achieve some sort of equality.

(15:45)

Portions of that report, Mr. Minister, go in the opposite direction and, in my view, the wrong direction. So I say, and I want an opportunity to say publicly, that I disagree vehemently with parts of that report, and I am pleased that we have your undertaking that no legislation will be introduced in this House before there's an opportunity for full public input.

I think, and I would hope, Mr. Minister, that whatever process is chosen to get public hearings will be, in some fashion, distanced from the Law Reform Commission itself. The Law Reform Commission, I think, has taken a position, and I think they've come down on the side of an issue — that's their responsibility, I guess; they've got to make their recommendation to you — but I think they've done that. They've come down on one side of the issue, and I'm assuming that the final report will not look a great deal different on the basic issues.

I would hope, Mr. Minister, that whatever process you have for a final hearing be something other than more hearings by the Law Reform Commission because I suspect many of the public want to make their representations to someone who hasn't made up their mind. And I think the Law Reform Commission has. I'm not saying they're being derelict in their responsibility in so doing; they're obviously required to.

So I would hope, Mr. Minister, that whatever mechanism it is gives the public an assurance of impartiality with respect to this. It is going to be extremely controversial.

HON. MR. LANE: — I can't anticipate what the final report will be. It may only take one very lucid, rational, reasonable critique of an area which causes people to change their minds, and it is not the volume that counts; it's the quality. I can't comment on that. I've indicated what my

position is, that I'm fully aware of the sensitivity of the issue, and should the government decide to make changes, I've given the undertaking.

I would not expect, and I can't envisage a situation where the Law Reform Commission would be used to try and assess government policy on government initiatives. That's not the position of the Law Reform Commission. And, having said that, I wouldn't expect them to be the vehicle to get public input on government initiatives.

The Law Reform Commission, as you well know, can act in one of two ways: either on its own initiative, which it does on a continuous basis, or at a request by the Minister of Justice. And in this case my predecessor made the request for the view, and it's responding in the way that has been referred to. Again, I would not expect them to be the vehicle on government policy initiatives to be the one seeking out public input.

MR. KOSKIE: — Thank you, Mr. Chairman. I want just to turn to the provisions of the charter of rights, and you introduced a bill and amended a number of provincial statutes in respect to that, those statutes which discriminated against women.

However, Mr. Minister, in the view of a number of individuals including Mr. Ken Norman, is rather disappointed in the extent in the movement that has been made by your department in respect to the enactment of the charter of rights. And to use his words, he indicates here in an article, "It has taken the government three years to come down squarely on the feds."

And I take it there are a couple of other areas which have to be addressed, and one is in respect to the discrimination in respect to women, regarding pension. And the other question, I think, which needs to be dealt with, and that is with respect to the provisions of mandatory retirement.

And I'm wondering whether the minister has any timetable in dealing with some of the more substantive areas, more substantive areas which need to be dealt with: pensions as relating to the discriminatory nature of them as it relates to women, and the question of mandatory retirement.

HON. MR. LANE: — We are looking at amendments to the human rights code which will be brought before the Assembly. I don't agree with Mr. Norman, obviously. I don't subscribe to the view as you and the Leader of the Opposition, that the human rights code should be open-ended like the charter.

I have indicated for example, and we do differ, that I'm not sympathetic to amendments which prevent discrimination by reason of sexual orientation. I do believe that there is ample reasonable justification for a bottom line, a minimum age of 18. And Mr. Norman disagrees with that. He wants all discrimination by reason of age. I do not think it unreasonable for society to say that below a certain age there may be different rules, and I happen to subscribe to a maintenance of a minimum age in the human rights code.

I think it would have serious ramifications if we decide to allow, or take away that minimum age in things like age of majority, the question of when a young person could be bound by a contract. If we are to take the position that a 14-year-old . . . and allow someone who sells an automobile, or something, to a 14-year-old to be able to argue in court that that 14-year-old had the maturity and the knowledge to make their own decision, then I think that that's an unwise position to put our young people in, and that the present laws work well.

Now when we get to the question of the age of retirement, I do believe that there are some valid constraints on taking away, totally, the age 65. And those retirements may be union contracts. They may be workable and acceptable in negotiated pension funds or plans. There may be work-related activities that require a lower age. So that there are some reasonable limitations.

Now we will propose, or I will propose in the human rights code, which are that we basically take away the discrimination of the age 65 (I'm sorry), and then . . . but put it subject to reasonable limitations like pension funds, negotiated settlements, contracts, work-related activities — all of which are reasonable and are accepted.

I do believe that the original retirement age of 65, if we go back and look at it historically, it was never designed to state that people over the age of 65 are not capable of carrying on employment. It was designed twofold, and the unions led the battle on that, to deal and do away with abuses; but secondly, to open up the job market to others.

So you know, putting an interpretation on a 65-year age limit that people cannot perform the job, is not really the intention of that legislation, historically. I do believe that there are some reasonable limitations, and Mr. Norman and I disagree in that area as well.

MR. SHILLINGTON: — Mr. Minister, as you may recall — or may not, I'm not sure — the Bill I introduced a couple of years ago had the impact of a blinding flash of light. But I have introduced, on two separate occasions, Bills which would result in the abolition of the mandatory age of retirement.

Mr. Minister, I know one can find problems; one can locate problem areas. One can raise things such as union contracts and pensions. But, Mr. Minister, I think it unfair to deal with the broad thrust of an idea by pointing to the exceptions one might want to make in any law you passed. In any law that is passed, one might have to deal with issues such as the right of private contract, and that's basically what we're dealing with with both unions and pensions — the right of people to agree that some other provision will apply to them than a right to be free of mandatory retirement.

Mr. Minister, I wonder if you have had an opportunity to examine the situation in Manitoba. It is my understanding that they have a different provision in their legislation which does abolish the right of mandatory retirement. And I wonder, Mr. Minister, if you found life in Manitoba grinding to a halt as a result of this legislation.

My understanding, from my discussions with people in Manitoba, is that, with some exceptions which might be cleared by amendments to the Bill, the Manitoba model has worked relatively well. And before Mr. Minister criticizes it vehemently for being an instrument of the devil (i.e., the NDP), it's my understanding in fact it was the government of Mr. Lyon — Sterling Lyon (I'm trying to think of the first name) — the government of Premier Sterling Lyon that brought it in.

I understand it's worked well, and now receives by and large, all-party support. If it works in Manitoba, Mr. Minister, I wonder why Saskatchewan, why you think Saskatchewan people so much more difficult and obstinate that they can't also work with such a provision.

HON. MR. LANE: — I think I indicated to the hon. member that . . . I think I indicated to the hon. member that we would be considering legislation which takes away that limit of 65, but subject to social conditions, economic conditions, or whatever, so that the normal restrictions would apply.

We have to be careful when we talk about giving rights, that we're not taking away earned rights as well. And that's going to be one of the very great difficulties in the charter. Those that proposed the charter of rights, because it gives new rights, very much have forgotten, in my view, that the charter is a double-edged sword, and that it may in fact take away hard-earned rights. And I think that's a legitimate role for government, to try and balance that.

I don't think that anyone is starting with the assumption that those over 65 are necessarily prohibited or unable to carry on their activities. But I do suggest to you that there are some acceptable limitations. And we will be, as I say, considering legislation which will take away that

65 limit, but allowing, you know, social conditions or economic conditions to determine whether or not discrimination took place.

MR. SHILLINGTON: — The question was put in somewhat broader terms, I know, by my colleague. Specifically with respect to . . . I have the list of mandatory retirement. May I have the minister's timetable? It's not exactly as if we're ploughing virgin territory here; it is done in any number of jurisdictions, including some Canadian. And I wonder, Mr. Minister, how long it's going to take you to reinvent the wheel in this area?

HON. MR. LANE: — It's not a matter of reinventing the wheel; it's a matter of putting some spokes in the wheel and making the wheel far more rounder, far more workable, so that it can move better. And that involves many changes to the human rights code and the activity of the human rights commission. I can't tell you whether the legislation will be brought this session yet or not, but I would expect that, if not, that it would be brought this autumn.

MR. SHILLINGTON: — Is that also your intention with respect to the other hard nuts in the charter of rights, if I may put it that way? Mr. Norman has criticized the government for dealing only with the soft issues and none of the more difficult issues. Mandatory retirement isn't the only difficult issue; it's one of a number of them.

Mr. Minister, can you tell us which of the other of the hard nuts involved in the charter of rights you intend to deal with this fall?

HON. MR. LANE: — Well the matter of age, I would expect that we will deal with in the human rights code. Some areas simply have not been resolved in terms of the question of age and the pensions. I gather there are some discussions going on and that's very much within the collective bargaining process. But beyond government, I would look at the human rights code as being the operative statute.

I would expect, on the question of homesteads, which may be a difficult one, to await the Law Reform Commission report on whether there be a new Homesteads Act, and I've given the reasons to the Assembly why we didn't move on homesteads in our omnibus legislation.

I've stated my position, and you have yours, on the matter of sexual orientation. But I believe the difficult matters, so-called, really come down to age, and that will be dealt with by the human rights code.

MR. SHILLINGTON: — Just with respect to the homestead rights, I'm probably going to get myself into difficulty here because I know that your predecessor in office once had a proposal for doing away with The Homesteads Act and found himself knee-deep in an enormous amount of difficulty that was not anticipated by him or by his executive assistant at the time, I can say.

But, Mr. Minister, I want to say with respect to The Homesteads Act, I don't understand any argument for retaining The Homesteads Act in its present form. It is a foregoing nuisance when, as is the case with most situations, a husband and wife's name are both on the title. It is a needless expense to send the wife off with the transfer to another office, often in busy traffic. She's got to get in, pay — most offices don't charge a lot, \$10 or so — and bring it back. It is just a nuisance with respect to titles in joint names.

Whether or not there's some argument for retaining it with respect to titles that . . . For homesteads that would be in the husband's name alone or not, I don't know. But I would hope, Mr. Minister, that the Act will be removed from the area of land owned by joint tenants.

I worked, Mr. Minister, in an office with which you might have some acquaintance. I articulated in the office of Nichol, Cruikshank, Keith. You might be familiar with the office. I was told by the senior partner then, Mr. Nichol, who is since deceased, that the office had been in existence for

50 years, and not a single solitary instance of the Homesteads ever serving any apparent useful purpose have been uncovered. Not once had a wife ever said: no, in fact, I am being coerced into this.

I would hope, Mr. Minister, that the ambit of this Act, at the very least, will be severely restricted when you deal with that legislation.

HON. MR. LANE: — Again, as I've indicated, I will await the report of the Law Reform Commission as to whether there should be a new Homesteads Act, whether there should even be a Homesteads Act.

(16:00)

I'm very much sympathetic to your comments with regard to joint title. I don't think it's necessary myself, but I simply can't anticipate what the Law Reform Commission . . . If it comes down and says that there should not be a Homesteads Act, with some very sound reasoning, I may be persuaded.

I can't anticipate what they are going to come down with. We did not move on it this time because the report is expected this summer, and we will simply await that report, analyse it at that time, and make a decision and bring it before the Assembly.

MR. KOSKIE: — Thank you, Mr. Chairman. I want to turn briefly to legal aid, Mr. Minister. As you will know that your government reorganized legal aid, and there has been some serious criticism of the reorganization.

Legal aid in Saskatchewan is now completely dominated by provincial appointees. We pointed that out at the time that you were passing the legislation. Out of the 12-member commission, six members are appointed directly by the provincial government, and three are appointed indirectly. And as a consequence, it's certainly directed, and its independence from government is not allowed to operate.

This article that I have here indicates that other provinces in Canada recognize this fact, and several deal with the independence issue by having more appointees from groups other than the provincial government, or having a degree of local control. And what we have done is to turn it over to a government-dominated commission, and as a consequence, less and less local input.

What I'm wondering, whether you have reviewed the restructuring that you did, and whether or not you wouldn't be, in fact, prepared to reconsider allowing for more independence by not having so many of the members appointed directly by the government.

HON. MR. LANE: — Well firstly, there were no changes in the members of the commission from those appointed previously, so if anyone is saying it's not independent, then I don't know how it came about.

But secondly, you will probably note in the estimates that the operation, legal aid commission, has been transferred to the Department of Social Services, and is no longer under the vote of the Department of Justice.

I question any argument about whether or not it's independent. It seems to . . . If the independence is not there, it's not recent. And secondly, I've never had brought to my attention until today any concern that it was not independent.

Finally, as I say, there were no changes in the personnel on the commission, so that there seemed to be satisfaction previously, with the operation. And I would hope that it feels comfortable, that it's working at arm's length. When I met with them from time to time, they never indicated to me

that they felt there was a problem. It's worked, as I say, I think at arm's length, and I'm assuming that will continue.

MR. KOSKIE: — Well can the minister . . . I'm aware that it has been transferred to Social Services. Can you indicate the rationale for having transferred legal aid from the Department of Justice to Social Services?

HON. MR. LANE: — Well there were several reasons for it. Basically, the target group that the legal aid commission is generally dealing with is the same target group that is served by the majority of programs in the Department of Social Services.

Secondly, we believe that it will facilitate the finalization of negotiations between the province of Saskatchewan and the Government of Canada with regard to the funding of civil legal aid by the Canada assistance plan. That, as you know, is administered by the Department of Social Assistance.

Thirdly, with the implementation of the Young Offenders Act, the legal aid commission will become extensively involved in the provision of legal services to young offenders. Since the primary responsibility for the delivery of such programs is Social Services, we felt that it would facilitate the co-ordination of such related services.

So I give you three, I believe, substantive reasons for the transfer, and I'm quite satisfied that those utilizing the legal aid services will be well served.

MR. KOSKIE: — I can either get this information . . . You'd obviously have it during the previous year that legal aid was under your jurisdiction, and I can either get that information from you or from the Minister of Social Services. But what I really wanted was a breakdown in respect to the clinics, the various legal aid clinics, that is, to the number of cases that each of the clinics handle throughout the province, broken down into civil and criminal for each of the various clinics, and for the year 1984 just so we get a . . . Can you provide that information, if you don't have it now?

HON. MR. LANE: — Yes. We don't have it, but we'll undertake to get it to you as soon as possible.

MR. KOSKIE: — There's one other area that I would like to discuss with you in a general way, and that's in respect to the corrections. One of the things that is obvious is that the jails have become pretty overcrowded and, in the opinion of some, understaffed. I was wondering if the minister can indicate and confirm that, in fact, some of the correctional institutes or centres indeed have been overcrowded, and particularly during the winter months, and whether he can, as he did in the past, indicate to me the capacity of each of the correctional institutes that we have.

It is brought to my attention that in Prince Albert, having a capacity of 120, was in fact housing up to 200 people or prisoners. I think this can lead to a pretty dangerous situation if not properly addressed. I'd like to ask the minister whether there were indeed, in his view, overcrowding taking place in a number of the correctional centres in the province, and if he could indicate the particular centres that were most overcrowded during the past year.

HON. MR. LANE: — I can give you all of the information on the design capacity, operational capacity, and the actual average daily count. I'm advised that in 1984-85, the average inmate count in total was 1,160 and the total operational capacity was 1,189. So it's slightly below capacity.

In Pine Grove, design capacity, 52; operational capacity, 82. The actual average daily count was 63. Do you want me to go through all of these or just send them to you?

MR. KOSKIE: — Send them to me.

HON. MR. LANE: — Sure. And I am further advised that in the Prince Albert Correctional Centre, the 12-month floating average was, in fact, the graph was dropping rather significantly from '83-84. But I'll send you over the institution's capacity and counts.

MR. KOSKIE: — The article that I'm dealing with is in respect to the Prince Albert, and I know you indicated the average and the operational numbers. What I'm asking you specifically: are there times . . . and I'm dealing here with the Prince Albert Correctional Centre housing an average of 200 prisoners although the building was designed for 120. This is the allegations by Mr. Brown of SGEU (Saskatchewan Government Employees' Union) indicating that recreation rooms are being used to house prisoners.

And it goes on to say here that the centre's executive director, Ralph Crawford, said, "There's no doubt the centre is operating above its designated capacity. Currently it is housing 210 prisoners." And that's the director.

And I'm wondering, you know, when you give us the average prisoner population and the operating numbers, I think it's somewhat deceiving. What I am really asking you is: during the past year have you had very serious overpopulation of prisoners in some of the centres?

HON. MR. LANE: — I'm sorry, I didn't get the final question that you raised.

MR. KOSKIE: — Well I'm just asking specifically in respect to Prince Albert. And I don't have the figure as to the operating numbers, but it's indicated that it's 120 housing . . . can house . . . designed for 120 prisoners. And the director, Ralph Crawford, of the centre at Prince Albert, said that currently it is housing 210 prisoners. And he confirmed both recreational and storage areas have been converted into — to house prisoners.

And what I'm saying is: have you not in fact, and are you not prepared to admit that some of the centres have been certainly overcrowded and particularly, as indicated, in the winter months?

HON. MR. LANE: — The operational capacity of Prince Albert is, in fact, 174, and I would expect from time to time during the year that that would be exceeded. I do advise the hon. member that programs have been designed to alleviate that when it occurs. It's not constant year-round. But we do have, traditionally and historically, more in the winter-time, and we expect that.

So having said that, I can give you a list of the programs as well — but I think they're public knowledge — which are designed to alleviate any such situation whenever it occurs.

MR. KOSKIE: — Well certainly this is a concern to the directors of the correctional centres. It's a concern to the staff. And I think there's a potential of problems developing where there is overcrowdedness. Have you done any analysis? Certainly here there's a confirmation that during part of the year at least, in Prince Albert there was, you know, there was over 200 . . . 210 being housed in a capacity for 174.

Have you done an analysis of the other correctional centres, and can you indicate any time during the past year where, in fact, the number of prisoners being housed was greater than what it was intended for?

HON. MR. LANE: — Yes, we will have that from time to time; we would expect it. But I caution the hon. member that with the implementation of the Young Offenders Act, that could reduce that average daily count by an indeterminate number. It may be 150 — but it's too soon to tell yet what impact that Young Offenders Act will have on the average daily count in the adult corrections. When we have that, we'll be able to make a better assessment of the situation.

(16:15)

MR. KOSKIE: — Well in respect to the general population of prisoners, has that been increasing during the past number of years, or has there been a decrease?

HON. MR. LANE: — Well it increased from '82 to . . . I'm sorry, just P.A. Well let me just use P.A. It increased during '83-84, but now seems to be dropping down during '84-85.

MR. KOSKIE: — Well I'm wondering, and I'm getting into a specific here, but . . .

HON. MR. LANE: — I can give you the general graph. We'll get you the prison population from 1980-81 to '84-85 and send that over to you, if you wish it.

MR. KOSKIE: — As you have indicated, there has been a general increase in the prison population in '82, '83, '84, and you'll provide the details of that.

I'm just wondering, how do you justify, in respect to corrections administration — and I'm getting into a specific but if I can deal with it that way we can get through it, I think, without further questions — a decrease in the personnel in the administration of corrections?

I find that a little bit difficult to understand. If the population and the problems are increasing and you're looking for alternative problems and so on, how it's justifiable that in corrections administration, that there is in fact a decrease in personnel.

HON. MR. LANE: — Those are basically trainee positions and we expect less demand for them because of the tighter market and other people are not moving on. So it's a reduction that takes into account the stability of the work-force.

MR. KOSKIE: — So there has been certainly some increase over the year in the overall staff increases in several of the corrections subvotes. I noticed that in '83-84, 709; '84-85, 713; and '85-86, 723. What is the justification then in respect to the overall increasing of the staff if it's not indeed the increase in — substantial increase in the prison population?

HON. MR. LANE: — Well, as I indicated, that there was some increase in the prison population, and the number is 1 per cent, and the staff increased commensurately. So it's just a normal response to the increased population.

MR. SHILLINGTON: — Mr. Minister, I wonder if you have had an opportunity to do any assessment of the new provincial court-house in Regina. I must confess that I have not been in it. I have received quite a number of complaints about it. Again, I begin by asking you, Mr. Minister, whether or not you have received any complaints about the court-house, with respect to the parking, and the general layout, and so on?

HON. MR. LANE: — We obviously haven't had time to do an assessment. It just opened up May 1st. We have received no complaints other than the question of parking, and the street is being redone now. But we should keep in mind that there was never any parking at the Municipal Justice Building, and so that's been a long-time occurrence.

I suppose if I do get a criticism, it's some in the other court-house believing that the facilities are much better in the new provincial court-house, and when are we going to upgrade the other court-house.

But we've not done an assessment that would be too soon, and the only complaint that I've been advised of is the question of parking.

MR. SHILLINGTON: — There certainly are complaints with respect to the parking. I would level

a criticism about the location of that court-house. I would say initially, Mr. Minister, that the new court-house should have been built beside the old one. That is an obvious convenience to all concerned, as well as the parking problems aren't anywhere as severe because it is just in a less busy part of town.

I would level a criticism about the location. I have in the past, Mr. Minister, made my criticisms known with respect to the whole idea of a privately-owned court-house. I don't wish to reopen that issue except to say again for the record that there are some buildings which should be owned by the Crown. The buildings which symbolize law, order, and justice are among them.

I would not want to see the Legislative Building privatized, although that's I suppose where you people are going to turn next. I would not, Mr. Minister, either want to see the court-house privatized, and I'm disappointed that that in fact has been done.

Mr. Minister, with respect to the criticisms about its design, I have received a large number of complaints about it, and by no means all from card-carrying New Democrats. Some of them, at least in the past, have supported your particular party.

I have been told it has a cheap appearance. A court-house should look as if it is one of the central . . . as if it is a building in which one of the central functions of government are discharged. Like the Legislative Building, it ought to have a certain dignity. I'm told it lacks that. It is cheap and tacky. I am told they have a sound system which is reminiscent of a bus depot. One almost expects to hear the departure time of the next bus on the thing.

And I say, Mr. Minister, that if you haven't done an assessment, any time now would be soon enough because I have received just an inordinate number of complaints from the bar, and it has by no means — it is by no means all from New Democrats. And I would suggest, Mr. Minister, where there's smoke, there's fire.

As well, Mr. Minister, I think there may be a problem with the security in it where the prisoners are brought up. I'm told that in one particular place where they're kept, they are kept a very short distance from a door that cannot be closed — an open entrance to a parkway.

So I say, Mr. Minister, without expecting you to respond to such a generalized comment, I agree . . . I admit my comments have been very generalized. I think the court-house does require a review by your department, and you need to consult with the local bar association, and with members of the Regina bar, because there is a goodly number of lawyers in Regina who feel that that building is not what it should be.

HON. MR. LANE: — Well I would be prepared — if the hon. member would indicate or give me the complaints — to check them out. I am advised by my officials, and the prosecution staff, that the security there is the best of any of the court-houses in the province; that the interior design is quite impressive, most of it is wood; that it's been, in fact, well received. The layout was — I gather if I go back to the plan selection — was done by one particular architect who had taken postgraduate work in the question of court-houses and buildings of that nature.

Certainly those involved in it have indicated that they are more than pleased with the new building. I would certainly invite the hon. member to come with me on a tour any time that he wishes, and perhaps if there are any complaints at that time, we can deal with them. But any time you want to go on a tour, let's go. I think you'll be quite impressed.

MR. SHILLINGTON: — Mr. Minister, is it your department that we ask questions with respect to cost and so on, or would you prefer that we ask that of Government Services? It's not a great . . . There's no particular . . . Not an issue upon which . . . The minister, if he's indicating it's his responsibility — the Minister of Government Services — I'd be happy to leave them until then.

MRS. BACON: — Thank you, Mr. Chairman. Mr. Minister, with regards to some policies with your department, I have a few questions for you. By way of background, would it be fair to assume, in the eyes of the public, that as Minister of Justice in Saskatchewan you are designated as the supreme prosecutor of the province?

HON. MR. LANE: — Well it's not a nomenclature that I would take. We are responsible for the administration of justice. We are responsible for prosecutions, and the policy that I follow that those are within the judgement and discretion of my prosecutors.

MRS. BACON: — And by the administration of justice, Mr. Minister, I would assume then that your Crown prosecutors enforce the Criminal Code of Canada?

HON. MR. LANE: — Yes.

MRS. BACON: — Could you please tell me, Mr. Minister, how many Crown prosecutors you have in your employ?

HON. MR. LANE: — 49.

MRS. BACON: — And you'll agree that Crown prosecutors are employees of the Department of Justice.

HON. MR. LANE: — Certainly.

MRS. BACON: — Could you advise me, please, Mr. Minister, if it is true that the Department of Justice administers the policy that Crown prosecutors will follow?

HON. MR. LANE: — Just to clarify, there are the fee-for-service prosecutors which are in the private sector who do a number of prosecutions in different centres. Their prosecution policy is set by the department.

MRS. BACON: — So then the activities or the conduct of Crown prosecutors in a court of law, the direction comes from the Department of Justice, of which you are in charge. By way of background in this, there's a question that has been tangling with me for some 18 months now: is it true that the bench per se on a generality across Canada is literally answerable to no one, i.e. like an appointed senator, that they are there and they act on their own initiative and are not answerable to any government?

HON. MR. LANE: — Certainly the judiciary has historically been independent. There is on the . . . with the superior courts there was a national judicial council, the makeup of which I don't . . . but all the chief justices of the various courts. We do have a provincial judicial council which generally monitors the situation, but again it is independent. But we have had historical independence of the judiciary.

MRS. BACON: — And just to clarify for myself, Mr. Minister, is it not true that judges act on the evidence presented before them either in the case of pre-trial, or preliminary hearing, or hearings for bail — that they act on the evidence presented to them by both the defence and the Crown?

HON. MR. LANE: — I really can't answer for the judges, and don't intend to. They normally act on the evidence that's presented there before them.

MRS. BACON: — Thank you. Mr. Chairman, and Mr. Minister, you will be aware that in January of 1984 there was a vehicle accident in Saskatoon which resulted in the deaths of two eight-year-old girls, the injury of a third eight-year-old girl, and the injury of the mother of one of the deceased. At that time it was brought to my attention that although two children were dead, and two people were injured, and that the accused was released on bail, that his driver's licence

Was not suspended until he went to court for trial.

(16:30)

Now by way of background I contacted your department at that time, and your advice to me was to write to the federal Minister of Justice at that time who was Mark MacGuigan, and ask for an amendment to the Bail Act, or section 457 of the Criminal Code. In his response to me, of which you had a copy, of March 29, 1984, he states, and I quote:

To recognize the presumption of innocence however does not prevent society from placing restrictions on the civil liberties of persons which are not in the nature of penalties or punishment, but which are created to protect the public before the outcome of the trial.

Furthermore (the then Liberal minister of justice stated) these conditions may be imposed on the court's own initiative or at the request of Crown attorneys. Accordingly, you may wish to contact the Attorney General of Saskatchewan, the Hon. J. Gary Lane, Q.C., to determine if it is the practice of Crown attorneys in Saskatchewan to request the imposition of such conditions.

On a follow-up on October 30th of 1984, I received a letter from the Hon. John Crosbie, the Progressive Conservative federal Minister of Justice, where he agrees with me that it may be necessary as a condition of bail for the Crowns to ask for a prohibition from driving in cases where there is serious injury or death.

And he also says:

Since the law currently permits such conditions in section 457(4)(f), I do not think there is a need for further legislative amendment. You may wish however to contact the Attorney General of Saskatchewan to determine if it is the practice of Crown attorneys in Saskatchewan to request the imposition of such conditions where appropriate.

Furthermore, in reply to more questions, I received a memorandum from Kenneth W. MacKay, Q.C., who is the director of public prosecutions. For my benefit, sir, would you tell me basically who Mr. MacKay is, his history of law practice, any credentials he may have, and how long he has been in the employ of the department?

HON. MR. LANE: — I believe the basic question is one of whether removing drivers' licences as a condition of bail, and that is not the normal practice, because the presumption is one of innocence, not guilt, and that is not taken away.

Having said that, Mr. MacKay was a graduate of the University of Saskatchewan in 1967, and admitted to the Saskatchewan bar in 1968. He has his Masters from University College, University of London, in 1976-1977; articulated with the McDougall Ready and Wakeling firm in '67-68; was in general practice there for another year. He became Crown solicitor in the department of the attorney general on November 3, 1969 — which was a very good year in the department, I might add — and has been with the department since that time. He was named a Crown solicitor 4, January 1st of '78; director of public prosecutions April 1, 1983.

MRS. BACON: — So Mr. MacKay, Q.C., sounds eminently well-qualified. On his memorandum of November 29, 1984 I believe we set a precedent in the country that I have three lawyers — two being federal ministers of justice from different political parties, and one in Saskatchewan — all agreeing on the same point: that indeed if someone is impaired or suspected of being impaired and causes bodily injury or death, the provision is in the Criminal Code already for the Crown prosecutors to ask that that person be prohibited from driving until such a time as they

are proven guilty or innocent.

Mr. MacKay says, "Concerning the imposition of such a condition for the serious driving offences, it is my view such a condition can be imposed." And he cites several cases.

My question to you, Mr. Minister, is that in light of the agreement that I have from three very prestigious legal minds in the country I'm wondering if you can tell me why the Crown prosecutors in the Saskatchewan are not asking, as a condition of bail, prohibition from driving for those accused or charged at the time of criminal negligence causing injury or death.

HON. MR. LANE: — Well I understand that there is a consideration of that particular policy going on at the present time. The practice nationally of course has been that there is innocence — innocence is presumed — and the power to ask for that as a condition of bail has always been there. It's not been the national practice. It's not been the provincial practice. But at your request that policy is being looked at.

MRS. BACON: — Well with all due respect, Mr. Minister, I have replies of a letter that I sent to all ministers of justice in Canada, of March 20, 1985, wherein I asked them to substantiate the position within their own province. And I might add that I have not received a reply from your department, but I have from four other jurisdictions.

One is from the Department of Justice of Prince Edward Island, wherein they state that it is a common occurrence in that jurisdiction to suspend a driver's licence from the bench at the time of bail where there's been bodily injury or death. And in New Brunswick it is made routinely at the Crown's request or at the judge's own initiative. And if the accused breaks the condition, as I assume breaking any other condition of bail, then the bail is forfeited and he is incarcerated pending trial.

Now with regard to your point, Mr. Minister, of presumption of innocence until proven guilty, I am assuming you're referring back to the 300-year-old statute of common law, British common law?

HON. MR. LANE: — Well it's not only the law, it's been the criminal law for a number of years.

MRS. BACON: — If that is the case, Mr. Minister, could you tell me how then — if we are innocent until proven guilty, or presumed innocent before a fair trial, etc., etc. — how then, without violating the charter, can any minister of justice or any Crown prosecutor order the incarceration of anyone charged prior to trial?

HON. MR. LANE: — The Crown prosecutors never order anybody to be incarcerated. That's a decision of the judges. And the requirements as to whether bail is to be granted or not is basically if I recall — I've not done much in criminal law — is the likelihood of appearance.

MRS. BACON: — Well again, with all due respect, Mr. Minister, the federal ministers of justice, present and previous, both state that there are two conditions for bail — one being the chance that the accused will appear in court, the second being in the public interest.

I guess my question to you is that in the light of public safety, would you not consider it a worthwhile policy for your department to ask for prohibition for driving as a condition of bail for impaired drivers that cause bodily injury or death?

HON. MR. LANE: — I said the dominant question is likelihood of appearance. There are the question of likelihood of committing other offences. And that would depend on the circumstances of each case. Having said that, it would be a matter of the judge saying that in a particular case there is a likelihood of further offences. And I'm sure that would become then a condition of the bail granted by that particular judge in those particular circumstances.

MRS. BACON: — So you're telling me then that . . . do judges set their conditions of bail on precedence or cases previous in Canadian history?

HON. MR. LANE: — They set the bail in each individual case.

MRS. BACON: — The judges I have spoken to, Mr. Minister, tell me that they deal only with the evidence and the request presented before them in each individual trial. Therefore any reasonable mind can assume that if a Crown prosecutor does not ask for a prohibition from driving the judge will not grant it. Do you agree?

HON. MR. LANE: — Well they will set conditions. They may listen to defence; they may listen to Crown, whatever. They from time have decided that they would make examples of individuals on outside information not related to what's presented.

MRS. BACON: — Well, Mr. Minister, can you tell me then in your capacity how we can — if you'll pardon the verb — educate the bench? That the people of this province, and indeed across Canada, are not pleased with the treatment that impaired drivers receive: nothing more than a slap on the wrist.

It's been made abundantly clear by our bench and by our Crown prosecutors that it is not right to shoot or to stab or to poison, but it's quite acceptable to get sloshed and go and run somebody down.

Now I am saying to you, Mr. Minister, that we are facing impaired driving in epidemic proportions. I have a news clipping here that was given to me by a friend, that was written by Tom Savage, who was at that time the acting chief of police of the Regina city police. Now, getting back to your statement that one is innocent until proven guilty, and there is a presumption of innocence, could you explain to me how then in Saskatchewan we have had section 167 of The Vehicles Act, 1983, which gives a peace officer to say:

I have reason to suspect that you have consumed alcohol in an amount that would make your driver's licence liable to suspension under The Vehicles Act, and I therefore request you to surrender your driver's licence which is now suspended for a period of 24 hours.

HON. MR. LANE: — Well, I mean, that's a specific provision in legislation that was set out for a specific purpose. And it's enabling legislation that the peace officers can act under.

I mean, if the Criminal Code was to say exactly the same thing, then that would be something that the peace officers could use, but it's just enabling legislation.

MRS. BACON: — Well, Mr. Chairman, Mr. Minister, the enabling legislation is already there on the word of Mark MacGuigan and John Crosbie to date, and your own chief of prosecutions. So it's not a matter of enabling legislation; it's a matter of policy.

Now the difference between The Vehicles Act is that the police can impose that particular section, and with the Criminal Code it's up to the Crown prosecutors to do the same thing.

In Vancouver there is a newspaper clipping that their jails are filled with impaired drivers, most of them second- and third-time offenders. With respect to the accident in Saskatoon, the gentleman was eventually convicted of four counts of criminal negligence and received a penalty of two years less a day to be served concurrently, which the Crown is appealing.

However this was his fourth conviction of impaired driving, and it took him four times before he finally killed someone. And at that time I contacted yourself regarding the imposition of prohibition as a condition of bail. I also contacted Neil Crawford, who is the Minister of Justice in

Alberta, as well as their highway traffic board and our traffic board, to no avail.

Could you explain your actions or lack thereof?

HON. MR. LANE: — The problem with it is that that wouldn't have stopped the event. Even if there is a bail prohibition resulting from an accident causing death, it's too late at that point. I mean the more logical question comes about is — all right, here is someone convicted three times of impaired or drunk driving, or whatever it is — why that individual is still driving?

Now many people are in fact driving even though they are prohibited, and perhaps an argument can be made for more Draconian penalties like removal of automobiles in situations like that. I'm not quite convinced that that's an answer, but I can see situations where, if someone wantonly and continuously continues to drive while they are prohibited from doing so, that more extreme penalties and effective penalties have to be given. But the very fact that one does not have their licence taken away as a term of the bail provision, that does nothing. That comes after the fact; that doesn't come before the fact.

(16:45)

MRS. BACON: — I'm well aware of the consequence of events when an impaired driver kills somebody, Mr. Minister. What I am trying to tell you, or get you to admit, is that we have a problem with impaired drivers in the province. There is enabling legislation federally for you to crack down a little harder on the people prior to trial, especially if someone has been injured or killed. And I, at no time, would suggest that any Crown prosecutor not leave it up to the discretion of the bench on a criminal negligence charge, for example, of injury, whether it was a broken wrist or perhaps somebody had pelvic fractures or more severe injuries. Of course that's up to the bench.

You are aware that as far as driving while suspended, that the Bill C-19, in front of the Parliament of Canada right now, gives a maximum penalty of a \$2,000 fine and a possible two years in jail for driving while suspended?

HON. MR. LANE: — Yes, certainly. You're still not accepting the question that if we take away a licence after a death, that doesn't solve the problem. As a matter of fact, in this particular case I believe the sentence is being appealed by the Crown because we feel that the sentence should be greater — the penalty should be greater.

Having said that, well you and I agree that, yes, the question of impaired driving is a serious problem. Certainly it is. Is the abuse of alcohol by drivers a serious problem? Most certainly it is. We bring in the legislation to allow the blood sampling to be taken, in the question of accidents involving death or injury, and I indicated in my opening remarks the number of cases that that has taken place in the province of Saskatchewan. I do believe that it has had some deterrence, that people are aware of it.

One thing that the public has proven from time to time on any efforts by any government to crack down on the impaired or the drunk driver, you have to reinforce it on a continuing basis. You can bring in strong legislation as a deterrent; it lasts for three, six, perhaps nine months at the outside, and then people get back into their habits.

So if we're talking about long-term dealing with the problem of drunk or impaired driving over a period of time, it's going to mean, one, harsher penalties, which I support; secondly, from time to time it may mean more Draconian measures for some individuals that persist in driving while they are prohibited. But also it's going to mean an awareness and a reminder by governments. And the only way that that can be done, in my view, is advertising.

If everyone is prepared to support dramatic increases in the amounts for policing, that may have

some impact, but the statistics perhaps cast some doubt on that. But the only thing that tends to cause people to stop driving while impaired or drunk is a fear of getting caught.

MRS. BACON: — Well, Mr. Minister, in light of the attitude of society, and indeed, those that choose to drink and drive, I will take you back to some 1982 statistics. And I quote from the article, "Driving is no Divine Right," by Tom Savage, who is now, I believe, the police chief of Regina. And he said that:

Alcohol is a known factor in 40 per cent of all fatal accidents and involving one out of every 10 accidents, generally. Drinking drivers are responsible for \$7 million of the more than \$66 million in property damage stemming from traffic accidents in Saskatchewan in 1982. And of course the loss in human life, crippled bodies, medical costs, and lost productivity cannot be calculated.

I would say as far as public awareness goes then, Mr. Minister, and general perception by the public, that perhaps if we built a thousand-unit facility somewhere in Saskatchewan and let those that wish to drink while impaired, drive, we can let them know that we have room for them, so they're not going to be in correctional centres or discharged because there was nowhere to put them. It is, after all, a criminal offence, and even more ghastly when people are injured or killed because of it.

A judge told me that part of the reason for the public acceptance, if you will, or the social acceptance of drinking and driving, is because the person accused has the right to play around with the courts.

He related to me an instance where a farmer was charged with impaired driving and blew two nine, in the middle of April, and chose not to go to court until after the crop was off in the fall. However, he did drive around in the meantime, and I would think that maybe those that knew of the damage he had caused and the death he had caused were a little less than content to have him out in the streets.

If I may use a parallel, Mr. Minister, when you have a drunk driver behind a wheel of a car, the vehicle becomes a weapon. And I think you will concur with me that if I should shoot somebody today, even in self-defence, they may let me go on bail, but they will certainly take my gun away and my licence to carry that weapon.

I suggest to you that you have the power, as the Minister of Justice in Saskatchewan, to instruct your Crown prosecutors in cases of criminal negligence causing injury or death, to ask for a prohibition from driving prior to trial. And if Saskatchewan is going to be number one, perhaps we should be breaking this ground.

In wrapping up, I would only say that from the judges I have talked to, and the lawyers and the policemen across Canada on this instance, that until some direction comes from the Department of Justice with a policy to the Crown prosecutors, the judges are not going to break new ground on their own. They must be encouraged, and they must be asked by Crown prosecutors that we don't accept drinking and driving. And while you await trial you may not be in jail, but you won't be driving; you'll be walking. Do you have any comments?

HON. MR. LANE: — Yes. Don't make the assumption, because I frankly think it's an unwise one, that because you take away someone's driver's licence that they're going to quit driving. That doesn't always happen. As a matter of fact, you will find that in many cases people that are alcoholics, and that what we're probably talking about when we're looking at someone who has a drunk or impaired driving charge fairly closely together (they obviously have a problem) that those people may not recognize that problem, and those people will continue to drive.

The argument that you make only goes so far. As I've indicated to you, we are taking a look at

the policy. But don't assume that that policy is going to solve problems. That policy will not solve problems. That policy may, over a short period of time, create some awareness which is not unhealthy, but if it's looked upon as a long-term solution it is not a long-term solution.

Those that have an alcohol problem and are convicted of drunk driving, in many cases continue to drive while prohibited. And taking away their licence does not solve the problem. Creating a public awareness in the seriousness of the issue and the seriousness of public concern is a more feasible option. And on that, as members are probably aware, the Department of Justice and the Department of Highways is developing a new media campaign to zero in on the problem of drinking and driving.

As I say, the matter of bail when someone is charged with causing death as to whether the licence should be removed, is a matter of policy that we are reviewing at your request. But I just caution members to not look upon it as a cure-all, because the very people that go out with three or four convictions for impaired driving are in most cases running the risk of driving . . . being caught driving while prohibited, and don't care.

MRS. BACON: — Well, Mr. Minister, you're aware that recently, May 2nd I believe of this year, the Minister of Highways announced that the new Vehicles Act for Saskatchewan, 1985, will provide a minimum fine for the first conviction of this offence, that being drive while suspended.

I am well aware that having been married to an RCMP officer for several years, of the difficulty the peace officers have in enforcing the suspension or prohibition from driving, and so be it. And I also am aware, Mr. Minister, that what happens in the court is not the cure, nor is it the prevention. It is just unfortunately a band-aid solution to a tragedy that's already occurred, and there's very little the courts can do about it.

However, on that vein, you say your policy is changing. And it's been 16 months since I brought this to your attention, and I've heard nothing from you.

Secondly, somewhere, somehow in society in Canada, in Saskatchewan, in Regina, in Saskatoon, people know that it's just not the good thing to do — to go out and gun somebody down. Now that policy came from a department. It came after people were killed. It came with harsher sentences and harsher treatments. And if you're telling me that the reason for not asking for prohibition as a condition of bail is the fact that they will go out and violate it anyway, then I ask, perhaps you could ask for incarceration.

HON. MR. LANE: — Well, we do.

MRS. BACON: — Mr. Minister, the Crown prosecutors I have talked to don't make a move unless they're instructed to do so. And I understand that there could be some deviation to that. I just, quite frankly, don't feel that you substantiated your case, or your cause. We have another trial before the courts right now in Regina that I haven't been able to follow most recently, but I say to you that you have the power to ask for prohibition. It is in the Criminal Code. You have it, via myself, on three very good reliable authorities, that the power is there. You have been sitting on this for some 16 months since it came to my attention, and a policy of such a minor change as asking for a prohibition could be thrown out by every judge for the next 24 months.

The thing is that you have the opportunity to ask and to try, and I ask if you will consider doing that in the very near future.

HON. MR. LANE: — One, it's not quite correct that prosecutors don't exercise their judgement, because they do, and do it regularly. Secondly, on the question of the asking that the licence be suspended pending bail, is a matter, as I've indicated, that the policy is under review. Finally, I've cautioned that that's not going to solve the problem. And finally, the prosecutors have followed the policy that when someone is convicted for a second offence within two years, that

incarceration is asked for in all cases.

So I do believe that prosecutors are asking on a regular basis for the harsher penalties. The prosecutors are very aware of the seriousness of the issue. We, through that way, can make judges aware, but it's the judges that will make and determine their own sentences. And that's properly within their discretion.

Having said that, I accept your comments that: one, that it is a serious problem; two, that the policy should be looked at. But even if it was the policy to ask for it, I doubt very much that the courts would grant it on a very regular basis.

So again I'm just making a caution: don't look upon it as a cure for a very serious problem. And I've gone over a couple of times what action I believe can be taken. But, you know, this may be one aspect of it, but much harsher penalties, much more public awareness, and perhaps in some cases, as I say, the removal of vehicles, may be an answer.

MRS. BACON: — Well, Mr. Minister, with respect to the removal of the vehicle, we have two vehicles in my family — both used cars — and if I were charged with impaired driving and my licence suspended, or no licence suspended but my vehicle taken away, I would certainly feel free to drive the one registered in my husband's name. So that is no solution at all. In fact, just a red herring.

On one more point of which I'm curious. If you're telling me that even though the Crown prosecutors in Saskatchewan made it a habit, a policy, of asking for a prohibition from driving where there's bodily injury or death, if the judges flatly refused for the next 24 months, or the next 36, or the next decade, can you tell me where, as a taxpayer and as a mom, I can go to try and influence the bench?

HON. MR. LANE: — Well if we're talking about the specific issue of impaired driving, the only change that could be made to take away judicial discretion (and I'm not sure that that's necessarily advisable) is changing the penalties in the Criminal Code. When the discretion is taken away by limiting the penalties that can be given, you know, that has some effect. But that's the way to do it.

The committee recessed until 7 p.m.