

The Assembly met at 2 p.m.

Prayers

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**Mr. Britton:** — Thank you, Mr. Speaker. Mr. Speaker, I'd like to introduce to you, and through you to the rest of the Assembly, 52 students of a Masonic leadership conference. They're in your gallery, Mr. Speaker, and they have had a tour of the building, and I'll be meeting them after question period for pictures and some refreshments. They will also be in room 218 for a visit with any of the MLAs that can get time to visit with them.

I'm especially pleased to introduce these people to you, Mr. Speaker. I'm a member of the craft myself, and we have several members on this side of the House who are members of the Masonic lodge. I would ask all members to join me in giving them a real warm welcome.

**Hon. Members:** Hear, hear!

**Mr. Martin:** — Thank you, Mr. Speaker. Again I'd like to introduce to you, and through you to members of the House, some seniors from the Dr. Paul Schwann Centre. This, of course, is part of the research program which will establish standards of fitness for seniors in our province and, I'm sure, will be correlated with other standards across the country.

They're seated in the west gallery, Mr. Speaker. I'd like to name them to you: Dorothy Scott, Marjorie Wesson, Elsie Wilson, Doris Polowick, Ida Davidson, Mel and Evelyn Coons, and Leta Culic. I'll have an opportunity to meet with them at 2:30, and also for pictures. I'd ask all members of the House to please welcome them to the Legislative Assembly today.

**Hon. Members:** Hear, hear!

### ORAL QUESTIONS

#### Polling re Privatization

**Mr. Van Mulligen:** — Thank you, Mr. Speaker. My question is to the Government House Leader. Mr. Minister, will you confirm that your government is currently polling Saskatchewan people on the privatization of the Potash Corporation of Saskatchewan, as well as on the privatization of the general insurance side of SGI and the natural gas utility, and can you tell us how much this poll is costing Saskatchewan taxpayers?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Berntson:** — Mr. Speaker, one of my roles as Government House Leader is certainly not to conduct polls across the province, and so far as I'm aware the government is not conducting any poll at this particular time on any of those issues.

**Mr. Van Mulligen:** — A new question for the minister. Mr. Speaker, I'd like the minister to think very carefully about

his answers and to research this. And I want to ask him: can you confirm that a poll is being undertaken right now by Tanka resources, the firm owned by Ken Waschuk, who, according to your Minister of Justice, has been subject to an RCMP investigation for influence peddling; and can you tell us if your government is doing business with this person at this time, or do you know something about the results of that RCMP investigation that is now going on that you're choosing to not share with the people of Saskatchewan and therefore are still conducting business. Can you tell us that?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Berntson:** — Two things, Mr. Speaker. Number one is, I always think very carefully about my answers. I always think very carefully about my answers, Mr. Speaker, and I said, and I say again, I have no knowledge of any polling being done by this government or agency of government relative to the issues raised by the member opposite.

Number two, Mr. Speaker, and I find this quite offensive, is that member can stand in this House with complete immunity, Mr. Speaker, and level allegations at some individual who happens to own a polling firm on the outside, and he has no knowledge of anybody doing any polling. He's just standing up, Mr. Speaker, and shooting off at the mouth without any basis in fact at all.

**Some Hon. Members:** Hear, hear!

#### Summer Camps for Underprivileged Children

**Ms. Simard:** — Thank you, Mr. Speaker. My question is to the Minister of Social Services, and Mr. Minister, I'm sure you are aware that one of the few summer pleasures which may be available to poor children in our cities is a stay at summer camp, many of which waive fees for the children of families on social assistance. But in order to attend these camps the children must first undergo a physical examination, for which doctors are charging up-front fees of \$20 to \$30, Mr. Minister. For lack of that money, some of these children lose their opportunity to attend summer camp, and I'm wondering, Mr. Minister, if you are aware of this situation.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Mr. Speaker, summer camp for underprivileged children is something that we have considered, and it is through the offices of my department that these children are able to go because this year I authorized, in addition to the regular expenditures at Social Service, that they locate up to 200 children and pay their expenses to summer camp this summer. This is something new and it's quite a surprise that anyone would charge them a fee. And I'll let the Minister of Health look into this, because this member has often given us facts that we have to check out very carefully.

**Ms. Simard:** — New question, Mr. Speaker. Mr. Minister, the problem is not with summer camp; the problem is with the physical examination to gain entrance to summer camp, which some doctors are charging a 20 to

\$30 fee for, Mr. Minister. We would ask you to check into this.

Mr. Minister, I have been informed that it may be possible to have this fee covered through the Department of Health, and I am wondering whether you will be discussing this matter with the Minister of Health and coming back to the legislature within the next two or three days to advise us that this fee will be covered by the Department of Health.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Mr. Speaker, I will repeat, this is new that these are additional positions where children are going to summer camp this year, where they weren't going other years. This is something new.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — In addition, this government did away with extra billing. In addition, people who are on social services have a Y card; they pay \$2 per prescription and their special needs under health care are paid by Social Services. The question here is something quite bizarre, that we in the Department of Social Services would have anything to do with charging children extra to go to summer camp. We're already paying their fees to go to summer camp.

**Ms. Simard:** — New question, Mr. Speaker. Mr. Minister, are you or are you not aware that doctors are charging for physical examinations which your department is not covering and which is denying children access to summer camps?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Well the opposition, when they were government, didn't send these children to summer camp. If you have any bills for \$20 where someone was paid an examination fee, send me the bill and I will look into it.

### Polling re Privatization

**Mr. Van Mulligen:** — Mr. Speaker, my question is to the minister for privatization. And I want to ask you, Mr. Minister, are you aware of any polling that's being done at this time by your department or any department of government with respect to the privatization of the Potash Corporation of Saskatchewan, the privatization of the general insurance side of SGI, and the natural gas utility? And if so, can you tell us how much this poll is costing Saskatchewan taxpayers?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Taylor:** — The answer is no, I'm not aware of any such polling.

### Increase in Minimum Wage in Saskatchewan

**Mr. Hagel:** — Thank you, Mr. Speaker. Mr. Speaker, I direct my question to the Minister of Labour. Mr. Minister, you will be . . . (inaudible interjection) . . . Thank you, Mr.

Speaker. I appreciate that.

Mr. Minister, you'll be aware that British Columbia has recently announced an increase to its minimum wage, increasing to \$5 an hour in two increments, and that will put Saskatchewan behind four provinces and two territories in terms of our minimum wage. As a matter of fact, as of October, only Newfoundland and Prince Edward Island will have a lower minimum wage than the province of Saskatchewan.

You'll know as well, Mr. Minister, that since your government came to office seven years ago, minimum wage has changed only once, by 25 cents an hour, four years ago.

In light of these facts and the fact that a single person working for minimum wage in this province is living at \$1,653 per year below the poverty line, I ask you, sir, when are you going to increase the minimum wage so that Saskatchewan workers don't have to live below the poverty line?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Mr. Speaker, I have advised earlier that this government is considering the factor of minimum wage, I have thrown out the question of how minimum wages should be paid for discussion. There has been some objection from the members opposite to some of the ideas I've put out for discussion, but there hasn't been any real discussion on the topic.

We are considering when to raise the minimum wage, by how much, and where it would be applicable to. And certainly there is a difference between people working at jobs after high school and people trying to make a living on minimum wage as it now stands, and we have to take those matters into account.

**Mr. Hagel:** — New question, Mr. Speaker, to the same minister. Mr. Minister, you have been considering for the longest time of any province in the entire nation of Canada. Every province in Canada has increased its minimum wage since it last changed in 1985 here in Saskatchewan.

Mr. Minister, the Canadian Fact Book on Poverty, released recently by the Canadian Council on Social Development, shows that Saskatchewan has the highest proportion of working-poor families in all of Canada. In fact, with only 4 per cent of the population in Saskatchewan, unfortunately we have 7.2 per cent of the working-poor families. And I ask you again, sir, I ask you to stand in this Assembly and to tell the working poor in Saskatchewan by what date, by what date can Saskatchewan workers and their families count on an increase in minimum wage to help them live in dignity in the province of Saskatchewan?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Mr. Speaker, the NDP's proposal for a \$6.50 an hour minimum wage sounds very nice for anyone who thinks that they would be receiving that. But I've also conferred with the small-business people of my

constituency and throughout Saskatchewan, and they indicate that a minimum wage of \$6.50 per hour would cause many small businesses to close, and would cause thousands of lay-offs in this province. So there has to be a balance between jobs and higher paying jobs.

With respect to statistics on income in Saskatchewan, Saskatchewan has four times as many farmers per capita as any other province in Canada, and therefore when farm income is down, as indicated 32 per cent, you are bound to have in the statistics low incomes because of the high percentage of farmers in this province.

So that's not unusual. It's not something that we desire, but it's something that we have tried to do something about and have been held up here day after day in the filibuster and the striking of the opposition.

**Some Hon. Members:** Hear, hear!

### Family Income Plan

**Mr. Hagel:** — Mr. Speaker, new question, this time to the Minister of Social Services. Mr. Minister, you lack a great deal of credibility when representing even your own positions in this House, and you certainly lack credibility when trying to misrepresent the position of the New Democratic Party.

I ask you, sir, in light of the fact that a family living in Regina with three children and one spouse working full time and another working part time, and with a family income of \$18,000 a year, would be in fact \$9,000 below the poverty line for that family in the city, according to StatsCanada — that's the facts, Mr. Minister — and I ask you, can you tell me why such a family would in fact be ineligible for assistance under the family income supplement from your government?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Mr. Speaker, I don't think the member opposite has any right to engage in a personal attack on the way I represent my constituency when he hides from his own constituents. I've never been known to hide from my constituents.

With respect to the incomes of families, the family income plan rules and regulations remain as they have been when the NDP were government and as we are government. And they have an asset test. People with more than \$135,000 of assets cannot qualify. As an asset test, it's related to the number of children in your family. Those rules have not changed.

Mr. Speaker, also you have to take into account the extra income that farmers have received from government programs both provincial and federal. When you take those into account, it changes our financial picture considerably.

So therefore we feel that Saskatchewan is on a turnaround, that jobs will increase, that wages will rise, and that the situation in the economy of Saskatchewan is constantly improving. If we could only get on with the agenda of this legislature, then some of these Bills would

greatly increase the benefits to the people of Saskatchewan.

**Some Hon. Members:** Hear, hear!

**Mr. Hagel:** — New question again to the Minister of Social Services, Mr. Speaker. Mr. Minister, I listened to your rhetoric about the Government of Saskatchewan helping Saskatchewan families, and in fact the facts are just the opposite, Mr. Minister. When it comes to the working poor, and unfortunately it's an increasing number in Saskatchewan, there are far too many families in this province who can't make ends meet because wages have fallen behind in Saskatchewan.

Mr. Minister, you will know that the family income supplement was designed and introduced by the New Democratic Party government to recognize that many people, even though they're working as hard as they can, can't earn enough to keep pace with the cost of living — you'll know that. New Democrats felt then, and we still do, that children should not suffer and should not have to go hungry because their parents can't make enough to pay the basic expenses.

And I ask you, sir, can you explain, relative to the family income plan in Saskatchewan, why you have frozen benefits for the family income plan since 1984, why you refuse to even advertise the family income plan so the working poor can become aware of it and apply for those benefits, and why you have placed an income cap of \$17,054 on family income plan when in fact that figure bears absolutely no relationship between the poverty line in the province of Saskatchewan. Will you explain that to the working poor in the province of Saskatchewan, Mr. Minister?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Schmidt:** — Mr. Speaker, I would like the member opposite, the NDP and the Leader of the Opposition, to explain why, after we had 31 years of a socialist government in this province, there were still poor people when we came to office — 31 years and there were still poor people when we came to office. If they were such a good government, why were the people still poor?

**Some Hon. Members:** Hear, hear!

### Bankruptcies in Saskatchewan

**Mr. Trew:** — Thank you, Mr. Speaker. My question is to the Minister of Finance. The minister will know that in the first half of this year business bankruptcies in the city of Regina totalled 172. During that same time period the city actually suffered an overall loss of 44 businesses.

Barry Parker, a partner in a Regina Realty firm is quoted in the *Leader-Post* as saying:

Now we're seeing the doers and the shakers moving to Alberta and B.C.

He goes on to say that:

most of the people closing up shop and moving on are entrepreneurs.

And he states:

“That’s the scariest part.”

Minister, can you tell us why we should take seriously any of your rhetoric about helping entrepreneurs when in actuality your government’s lack of economic policies are chasing them away in record numbers?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lane:** — I find it interesting, Mr. Speaker, that the NDP, on the one hand, in the very same question period want a 6.50 minimum wage which is going to put a whole bunch of small businesses out of business and put a lot of people out of work; at the same time they’re now all of a sudden concerned about the businesses leaving the city of Regina, Mr. Speaker.

The only NDP government in Saskatchewan is the city of Regina. They drove Federal Pioneer out of the city of Regina, Mr. Speaker, outside the city limits of Regina because their taxes were too high.

Mr. Speaker, we have brought in businesses, programs for small business, including the small-business tax rebate, Mr. Speaker, that the NDP refused to do. I’d suggest when you talk about businesses leaving the city of Regina, go and talk to your mayor, your councillors, your NDP government in Regina which is driving businesses out.

**Some Hon. Members:** Hear, hear!

**Mr. Trew:** — New question to the same minister. Minister, if you would increase the minimum wage, some of the working poor would have some money to spend in those small businesses and they wouldn’t be in such desperate shape.

**Some Hon. Members:** Hear, hear!

**Mr. Trew:** — If the minister wants, he can pretend that the Regina city council’s at fault, although the people know he’s just taking political pot-shots at that city council because the voters of Regina soundly rejected the people he and his party support.

**Some Hon. Members:** Hear, hear!

**Mr. Trew:** — The truth of the matter, Minister, is that this is just indicative of the general trend across the total province of Saskatchewan. The federal department of consumer and commercial affairs reports that for the first five months only of this year there’ve been a total of 652 bankruptcies in Saskatchewan, of which 239 were business operators. How do you explain those bankruptcies which are not influenced by the Regina city council?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lane:** — Very interesting, Mr. Speaker, for the people in the province to see that the NDP goes around

the city saying that this government is spending too much to help farmers. They said that in by-election after by-election. They attacked this government for trying to help farmers. Farmers do tend to spend money — the hon. members may not know that. When they have a negative net farm income, obviously it has a dramatic effect.

But I think most people in the province recognize, Mr. Speaker, that last year in this province, every sector of the provincial economy increased employment except agriculture, Mr. Speaker. There were 10,000 more jobs in manufacturing in the worst drought since the 1930s, created by this province and by this government, Mr. Speaker.

It’s also interesting to note that every single job creation effort by this government, including a fertilizer plant that they have been shouting for from their seats opposing, Mr. Speaker, including WESTBRIDGE, including P.A. Pulp mill, the paper mill, Gainers, Rafferty, every single project the NDP have opposed in this House. They’ve opposed economic development, Mr. Speaker, and more and more important, they’ve opposed new job opportunities for Saskatchewan people.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. McLeod:** — Mr. Speaker, I have information which is pertinent to this day’s question period and I just want to let the House know, Mr. Speaker, that Y card-holders, in other words, those who are on social assistance . . .

**The Speaker:** — Order, order.

### Plight of Small Business

**Mr. Shillington:** — Mr. Minister, before your colleague attempted to bail you out, you were making some derogatory comments about the city of Regina. Let me say by way of a preamble, Mr. Minister, that your comments about the city of Regina and the city of Regina council are resented by the council and the people in this city.

**Some Hon. Members:** Hear, hear!

**Mr. Shillington:** — The fact is, Mr. Minister, in opposing many of your policies, the council are simply reflecting the wishes and views of the people of the city of Regina, and simply doing their job.

**Some Hon. Members:** Hear, hear!

**Mr. Shillington:** — Mr. Minister, my question is based on the comments of one who has not been widely claimed to be a New Democrat — John Lipp. John Lipp said, a Regina business man said,

“For small businesses, for small marginal businesses, it’s a tough nut,” (he said).

Small operators generally won’t pull up stakes at the sign of first trouble.

He went on to say,

“The small business group are tough customers. They’ll usually hang on until the bitter end.”

Mr. Minister, if they’re calling it quits, that’s not a great vote of confidence in your government’s ability to manage the affairs of this province. The question, Mr. Minister, is: when are you going to listen to the people of Saskatchewan, get off your privatization kick, and get back to managing the affairs of this province so that people don’t have to go to other provinces to earn a living.

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lane:** — I, like most Saskatchewan people, take some political pleasure in watching the New Democratic Party in the legislature try and back-pedal every time the city council of Regina is called the only NDP government in Saskatchewan. Mr. Speaker, they run for the nearest tree, Mr. Speaker, to hide under it when they hear that statement, because they’re back-peddalling away from the city council in Regina.

But isn’t it interesting, Mr. Speaker, that when this government tries to bring a world-class fertilizer plant in the vicinity of the city of Regina that will employ several hundred people, which will employ people in the oil fields, Mr. Speaker, it will employ people in Regina and Moose Jaw . . .

And what do the NDP in opposition say? Don’t build the fertilizer plant, Mr. Speaker; don’t build it near Regina; don’t build it with Cargill. Mr. Speaker, they have opposed it. It means jobs for Regina, jobs for Moose Jaw, jobs for the young people. Mr. Speaker, it means help for small-business men, and the NDP say don’t build a fertilizer plant here near Regina — what hypocrisy, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

**Mr. Shillington:** — A supplementary to the Minister of Finance. Mr. Minister, I wonder when you’re going to stop grandstanding, stop apparently campaigning for the office of the Premier which may soon be vacant, and answer the question which was asked of you: what are you going to do for small businesses who are leaving this province?

**Some Hon. Members:** Hear, hear!

**Hon. Mr. Lane:** — Mr. Speaker, we’ve already announced in this budget the first small-business tax credit, Mr. Speaker, \$10 million for small businesses, the bulk of which, Mr. Speaker, will go to the city of Regina because business taxes are too high. Mr. Speaker, we’ve announced a five point program through SEDCO to help small businesses through, admittedly, some difficult times. But Mr. Speaker, those programs will be helpful and they will be taken up, Mr. Speaker. We recognize fully, as do most small businesses in this province, that the best thing for small business, the best thing for the people of this province, is a good crop, Mr. Speaker. Then, Mr. Speaker, the NDP won’t have to run around and say stop all those payments to wealthy farmers, as the NDP have said at a rally here in Regina, Mr. Speaker.

**Some Hon. Members:** Hear, hear!

## ORDERS OF THE DAY

### GOVERNMENT ORDERS

#### ANNOUNCEMENTS

##### Introduction of Page

**The Speaker:** — Order, order. Before Committee of the Whole, I’ll . . . Order. I would ask leave of the House to go back a moment to bring a couple of matters to their attention.

**An Hon. Member:** — Agreed.

**The Speaker:** — Thank you. The first matter I’d like to bring to the attention of the House is . . . I wish to introduce a new page. I wish to advise the Assembly that Kevin Zerr will be a page for the remaining portion of this present session.

#### TABLING OF REPORTS

**The Speaker:** — Secondly, I wish to bring to the attention the following, sent to me by the chief electoral officer, which reads as follows:

Mr. Speaker, I have the honour to submit herewith, pursuant to section 222 of The Election Act, a report respecting the returns of the election expenses incurred by registered political parties for the Regina Elphinstone and Saskatoon Eastview by-elections held on May 8, 1988 and the Assiniboia-Gravelbourg by-election held on December 15, 1988.

Signed by the chief electoral officer.

#### COMMITTEE OF THE WHOLE

##### Bill No. 25 — An Act to amend The Saskatchewan Pension Plan Act

**Mr. Chairman:** — Order, order. The question before the committee is Bill No. 25, An Act to amend The Saskatchewan Pension Plan Act. Would the minister introduce his officials.

**Hon. Mr. Lane:** — Thank you, Mr. Chairman. I’d like to introduce Theresa Holizki, chairperson and general manager; and Doug Matthies, director of finance and administration.

##### Clause 1

**Mr. Shillington:** — Mr. Minister, one of the criticisms which has been levied at this particular piece of legislation is that it meets the needs of middle class women — and I use that term rather broadly — meets the needs of middle class women, but does not meet the needs of women at the lower end of the spectrum, indigent women. Mr. Minister, has any consideration been given to extending this plan such that it might

provide a pension for women who are . . . do not have the surplus money it takes to invest in this program?

The particular criticism, Mr. Minister, as I'm sure you'll recall, is that a participation in this program requires some surplus money. It's not the kind of thing that a woman can do who's a single parent, perhaps working as a secretary in your department, maybe making 15, \$20,000 a year with a child or two. There simply isn't any additional money around to participate in this pension plan.

Mr. Minister, the question and the criticism has been made that this meets the needs of middle class women who are not the neediest and does not meet the needs of more indigent women who really often do live their retirement years in poverty. And I wonder, Mr. Minister, if you've given any thought to that, if there's any plans to extend this program to a broader base.

**Hon. Mr. Lane:** — Well, Mr. Chairman, the NDP have made that argument from the inception of the plan. Certainly the plan does not cover those, at least in some cases, who may be receiving assistance. And although the income levels are kept as low as possible, one should consider the argument that has been made with regard to a pension plan for, say, long-term assistance recipients. You're really pre-paying your welfare is really what you're in fact doing. And that's a questionable matter. I suppose the debate could go either way. We don't contemplate any changes in terms of the levels at which the government matching contribution comes into play.

I can indicate that to date we are nearly 50,000 people and that 78 per cent of those are female. So whether one agrees with the plan or not, I do believe that the plan is meeting a need. It's a fair debate, as I've said, as to whether one should in actuality prepay the welfare, or have a plan as this one which certainly, for many low income people, is of some benefit to them.

**Mr. Shillington:** — Mr. Minister, you must have statistics on the average income of the person enrolled in the pension scheme. I wonder, Mr. Minister, if you'd give that to the Assembly, to this committee, rather?

**Hon. Mr. Lane:** — I'm told it's \$8,717.

**Mr. Shillington:** — Mr. Minister, do you know how many people are involved in . . . I gather this particular . . . one of the main reasons for bringing this Bill forward was to include women who leave the province and allow them to continue to contribute. How many people are we talking about, Mr. Minister?

**Hon. Mr. Lane:** — Well we don't have that number, but it's not something that really affects this. If you take a look at the proposed amendment, if a plan member chooses to leave the province, they no longer get a government match, and there is provision that an administrative fee can be charged.

So from the point of view of a cost — in fact it may be a modest revenue generator for the plan — it's a convenience for plan members, but there's not a cost implication. It's just that once they've got a pension fund

established, we just believe it's at their option if they want to keep using the same pension fund for their future requirements — and we're trying to encourage that — but there's no cost because of that. So we don't have an estimate as to numbers that may take advantage of that.

**Mr. Shillington:** — Well I think that may or may not be true, depending on whether or not you believe that the fund is fully funded. I think, Mr. Minister, that may or may not be true. It is conceivable that a retiree may get more out of the pension scheme than they put in. And it is conceivable that the average retiree may get more out than the average retiree put in. And that's true in the Canada Pension Plan; that's true of the teachers' pension plan, provincially, and I think that's true of all provincial plans.

So to that extent, unless the plan is fully funded then there may well be a subsidy, whether or not you contribute anything, Mr. Minister.

Mr. Minister, I ask not . . . My question, Mr. Minister, is if you have any estimate as to number of people who leave the province, the number of registrants in your plan which will be leaving the province. Do you have any estimate as to how many people you're going to involve here?

**Hon. Mr. Lane:** — We can't tell you what individuals are going to do. We can go back and try and pull from the files the number that have already left, but we can't tell you what their . . . numbers that may leave the province. We can't get that. And I repeat that the amendments are designed to simply allow people that do leave that are plan members to continue to make their pension fund contributions.

There will be no government match, and secondly, there is provision in the amendments for an administrative fee so that there will be no cost to the plan. So I can undertake to go back and have the officials pull the number that have left.

Offhand, the officials say we're talking maybe of a very few dozen, but we would have to go back and check those. And I'm prepared, if that's the question, but I think you can understand that we can't anticipate the number but we are keeping their ability to contribute to the plan, no match, and an administrative fee.

**Mr. Shillington:** — Well, Mr. Minister, I wasn't asking for a precise figure. The best guess of your officials is really all I wanted, and if it's a few dozen, that's the answer, and that will suffice.

Those are, I think, all of the questions I have, Mr. Chairman.

**Ms. Smart:** — I'm sorry, Mr. Minister, but I didn't understand when you said that the . . . did you say the average income of the people who are contributing to this plan is \$8,700?

**Hon. Mr. Lane:** — 8,717.

**Ms. Smart:** — Can you tell me how that is arrived at? If a

woman is a housewife, is it her husband's full salary that's considered to be her income, or how do you . . . what figures go into establishing that average?

**Hon. Mr. Lane:** — It's the income that the plan members declare for the purposes of the government contribution, based on, of course, their income tax or Revenue Canada returns.

**Ms. Smart:** — They submit those to you in the declaration of their income?

**Hon. Mr. Lane:** — They make a declaration, and there is provision under the Act now that we can verify that simply with Revenue Canada, as we do . . . as most pension funds, if not all of them, do, particularly as it applies to the period for tax deductibility of contributions, for example, to RRSPs (registered retirement savings plans). So there is a process in place that's been long-standing that all pension funds use with Revenue Canada.

(1445)

**Ms. Smart:** — Well the average income seems to be very low, considering the income of many women. And I do want to just emphasize the point that my colleague made, that I know in my constituency I have many women on very low incomes who aren't able to pay into the pension plan and who do need ongoing pension support. And when you're giving a tax credit to someone in a higher bracket and yet not helping people on lower income, your definition of sort of welfare support seems to work in favour of people who already have a good income, and works against people who are on low income.

On the one hand you're saying a tax credit is a valid contribution to a family that has income, and yet to provide a pension plan for someone who's on a low income is not valid because somehow that interferes with the welfare system. And I just want to register my concern about that in terms of the low income women in my constituency particularly.

**Hon. Mr. Lane:** — Well I didn't say that. What I said was that the argument . . . If you're going to have a pension plan, for example, assistance recipient that is unable to contribute to this one, the argument has been made by financial administrators, actuaries and others, in fact what you're doing is prepaying the welfare, because if they had income, if you paid it up front now, when they reach retirement age instead of getting supplement, or whatever be, it would be reduced at that time. So the argument is a difficult one.

And I'm raising the issues with the members with regard to the criticism that you and the opposition have made before: should we be including family income? And I really find it difficult. I mean, on the one hand I think all political parties are taking the position that women should be treated as equals; they should be able to make their independent decisions; they should be able to make their own choices.

And I don't think we can always assume that a middle class female — and let's assume the situation where she

does not have outside income — that she necessarily shares fully in the matrimonial income, and that's not an assumption that courts make any more; it's not an assumption that most fair-minded people make any more. So to treat women as individuals was very much part of the conceptual analysis of the Saskatchewan Pension Plan.

Now obviously the opposition disagrees on that and says it should be family income. I don't know what the Human Rights Commission would say about that, but I do suggest to you that given the fact that there are nearly 50,000 people already, 78 per cent are women, that the average income is \$8,717, that we are in fact through the Saskatchewan Pension Plan meeting a need. And I think that most fair-minded people of all political parties are recognizing that and are admitting that.

**Ms. Smart:** — Mr. Minister, I don't think that there's anyone in this legislature that's more aware of the situation of older women and their incomes, especially middle-class women, than I am, because I've certainly been in that position myself.

And I'm concerned when I talk about low income women and what the average wage is. I'm not talking specifically about women on welfare, I'm talking about the majority of women, the majority of individual women who earn minimum wage or very low salaries and they find it difficult to put any money aside. They're barely managing from one month to another to cover their expenses. They're working people, but they're working at very low wages.

And so when we say low income, it doesn't translate into people on social assistance, although they deserve all the support they can get too. But we're talking about people on very low income who don't have the opportunity to contribute to this pension plan, and I just want to draw that to your attention.

**Hon. Mr. Lane:** — I appreciate the statement of the hon. member. We have tried in the plan with a plan that there is a government match up to 9,000 . . . I'm sorry, 11,000, that there's a full government match. We are trying to encourage; we have designed it in a way so that people can make what payments they can, either on a monthly basis or catch-up if they want to make more some months. It's very flexible that way. It's tailored that way.

There's a higher administrative cost for doing it, but we believe it the right way to do it, to try and be as flexible as possible for low income people when they do have some, and if they do have some, to put it aside into a pension plan. I think the fact that there are some 50,000 people, nearly 80 per cent women, that the average income is \$8,717, is a statement and a very strong statement that there is a need being met by the Saskatchewan Pension Plan.

Clause 1 agreed to.

Clauses 2 to 16 inclusive agreed to.

The committee agreed to report the Bill.

**Hon. Mr. Lane:** — I'd like to thank the officials if I may, Mr. Chairman, and particularly I'd like to thank Ms. Terry Holizki who was the chairperson and manager of the Saskatchewan Pension Plan from its inception. It was, I think all would recognize, a very difficult administrative task to shepherd a concept into operation, and she's done an admirable job for the plan and for the people of this province and I'd like to thank her.

**Some Hon. Members:** Hear, hear!

**Bill No. 29 — An Act to amend The Tobacco Tax Act**

**Mr. Chairman:** — Would the minister introduce his officials.

**Hon. Mr. Lane:** — Thank you, Mr. Chairman. I'd like to introduce to the Assembly, Mr. Art Wakabayashi, deputy minister of Finance; and Len Rog, who's executive director of the revenue division.

**Clause 1**

**Mr. Kowalsky:** — Mr. Minister, I have a couple of questions to ask about the application of this tax on cigarettes and cigars. My understanding is that you're expecting that this increase will yield a total of 16 million, or is it the total tax will yield a total of 16 million? I want that clarified. And secondly . . . I got that from your remarks originally in second reading; I believe you used the figure of 16 million.

With respect to this tax, now we know that there's quite a large disincentive to smoke now, quite a large financial disincentive to smoke. I believe that those people who were smoking mostly for fun or just for social reasons, for the large part have quit smoking because of the disincentive. I would suggest that a large portion of the people who are now smokers are those that are very strongly addicted to the drug, to the nicotine drug.

I'm wondering whether you had considered targeting any of this money towards . . . whether, first of all, you had acknowledged that this is becoming almost a health problem for those that are still smoking, or for a large number of those that are still smoking, whether you've acknowledged that it's sort of a health problem, and whether you considered targeting some of the money to help particularly those people who can't afford some of the expensive treatment plans that perhaps might help them with dropping the habit.

**Hon. Mr. Lane:** — No, we haven't. I certainly acknowledge that the increase in tobacco taxes has been a disincentive for some to smoke, but we should not read it as an absolute disincentive. There are some indications, for example, that younger women, girls, teenage girls, are starting to smoke in increasing numbers.

Department of Health has had programs to try and discourage, the government has had the programs through the school system to try and discourage young people from smoking. So we can't take it as an absolute deterrent, and one should not read cost as being an absolute deterrent to smoking. There is peer group pressure and attitudes which still cause people to take up

or continue smoking.

Having said that, the targeting of the revenues has not been a practice in Saskatchewan. The Canadian Cancer Society and The Canadian Medical Association, to the best of my knowledge, have not argued for targeting, but just to increase the revenues for the financial deterrents for those that it does effect.

**Mr. Kowalsky:** — And would you clarify, please, the figure of 16 million.

**Hon. Mr. Lane:** — I'm sorry; I didn't respond to the hon. member. That is increase in revenue.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

**Bill No. 61 — An Act to amend The Financial Administration Act**

**Hon. Mr. Lane:** — Thank you, Mr. Chairman. Joining Mr. Wakabyashi are Bill Jones, assistant deputy minister of finance for the treasury and debt management division; Dan Baldwin, director of capital markets branch, treasury and debt management division; Sheldon Schwartz, director, investment and liability management branch; and Dennis Polowyk, director, cash and debt management branch.

**Clause 1**

**Mr. Shillington:** — Yes, Mr. Minister, the first question is whether or not, heretofore, there have been any interest rate and currency swaps done by the province of Saskatchewan. Secondly, whether or not — I may as well give you all the questions at once — and secondly, whether or not any have occurred without the consent of the Department of Finance, or the Minister of Finance, as the case may be?

(1500)

**Hon. Mr. Lane:** — The swaps, both interest and currency swaps, both have been done in several over the last few years. I'm advised that occasionally the Crown corporations, SMDC (Saskatchewan Mining Development Corporation) or SaskTel or SaskPower may do them on their own. They generally consult and will often do it with the assistance of the Department of Finance, but they're not required to. And this Bill will make sure that all of them are in fact required to do that. I'm advised from time to time that they have not consulted, but that they generally do.

**Mr. Shillington:** — I assume that this is not a very frequent occurrence. I assume that these are relatively rare in the scheme of things; am I right?

**Hon. Mr. Lane:** — The swaps, or . . . no. The swaps are . . . what swaps are, for the hon. member, is that if from time to time we borrow in a foreign currency, we swap it back into Canadian dollars so we avoid the exchange risk.



That's just a matter of using the international capital markets to our advantage, obviously, and it's a matter of looking at the markets.

With one or two exceptions we generally, if we are borrowing in a foreign currency, we swap back into Canadian dollars, again to avoid the risk. I think there was one a couple of years back, a very small Japanese one which was to position ourselves in the Japanese market. But invariably if we don't do a swap at the time, we look at swaps to again avoid the exchange risk.

So it's just a recognition that Saskatchewan, like all governments, are using the various capital markets rather than just looking at the Canadian domestic or the U.S. market. As a matter of fact, we borrowed . . . I don't think we borrowed anything on the U.S. market for several years, but the swap is a protection against exchange risk.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

The committee agreed to report the Bill.

**Hon. Mr. Lane:** — Mr. Chairman, I'd like to take the opportunity to thank my officials.

**Bill No. 35 — An Act respecting the Implementation of the Grasslands National Park Agreement**

**Mr. Chairman:** — Would the minister introduce his officials.

**Hon. Mr. Maxwell:** — Thank you, Mr. Chairman. Seated to my immediate right is Allan Appleby, assistant deputy minister of the department. Immediately behind me is Steven Schiefner who's a legislative officer; and behind Mr. Appleby is Lian Schwann, Crown solicitor.

**Clause 1**

**Mr. Thompson:** — Thank you very much, Mr. Chairman. Mr. Minister, first of all, the Grasslands National Park is a park that Saskatchewan citizens have been waiting for for many years. Originally, negotiations started in 1971 and the agreement was then originally, or legally signed in 1981. I wonder, Mr. Minister, if you could indicate at this time how many square miles of land you now have under the agreement of the Grasslands National Park.

**Hon. Mr. Maxwell:** — Yes, Mr. Chairman, I can advise the hon. member it's now 54 square miles. Of course the object of this Act is to ratify and confirm the national agreement that has been negotiated with the federal government. And what we are doing here today is really going through a Bill that will eventually be an enabling piece of legislation to allow that to come to pass.

**Mr. Thompson:** — You indicate that there's only 50 square miles of land . . . (inaudible interjection) . . . Pardon.

**An Hon. Member:** — 54.

**Mr. Thompson:** — Fifty-four square miles of land, and

originally the park was set up to encompass a minimum of 100 square miles and a maximum of 350 square miles. Is that still the plans for the Grasslands National Park, Mr. Minister?

**Hon. Mr. Maxwell:** — That's correct, Mr. Chairman. The 54 square miles is already owned by the federal authorities, and what we are doing with the legislation is giving them the authority to go ahead and acquire the extra land that they have been negotiating for in the past and have identified as being worthy of inclusion within the park.

**Mr. Thompson:** — Then my next question then, Mr. Chairman, would be: do you foresee the park, the Grasslands National Park, as having the 350 square miles of parkland when it's completed, or do you really see it becoming that large?

**Hon. Mr. Maxwell:** — Mr. Chairman, hon. member, that would depend on the outcome of the negotiations because the individual farmers are under no obligation to give up their land or to sell their land. The early indications are, and as you would be aware, because you've been involved with this for a number of years going back to when your party was in government, a large number of those farmers are interested in selling their land to the park.

I couldn't definitely say today there would be 350 square miles. I know it would be significantly more than the 54 square miles they already have under their purview.

**Mr. Thompson:** — Mr. Minister, how many square miles do you plan on bringing into the park system in this coming year?

**Hon. Mr. Maxwell:** — Again, Mr. Chairman, that would be subject to negotiations because what we're doing with this Act is giving the authority to the federal government to go ahead and negotiate to buy the land to put into the park.

It's difficult for me to say exactly how much. In the discussions between the two different levels of officials, they've indicated that they're ready to move in a significant manner. I'd hate to put a number on it for the hon. member in case in six months, you know, I'm called to order on it and find out that my number was wrong due to the poor negotiations that take place between the federal government and the individual farmers.

**Mr. Thompson:** — Now, Mr. Minister, is it fair to say that we have a Grasslands National Park at the present time, that it is in place, and the federal government and the provincial government will continue to negotiate and add land to that national park. Is this right?

**Hon. Mr. Maxwell:** — To date we really don't have this national park, because what has happened in the past is we negotiated to enable this to take place. That's what I was saying: this is enabling legislation to allow the Government of Canada, Department of Environment, to go ahead and put this park into place. What they are aiming for is 130 square miles. They already own 54.

They're confident that within the next number of months, in a matter of months, they will have the 130 square miles minimum, at which time they will be able to then declare the national park.

**Mr. Thompson:** — Then, Mr. Minister, when you talk about them putting in another 130 square miles of land into that park in the next short while, and you talk in terms of months, would it be fair to say that that would be in place before 1990 then, Mr. Minister?

**Hon. Mr. Maxwell:** — Yes, Mr. Chairman, we can certainly hope so. The appraisals are being done now with 16 ranchers, so negotiations, individual negotiations can take a matter of two to three weeks. So after this Bill has gone through our House and we forward it to the appropriate federal officials, they'll be able to go ahead with their negotiations which, all being well, should just be a matter of weeks to put this thing into place.

Again it's not driven by us. Once we pass our Bill, this will be driven by federal authorities. But as the hon. member and I'm sure all members are aware, they're very keen to put this national park together. So I think they will expedite things to the best of their abilities and carry it out just as quickly as possible.

**Mr. Thompson:** — Yes, I agree that this is a federal park, Mr. Minister. Then once they get this land into place, when do you see a park headquarters being established within the Grasslands National Park? All national parks have a park headquarters. Is that under construction, or is it started in any way? Or when do you foresee the headquarters of the national park being started?

**Hon. Mr. Maxwell:** — Mr. Chairman, I can advise the hon. member that they have in fact finished construction of a park administration office. It's a frame building, 3,100 square feet. The visitor reception area is 18 feet by 20. It houses three existing staff, which includes a park superintendent, and there will be five new person-years added on to this.

So they have in fact begun on the premise that they have their 54 square miles in place, and that they will in fact be able to continue land acquisition in the next number of weeks to the point where we'll have the full-blown park and the declaration can be made.

**Mr. Thompson:** — So then, Mr. Minister, there are staff in place at the administration building in the headquarters. The boundaries . . . has the boundaries been set up in any way? When you have a headquarters and you have a park superintendent who administers the park and park officers, then you have to have a boundary to administer. Has those boundaries been set up in a certain way that they are now starting to administer a national park?

**Hon. Mr. Maxwell:** — The Minister of the Environment is the federal minister responsible for Parks Canada. And what they have drawn up is a park boundary showing what potentially would be there with 350 square miles, the 350 square miles that they want to have. I think that's what you're asking — do they have boundaries drawn? Yes, they have boundaries drawn. And after we pass this, then they work towards that with future land acquisitions

to add on to the existing framework of the park.

**Mr. Thompson:** — Yes, that answers my questions, Mr. Minister.

I want to just touch on the problems that you had between the federal government and yourself over the mineral rights and the water resources on the Grasslands National Park. Are there any outstanding negotiations taking place right now regarding . . . let's start off with the mineral rights.

**Hon. Mr. Maxwell:** — I'm pleased to tell the hon. member the mineral rights have all been resolved.

**Mr. Thompson:** — So there's no outstanding settlements regarding mineral rights. And what about the water resources? Is there any outstanding problems there with water resources?

**Hon. Mr. Maxwell:** — Mr. Chairman, under the agreement that has already been negotiated, once the federal park boundaries are firmly established, we have the opportunity to look at what waterways exist within that. And they will exempt them from their Act and they will be under the auspices of our Parks Act, and we would administer the water rights on those.

**Mr. Thompson:** — Okay, thank you very much, Mr. Minister. I want to turn to the gas and oil rights. Has that been settled? I know there was some problems regarding the rights of gas and oil.

**Hon. Mr. Maxwell:** — Yes, sir, that's what we referred to as mineral rights for gas and oil. The negotiations between our two levels of government have been very amicable, and they've been resolved to our mutual satisfaction.

**Mr. Thompson:** — Okay, thank you very much, Mr. Minister.

**Mr. Lingenfelter:** — I just want to ask the minister a few things about highways as they will relate to the park. I remember back prior to 1982 and some of the negotiations that were going on at that time, there was commitments made by the federal government that in a deal, when it was accepted, that the federal government would take responsibility for some of the roads and highways in the area.

I wonder if you could just outline for me, Mr. Minister, what is in the deal as it relates to existing roads and new highways that may be built, and what kind of a commitment the federal government has given to the province.

(1515)

**Hon. Mr. Maxwell:** — I'm advised that internal roads within the new park, once it's established, would be the responsibility of the park authorities, as would access to ranchers to enable them to get access to the park for the ongoing activities which have been identified as traditional, which should be allowed to continue. And also, between east and west block, connector roads

would be the responsibility of the federal park authorities.

**Mr. Lingenfelter:** — Mr. Minister, if you are aware of the west block at Cypress Hills where the federal government has taken responsibility for the road that runs from Maple Creek to the park, to the west block, to the Fort Walsh site, and I think they've put money into the paving and actually grading of that road from the major town to the park site, it being a federal responsibility.

I guess what I'm wondering about is Highway 19 from Mankota to 13 Highway which will access the park, and as well No. 4 Highway from Swift Current to Val Marie, whether or not negotiations have gone on in that area whereby the federal government would pick up some of the responsibility in terms of funding for the building up and paving of that highway. Because I know for the last 10 years, I believe that those highways have been, to put it mildly, neglected, and I don't put the full responsibility on this government because I think it was part of the negotiations.

No one wanted to put any money into those highways because there was always some thought that when the park agreement was signed that the federal government would pick up at least 50 per cent responsibility. I want to know particularly about Highway 19 from Mankota and No. 4 south of Swift Current to the park headquarters at Val Marie. Will there be any funding, or are you actively pursuing funding from the federal government, which I think possibly the provincial government could get out of the federal government if it were aggressively sought after?

**Hon. Mr. Maxwell:** — I'm advised, Mr. Chairman, I'm advised that this would come under the auspices, probably, of Tourism because it's part of a subagreement whereby they examine the tourist potential of an area; establish what would be required in terms of highways, and connect their highways, which you already identified, to the park; access from the main highways that run east and west across the province, going south, the main towns that are involved heading down towards the park.

As far as we are aware, those discussions haven't taken place, but certainly you make a very valid point. And if there's a point that a potential and possibility of getting federal dollars towards this particular highway maintenance, or indeed construction, then certainly we'd have to pursue it.

**Mr. Lingenfelter:** — Well, Mr. Minister, I would just urge you to do that, given the fact that in British Columbia and Alberta you'll be well aware that the millions of dollars the federal government puts into highway systems within the national parks in those areas.

I think it's incumbent on ministers, maybe not yourself, maybe the Minister of Tourism or the Minister of Highways, but I would suggest a possible triumvirate of the three ministers who would actively go after, for example, the building up of No. 4 Highway at federal expense, because I can see the day coming when the traffic from south, from Malta, for example, in the United States, will be actively and aggressively sought by the

federal park to come up and, I think appropriately, look at this wilderness park area. And also from Swift Current to go down to use the park.

But having said that, I think it's important that the provincial government look at every opportunity to get federal funding for those kind of roads. And I would just ask you to check with the other ministers for me, and I don't need it today, but if you would take it upon yourself to give to me in writing a letter that would outline the kind of negotiations that have gone on and those that you would anticipate.

And maybe if it isn't actively being done at this time, you personally would take the lead in that in terms of getting taxpayers' dollars from across Canada to put into the roads in that area, which would do two things: one, it would alleviate the need to put provincial money in; but also, I think you'd have a higher quality of road for the residents in that area.

**Hon. Mr. Maxwell:** — Yes, I completely agree with the hon. member, Mr. Chairman. In fact, under clause 10 in the agreement under tourism and recreational planning . . . I'm not sure if you have a copy of the . . . of what had happened. We can certainly arrange to provide you with one so you can take a look at it; it is a public document.

Under clause 10, it's called tourism and recreational planning, and there is an allowance in there. It's a "may" clause on the negotiations to go ahead with the development, upgrading of roads and linkages to recreational areas covered by the plan.

So there is an agreement that has been negotiated to that effect, and obviously we will pursue it to the utmost of our abilities. And I appreciate your suggestion that perhaps because of the Parks portfolio being the lead in this particular issue, that I should raise it with the Minister of Tourism and make sure that it is pursued vigorously.

**Mr. Lingenfelter:** — Mr. Minister, I want to follow on a line of questioning that would deal with the water flow through the park system, namely the Frenchman River which starts out in the Cypress Hills, obviously, and Battle Creek and Middle Creek and the waters that flow out of the Cypress Hills through Cypress Lake and then into the Frenchman River.

There has been a great deal of talk about programs or projects to dam the Frenchman River. A couple of the sites, I think the border site as well as the White site maybe would occur within the park boundaries. I may not have that right. It may be only the border site that would be within the confines of the park.

But can you indicate to me the state of negotiations as it applies to the water flow on the Frenchman River, and how that will implicate having passed this Bill? I guess what I want to know is what the provincial government is giving up in terms or jurisdiction over the water flow within the confines of the park. And also I guess you could tell me how that will implicate on the IJC or the International Joint Commission which will have interest in the project as well, that being the park.

But I guess what I'd like to know is for future development — recreation, possible cooling systems for coal-fired generators, that type of thing, that future governments might want to put into that area. What kind of a program have we got with the federal government? What is the agreement as it applies to the water flow within the boundaries of the park?

**Hon. Mr. Maxwell:** — Mr. Chairman, I'm happy to say that the questions the hon. member has just raised are covered in the agreement. They're section 8.6 and 8.7(a) and (b).

**An Hon. Member:** — Could you give me that again?

**Hon. Mr. Maxwell:** — 8.6 and 8.7. In fact I think it would probably be to everyone's best interest if I just send a copy over to the hon. member so he could see what exactly the intent is under the agreement, if that would be acceptable.

**Mr. Lingenfelter:** — Mr. Minister, what I would like, I guess, is the full agreement. I may have a copy in the office. But I would like you to tell me as well on the issue of natural gas and minerals, can you outline for me who now has jurisdiction over natural gas that would exist within the park boundary. And I use natural gas just as an example, and we could include coal and oil and everything else that might be there. But who has jurisdiction over minerals that exist in the park boundaries?

**Hon. Mr. Maxwell:** — I can advise the hon. members that we currently hold those rights. We do have control over that, and virtually all the oil and gas interests have been cleared off.

**Mr. Lingenfelter:** — Mr. Minister, just so I understand. If a company were to want to go into that area and explore for oil and get a seismic crew in, can they still bid on the land at land sales, at provincial land sales that happen once quarterly, or whatever, and then what would be the process whereby they would be granted entry into the park itself to do, first of all, the exploration, and then the actual drilling if anything were found?

**Hon. Mr. Maxwell:** — I can advise the hon. member that prior to the completion of the negotiations that opportunity was made available and there was no response; nobody took it up so there was no interest in going in. To answer the second part of the hon. member's question: should companies revive their interest which they didn't express in the past. They would be dealing with Environment Canada, and Environment Canada, to this point in time, has had a policy of not allowing that type of activity to take place.

**Mr. Lingenfelter:** — Yes, just so that I understand the situation then, if an oil company, let's say North Canadian Oils (Limited), wanted to go in and explore for natural gas within the park boundary, they could not come to the provincial government and place a bid for the next land sale to go into that area and explore.

**Hon. Mr. Maxwell:** — It was made open, nobody expressed an interest, so it's now been declared closed.

**Mr. Thompson:** — Thank you very much, Mr. Chairman. Just a couple of short questions. Has it been settled with your department and the federal department regarding the water beds on the rivers that run through the park?

**Hon. Mr. Maxwell:** — Mr. Chairman, this doesn't apply to all of the water courses within the boundaries that have been agreed upon. The water beds that are excluded are listed in the agreement. They will be designated protected areas under our provincial Act after this has been put to bed and the enabling legislation has been put through.

**Mr. Thompson:** — This was a conflict between the federal department and your department, was it not, Mr. Minister, where they indicated that if they were to take any land, that they wanted complete title to all of that land, including the water bed? And as I read here, the provincial government has legislation that prohibits it from letting any water bed go. Is that still in existence, or has that been completely resolved?

**Hon. Mr. Maxwell:** — Yes, Mr. Chairman, the hon. member is correct. There was a point of contention between us and the federal government about water control. The federal authorities like to control absolutely everything within a park. They like you to be under their own jurisdiction, and that applies to water bodies and water beds.

And as everybody in this House is certainly aware, water is a very precious commodity in this province, and primarily right now right across the South. And we were not prepared as a government to relinquish rights to water beds or to water bodies, certainly not the main water bodies within the park boundaries.

Therefore we did negotiate with the federal government that water bodies, certain ones, would be excluded, and they are listed within the agreement. Again, that's something we'd be pleased to make available to you to take a look at. They would be designated protected areas under our Parks Act.

One of the Bills — just as an aside, which may be of interest to the hon. member because he is my critic — one of the Bills we have going through right now, an amendment to The Parks Act, will in fact give authority to federal officers in that area to enforce our rules so that it will be business as usual within there. And the rules that exist . . . those water bodies will be enforced. Because they're within the federal park, we're doing an amendment to our Act that would allow their officers to enforce our Parks Act within that particular park.

(1530)

**Mr. Thompson:** — Mr. Minister, then the federal government, have they changed their mind regarding the water beds within the park area? As they indicated, they would not purchase any water body unless they had title to the water bed also. So has this slowed down negotiations, or has that been completely resolved?

**Hon. Mr. Maxwell:** — Yes, that has been resolved and when the agreement was signed by myself and the

previous minister of the Environment for Canada, that was explicitly understood. The agreement was reached and it does exist within the parameters of the agreement that we signed, which again we'll make available to the hon. member for his perusal.

**Mr. Thompson:** — Okay. So I'm assuming that that will not slow down the negotiations. I just want to ask a couple more questions, Mr. Minister. One is, has there been a detailed range management plan put in place regarding ranchers using the parkland for grazing of cattle?

**Hon. Mr. Maxwell:** — Yes, I can advise the hon. member that there is a draft range management plan which has been drawn up by federal authorities. There is also a local committee, an advisory committee from the area who have been meeting with federal authorities, and they're looking to come to a resolution on this particular plan.

**Mr. Thompson:** — Mr. Minister, when plans are made within that national park to reintroduce certain species, birds, animals, to reintroduce the buffalo or the bison, is the provincial department of parks involved in those decisions, and do they negotiate their plans through your department, Mr. Minister?

**Hon. Mr. Maxwell:** — Once they acquire the extra land — they require up to 130 square miles to establish the Grasslands National Park — they, of course, with the exception of the water bodies which are excluded in the agreement, would have control over the park. So basically this would be the decision of the federal park authorities.

However, we do have a good working relationship. We sit on the advisory committee. There has been consultation and there is ongoing liaison which we have been assured would continue into the future. So with any of those schemes which the hon. member has identified, we would certainly expect to be involved and consulted.

**Mr. Thompson:** — Thank you very much, Mr. Minister. I'll turn it over to my colleague.

**Mr. Lingenfelter:** — Mr. Minister, you indicate on page 9 of the agreement, section 8.6 — and I just want for clarification to get this straight — what it says is that the water course cannot be altered on the Frenchman River. But I'm not clear whether that is just within the park or is that on any part of the Frenchman River within the province of Saskatchewan?

It refers here to a schedule E, which I don't have. But what I'd like to know is if the Government of Saskatchewan wanted to build a dam outside of the park, upstream from the park, would they then have to go through the process, as it says here, without prior written consent of the other party; would they have to have that kind of an agreement with the national park before a dam would be built upstream from the park?

**Hon. Mr. Maxwell:** — The schedule E to which you just referred, hon. member, is in fact the excluded water courses within the park. That's what's listed in there. Outside of the park boundaries, the federal government,

with the exception of their right to insist on environmental impact studies, etc., would have no control over what the province would decide to do with provincial lands.

**Mr. Lingenfelter:** — Well just so I can confirm that, let's say that if 10 miles west of the park the provincial government wanted to build a dam, they would have to go through, obviously, the environmental steps that are presently taking place at Rafferty, but that they wouldn't have to apply to the national parks for approval to build a dam outside of the park area.

**Hon. Mr. Maxwell:** — I just checked with my colleague, the Minister of Environment in front of me, and in terms of the land outside the park, that's clearly under provincial jurisdiction, so we could go ahead with any plans that we wanted to bring up to the point where we would announce them. We would have hoops through which we'd have to pass through our own environmental assessment. We'd have to go through the hoops that would be set by the department, the provincial Department of Environment.

In the case of the Frenchman, because it has more than local implications — it is a national, indeed international body of water — there may well be other rules that would apply or would be applied to us by the federal Department of the Environment.

**Mr. Lingenfelter:** — Yes, that's understood that flowing across the border there are other implications, but they would have been there before this negotiation with Parks Canada took place. What I was concerned about is that there would be another level that would have to be spoken to and agreed to, the kind of projects that farmers in the area or provincial government or an industry might want to do in the future.

And I guess if what you're saying is that anything that the provincial government wants to do on that water flow outside the park will not have to be then approved by Parks Canada, basically that's what you're agreeing to.

**Hon. Mr. Maxwell:** — Yes, we do have an agreement that we wouldn't do anything that would impair quality of flow within the park, but obviously if . . . and there's no plans in the works, but if we came along with a scheme that would affect the quality or the flow within the park, I'm certain that Parks Canada would have something to say about, and certainly the federal Department of the Environment.

**Mr. Lingenfelter:** — Well I guess they may have something to say about it, but legally I want to know very clearly, because this is important to the farmers and communities in the area, would Parks Canada have a legal right to stop projects that may be considered to be built on that water flow in subsequent years? And I use again the example of the White site which has been considered for damming for many years. Would Parks Canada have to be consulted and give approval before that kind of a project went ahead?

Now I don't want to confuse this with the IJC and the environment at the federal level or the provincial level. All I'm asking here: is there now one more step that has to

be cleared before that kind of a project could go ahead, that being Parks Canada?

And I think that's very important for the people in the area to know, because obviously there are many goals that have to be achieved in that area by different groups: the environmentalists want to protect the environment; the ranchers in the area want to be sure that if they decide to build a dam in the future, lobby their provincial government — does he still have the right to do that?

And I guess what some of the people down there are asking is whether or not Parks Canada could now stop that kind of a project from going ahead. So that's why I'm spending some time on this and wanting to be very clear on that point.

**Hon. Mr. Maxwell:** — Mr. Chairman, the legal advice I'm receiving is that we do not require prior consent from Parks Canada before we undertake any operation in that area, because it's not listed in this piece of legislation.

**Mr. Lingenfelter:** — Okay. One other point that I wanted to raise with the minister, and that is on access to the park from the south, and there'll be a couple of highways that will access the park from the Montana border. And I'm wondering if, in the negotiations that have taken place, whether any consideration is given to the hours of opening of the international boundary, for example at the port of Monchy, which is south of Val Marie.

This is an ongoing concern of the local people. But the fact that the hours, especially in late fall and early spring, are not very long, was there any negotiations to keep that entry to the province and to the country open during the negotiations that went on?

**Hon. Mr. Maxwell:** — This is something we'd have to raise as part of the tourism study in the planning which I'd referred to earlier. We haven't had any negotiations in this regard.

**Mr. Lingenfelter:** — I wonder if the minister would undertake to find that out for me. And here again, if it hasn't been done, I think it would be an idea that could be pursued by the minister or one of his colleagues with the federal department of whoever it may be, national revenue or Immigration Canada, to at least have one of the border crossings that access that park open for longer hours during the summer and winter. Here again it serves tourists who might come to Canada interested in the park, but it also would be a definite benefit to the communities such as Val Marie and Cadillac and Swift Current along the way, where people may come into the country for longer periods of time during the day in the summer and winter.

**Hon. Mr. Maxwell:** — Mr. Chairman, that's a good point. From our perspective as a department responsible for parks, we had just completed negotiations with regard to the agreement with the appropriate federal counterpart department. We have a Department of Tourism whose job is to promote these particular things, and the undertaking which I've been asked to give, I certainly give freely. We'll pursue it both with the Minister of Tourism and with the appropriate federal department by

letter, and we'll copy you.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

#### Clause 4

**Mr. Thompson:** — In the final clause, Mr. Minister, I wonder if you could answer this question? The Grasslands National Park, I know it encompasses a lot of farming land, and totally different than what we deal with in the Prince Albert National Park where it's all forest. Is there any possibility of the boundaries of the Grasslands National Park being fenced? I just ask you that question. And I just wondered, I know your department reintroduced the kit fox to that area. Did you have any success with that?

**Hon. Mr. Maxwell:** — Yes, we have had some success with the reintroduction of the swift fox to the prairies, as the hon. member pointed out.

In terms of fencing, because the park would be under the jurisdiction of Parks Canada, it would be their decision whether or not to go ahead with fencing. But we just talked about some of the things that came up earlier, the introduction of bison, perhaps, to the area. If the federal government decides they do in fact want to introduce bison to the area, they would have to consider fencing and we'd support it in terms of that particular species for one particular area of the park.

**Mr. Thompson:** — That wasn't the question that I asked, Mr. Minister. They have bison up in the Prince Albert National Park, and most certainly they are fenced in in a paddock.

What I was asking, the question was, because of the fact that the Grasslands National Park is prairie, if there was any discussions or thoughts to fencing that Grasslands National Park encompassing the complete park?

**Hon. Mr. Maxwell:** — No, Mr. Chairman, there's been no discussion in that regards in the past negotiations.

Clause 4 agreed to.

Clause 5 agreed to.

The committee agreed to report the Bill.

(1545)

### Bill No. 73 — An Act to amend the Saskatchewan Human Rights Code

#### Clause 1

**Mr. Chairman:** — I'd ask the minister to introduce his officials.

**Hon. Mr. Andrew:** — Yes, with me on this, Mr. Chairman, is Doug Moen and Madeleine Robertson.

**Mr. Koskie:** — Thank you, Mr. Chairman. Mr. Minister, I

spoke on second reading indicating our concerns in respect to your government's performance. I don't think I'll reiterate in respect to human rights, but there has been undoubtedly instances which leave much to be desired. As I indicated, as we said before, the primary effects of the amendments before us is to extend protection of the Saskatchewan Human Rights Code to those with mental disabilities. And that was advocated and recommended back, I believe, in 1983, and we welcome you bringing forward those particular amendments.

The question that I want to ask you is, first of all, what was the process that you used in respect to bringing about these particular amendments that we're discussing here today?

**Hon. Mr. Andrew:** — The prime focus of these amendments was as it related to the mentally handicapped. The consultation was with the following groups with regards to the Bill and the clauses of the Bill: Saskatchewan Association of Community Living; People First; Voice of the Handicapped; Friends of Schizophrenics; By Ourselves; Learning Disabilities Association; Saskatchewan Mental Health Association; and Saskatchewan Abilities Council.

So we went through with those groups and I met with those groups after second reading and they were quite happy that this particular amendment was brought forward.

**Mr. Koskie:** — I was wondering whether you have given any thought to sort of a general review of the code. It's been some time that any general review has taken place, and I wonder whether any work has been done in respect to that and when we might expect a general review.

**Hon. Mr. Andrew:** — Well that's certainly something that we could look at. The department, during this session, has spent a great deal of time with regard to the review of The Police Act, and that was sort of the targeted area. Last year we looked at a substantial area of farm law which was sort of concentrated, as well as a number of Bills that we have before the House today. It's certainly something that we might put in . . . certainly we'll put into the hopper to determine priorities for next year.

**Mr. Koskie:** — Just in respect of the amendment that we have here before us, there's some concern that the amendments will perhaps eventually become really empty promises for the learning disabled. If you take a look, you'll find that the inclusion in the code appears to offer the prospect of protection of their rights. However, section 31(9) refers to provision of services and amenities, giving substance to their rights, but it does not distinguish, I understand, between the various groups within the definition of mental disability. And it is the thought that in order to determine whether or not various aspects of learning disabilities are protected, that it would be necessary to proceed to a court interpretation. And I'm wondering whether that concern has been brought to your attention and whether you are satisfied that in fact all forms of learning disability are protected within the sections?

**Hon. Mr. Andrew:** — I'm advised that that issue has been

raised in other jurisdictions. Under that section, the party . . . let's say most often where it's arisen in other jurisdictions, has been the school system complains of undue hardship. Then the onus is placed upon them to prove that undue hardship. And that's why that clause is in there, particularly for, let's say, a very small school, etc., who would maybe have a difficult time handling this type of situation.

**Mr. Koskie:** — Yes. The basic concern that we have is that these services and amenities may only be suitable for one of the mentally disabled groups such as mental retardation, but not appropriate for learning disabled. And as a consequence, the result will be rights without remedies or basically empty promises if in fact . . . (inaudible) . . . covered.

I'm advised that the only guarantee there is really taking it to court and determining whether or not under section 31(9), which refers to the provisions of services and amenities, whether it is sufficiently all encompassing to include the learning disabilities.

**Hon. Mr. Andrew:** — I think one has to understand, first of all, the overriding principle of the Human Rights Commission is the rights, initially. Where we had the problem is the definition of "learning disability." That's a difficult one to place a definition onto.

The hon. member made reference that the only way you can do it is by going to court. You can go to your board of inquiry and it can establish the parameters or the circumstance of that particular case.

**Mr. Koskie:** — I have a couple specific other references to a couple other sections, but I'll deal with those . . . a couple other members may . . .

Those are my initial comments then, Mr. Minister. To expedite things, I just refer you to, if I may, section 10 as amended, and that's in respect to limitations and hate printing — hate literature, I guess — or publication.

I just ask you here, is that a section that has a similar application in other provinces, or is it a new application that you're introducing here into the code?

**Hon. Mr. Andrew:** — The words "article and statement" have been added, and I am advised that that is either identical or very, very similar to various other codes across the country.

**Mr. Koskie:** — My colleague has a question on section 3, but I'll clear up my final question that I have for you. That's in respect to section 28.1, and that's the search and seizure, where it gives the right with the consent of the owner to enter a premises, and without the consent a warrant is required. Again I ask you, whether this is a similar provision, and is there any . . . has this provision been checked to see whether or not it would impinge upon the rights under the charter?

**Hon. Mr. Andrew:** — I am advised that this section was brought in to clean up the provision so it was consistent with the charter.

**Ms. Smart:** — Thank you, Mr. Chairman. Mr. Minister, I know that this clause was in the human rights code already, but I wanted to question you about it and get your interpretation since you are amending the code at this point in time, and I'm referring to clause 3, the definition of disability. It says:

any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes . . .

And you list some. I'd like to just ask your interpretation of birth defect or illness. Does that mean a birth illness as well as a birth defect, or is illness being used in a broader term in that clause?

**Hon. Mr. Andrew:** — Well I'm advised by the officials that it would be the wide interpretation, and certainly that was the intent of the drafting, and they believe that that has been accomplished with the, I think you used the word "birth defect or illness," or birth illness. So it would cover both of the examples of what you referred to.

**Ms. Smart:** — It would cover illness that you're born with and illness that you get along the way. Then would this Human Rights Code then protect people with AIDS (acquired immune deficiency syndrome)?

**Hon. Mr. Andrew:** — I'm advised that it would.

**Ms. Smart:** — Thank you, Mr. Minister. I'm pleased to have that on record because I know that I have a particular constituent who's concerned about this. So that I'm glad now that the Human Rights Code, in your interpretation, covers people with AIDS and protects them from discrimination on the basis of that illness.

Clause 1 agreed to.

Clauses 2 to 21 inclusive agreed.

The committee agreed to report the Bill.

## **Bill No. 19 — An Act respecting Victims of Crime**

### **Clause 1**

**Mr. Koskie:** — Thank you, Mr. Chairman. In respect to this Bill here and The Victims of Crime Act, Mr. Minister, the question that I ask you is, first of all, has the federal amendment to the Criminal Code been enacted yet?

**An Hon. Member:** — Proclaimed, you mean.

**Mr. Koskie:** — Proclaimed, yes.

**Hon. Mr. Andrew:** — I'm advised that the fed Bill has not been proclaimed. One section of it will be proclaimed, they believe, the end of July, first part of August, and the section relating to restitution probably next April.

(1600)

**Mr. Koskie:** — In respect to building up the fund, the fund

that's established consists of all surcharges and victim fine surcharges imposed by the court, is there any level, any anticipation of the level of the surcharge? How in fact does that work? Can you give us an illustration of how the surcharge will be imposed, and also outline on what types of crimes will it be imposed?

**Hon. Mr. Andrew:** — The way the fed regulations work with regard to all criminal offences, all food and drug offences, will be 15 per cent on all cases where there is a fine imposed by the court, up to \$35 where there is no fine imposed, perhaps placed on probation, a suspended sentence, something like that.

We have not yet drafted our regulations. We anticipate perhaps a schedule ranging from anywhere from \$10 up to probably a maximum of \$30, depending again on what fine would be there. For example, somebody convicted, let's say, of impaired driving or over .08 where there's maybe a \$500 fine, that's where you'd maybe anticipate a higher charge or something like that. Lower offences or lower offences as it relates to The Vehicles Act, that type of thing, a smaller amount.

With regard to . . . perhaps I could . . . the second or the first part of your question is: do you have a sort of a crystal ball to tell you how much is going to be in that fund and how big it is going to develop.

When this matter was being discussed by attorneys general from across Canada with the federal Minister of Justice, that was the exact question that we posed. Now the only place that had this in place was the province of Manitoba, and that was about two years ago where they surcharged all provincial offences, much as you recall the time when they used to have court costs of \$2 or \$3, or whatever it might've been. Manitoba indicated that that amount of money would easily handle all the costs in administration of the program.

However, I guess we wait to see yet how the court is going to interpret the victims and what kind of award the court is going to give to the victims. So I think it's really difficult to . . . it's difficult for us to anticipate exactly what the revenues are going to be and exactly what the cost of the program is going to be at this point in time.

**Mr. Koskie:** — Well the basic difficulty that I see, or I think could develop, is that when you start tying on a surcharge, what you're really doing, and if you have the right to regulate that, as you indicated — you hadn't decided basically what yours would be — is that if you aren't satisfied with the particular sentences and particular crimes levied and fines being given by the courts, that along come the province and they say, well, we don't like that so what we're going to do on . . . we aren't satisfied that the courts are stiff enough in their fines — say on drinking-driving, or something like that — then you could impose a very substantial surcharge, it seems to me, on top of the fine. That seems to be one effect.

Conversely, if that is true, conversely you could have the judges looking at the offence and saying, well in the past we were giving a \$300 fine, but I know the circumstance of this individual, there's a surcharge on top of it. And so instead of a \$300 fine, he sets it at \$270, and where are



you at?

I guess you lose out from the ordinary funds of the fines and get it into this here fund here. But it seems to me that there could be a conflict developing there with respect to those. How do you anticipate getting around that type of problem?

**Hon. Mr. Andrew:** — I think, if I understand, the point that you make is this: that in the event that the normal fine was going to be \$300 for an offence, and let's say it carried with it \$30 additional surcharge, you got \$330. Should a judge not take kindly to this additional process and work, he simply drops the fine down to \$270, \$30, and you're at the same position.

This was the point that we raised with the federal government at the time it was implemented, and Saskatchewan was a hold-out to all provinces agreeing to this, basically on the following premise. Number one, if this new process meant that we had to hire a number of new prosecutors to prepare the victim impact statement, if you had to recruit a number of additional judges if the work-load goes up, and if the police found that their work-load was going up as well, all that costs for the most part is going to be borne in an ever-increasing amount by the provincial treasury. So there was some concern there.

And then on the other hand our concern was: how is this going to impact? Are the courts going to in effect say, this is not the way it should be done, etc. The courts had some concern initially at this being brought in at the national level as well. I think at the end, what happened is that the people involved sort of believed that the victim tends to be the left-out dimension too often of crime, etc. And so that while there was not the certainty that perhaps one wanted, I think what we have to do is go into it and then perhaps reassess it at the end of the year or the end of two years, to find out exactly what is happening.

**Mr. Koskie:** — Just for clarification, does the individual provinces have the right to set their own surcharge; and is the federal government also, in addition, putting a surcharge for their purposes? That clarification I need.

**Hon. Mr. Andrew:** — I sort of had misled you at the initial statement. The feds can impose a surcharge on violations of federal offences. The province can issue surcharges on violation of provincial offences.

So let's take the example of impaired driving. That would be a fed surcharge. The province could not add to it or vary that. That's going to be a standard one across the country. But let's take speeding. A speeding surcharge in Saskatchewan, Alberta, or Manitoba might be different.

**Mr. Koskie:** — So what we're going to have then is all the offences under the jurisdiction of the federal. They're proposing a 15 per cent; that's what you're indicating. And then over and above that, is the provincial treasury getting any of the amount of the surcharge on criminal matters in federal jurisdiction offences? Is there any splitting of the funds from the federal government?

You say they put on 15 per cent surcharge on all criminal offences and offences of a federal nature. Do the

provinces share in any of that?

**Hon. Mr. Andrew:** — The money from both the provincial offences and the federal offences go into one fund that is in each province, and then that is allocated out by the courts, not by anybody in government. It's allocated out by the courts on a case-by-case basis.

So the money from the fed surcharge of somebody charged with dangerous driving in violation of the code would go into the provincial fund, as well as somebody failing to yield right of way would go into the fund.

**Mr. Koskie:** — And you have two separate funds? I mean, where is the jurisdiction within this Act that, since it's dealing with provincial violations, that you're going to have a joint venture with the feds into one fund? I don't know where the jurisdiction comes in respect to that and how you can say that this here fund then relates to both federal offences and also provincial.

**Hon. Mr. Andrew:** — Yes. Under section 3, "The purpose of this Act is to establish a fund . . ." Okay, the fund is established in Saskatchewan under the control of the Department of Justice. The moneys that flow into those funds are violations of provincial Acts in Saskatchewan or violations of federal Acts in Saskatchewan. The surcharge of that both go into the fund, and Department of Justice controls the fund. But for all intent and purposes, the court controls the allocation of moneys.

**Mr. Koskie:** — So as I understand it then is that all surcharges, both provincial and federal, go into one fund controlled by the Department of Justice and all of that stays within the province of Saskatchewan. In other words, none of the fund goes back to the federal government. Is that accurate? Okay.

Just in looking at the fund and looking at the basic use of the fund as set out in section 10, is this an overlap in respect to what is covered by The Criminal Injuries Compensation Act? What is the differentiation in respect to . . . You set up The Victims of Crime Act, and on the other hand we have The Criminal Injuries Compensation Act. I'm wondering whether there is not some overlapping of the purposes in respect to the two.

(1615)

**Hon. Mr. Andrew:** — The criminal injuries compensation is in place that will compensate all victims who have suffered personal injury as a result of the commission of a crime.

Out of the fund that we're talking about here will apply first into the area of things like victim impact, victim impact statements, into the whole restitution process, and it is our hope that if the funds are there in a large enough number, then in to augment the crimes compensation.

**Mr. Koskie:** — You know what you're doing — you're putting on a tax. You got together with the federal government and you put on another tax, and it's 15 per cent on criminal cases, as you indicated the federal government's putting on, and similarly with provincial. And there's nothing more than a tax, because what you

do within the legislation is for . . . the fines are set out as to what they should be and the range is set and the court has a discretion. And now what you say is what we want above that is a tax on fines. That's what you're saying. And you're saying the federal government is setting it at 15 per cent.

And eventually what you're going to do, as you alluded to, is this Act here is going to replace The Criminal Injuries Compensation Act, just as you indicated, as the fund builds up.

**An Hon. Member:** — It's not replacing it; it's supplementing it.

**Mr. Koskie:** — No, it's not going to. It's going to eventually wipe out The Criminal Injuries Compensation Act, because if you look at the purposes of it, use of the fund, no one can tell me that they are not indeed overlapping.

But I guess the point that I want to know, surely some calculations have been done, better than what you have indicated here, Mr. Minister. Can you indicate any . . . first of all, let me ask you this: is all fines going to be surcharged throughout the province in respect to driving and any other types of fines under provincial legislation? And similarly, are all fines under the Criminal Code going to be surcharged? Is it all-encompassing, or in fact are you going to determine that by regulations?

**Hon. Mr. Andrew:** — It will be determined by regulation. It is our intent that it will be all-encompassing and cover all fines.

Now with regards to the hon. member, the issue with regards to cost and the issue we raised with the federal government when this thing was being discussed is that it's in fact going to cost the treasury, and certainly cost the Department of Justice budget, additional money. We anticipate that it will be, at a minimum, in excess of a million dollars that you have to go to the Department of Finance to put into the Department of Justice when this program is introduced. So the cost is hardly going to be a cost savings for the Department of Justice. In fact, it's going to cost us more money, and we're going to have to have more from treasury to pay for this.

**Mr. Koskie:** — Well I think you're being slippery here. You indicate, Mr. Minister, that it's going to cost, initially. And I don't doubt that it will cost the treasury some money initially. But what I want to know is, certainly before entering into this any government has a calculation of the approximate amount that would be raised as revenue on the basis of the surcharges. You must have gone through with various combinations and you've come up . . . you obviously wouldn't enter into a program without making some calculations based on some assumptions. But don't tell me that you don't have the records in the Department of Justice in order to determine the amount of fines over a five-year period or a three-year period, and take an average, and then slot in various values of the regulations.

Have you done that? And can you indicate what amount of money is estimated to be received as a result of the

surcharging of federal government and the provincial government.

**Hon. Mr. Andrew:** — It is our calculation at this point in time that we would get approximately \$1,000,000 from surcharge on provincial offences and about 300,000 from surcharges on federal offences, and that we would be spending — and this is very difficult as you can appreciate to understand exactly how much you're going to spend, or anticipate how much you're going to spend — probably in excess of 2 million and probably closer to 2.3 million a year.

**Mr. Koskie:** — You may have stated at the end as I was just making note of the first part, you're indicating that 1,000,000 plus 300,000 anticipated. You don't say based on what statistics or on what basis that calculation was made.

The other thing that one has to know with this new tax here is that it's not static. It's like the national sales tax. They may start out with a 9 per cent, and suddenly, as they have done in other countries where it has been introduced, it suddenly rises from 9 per cent to, say, 12 per cent.

And that's basically what you're doing here is imposing a tax, and let it be known by all Saskatchewan people, that under any provincial legislation, that any fine that is imposed in respect to that legislation, that now the provincial government is imposing a new tax called a surcharge. And out of that they intend to raise without any evidence as how they calculated it, a further \$1.3 million.

But I guess my major concern is, Mr. Minister, I don't think you have addressed my concern. Is it the intention here to phase out The Criminal Injuries Compensation Act and the purposes of that, and to replace it under The Victim of Crime legislation?

**Hon. Mr. Andrew:** — I think the hon. member has to appreciate when he talks about a tax is, first of all, all the money from this goes to the benefit of the victims of crime or victims of offences. And all the money that is collected through this procedure will come from those who have been involved in violation of those offences, as opposed to the general taxpayer. I don't think you necessarily disagree with that concept.

With regards to your second question, that is, will this money be used to basically pay for what we are paying for now on 50 cent dollars with regards to the criminal injuries compensation, that is not the intent and that is not the case. What you, you know, perhaps can see is a further expansion of that, quite frankly, as opposed to a moving out of it.

**Mr. Koskie:** — Would you more clearly differentiate then as to what you will be doing under the victims of crime versus what you are presently doing in respect to The Criminal Injury Compensation Act. Give me a clear indication of how one is supplementing the other and not erasing, in fact, a good program which was put into effect under our government.

**Hon. Mr. Andrew:** — If you go to section 10, the hon.

member:

- (a) to promote and deliver services and benefits to victims;

That includes victim impact statements, victim impact programs, victim counselling, that type of thing.

- (b) (to) conduct research into victims' services, needs and concerns;

- (c) crime prevention; (which is another one that can be used.)

So that the intent of that is not simply to put more money out to people who have suffered from crime but to put out services to these people as well. And that's what the victim of crime programs . . . there was a couple of programs run across Canada, one being in the city of North Battleford, and that was what the request was, is a type of service that should be provided. This legislation emanated out of that particular experimental process at the national level and then filtered down to the provincial level.

Clause 1 agreed to.

Clauses 2 to 10 inclusive agreed to.

#### Clause 11

**Mr. Koskie:** — Just in respect to clause 11, there you can determine by regulations as to what offences it will apply to. And I presume that I'm right in saying that this new tax that you're imposing — be it all for what you indicate as a noble purpose, but it's nevertheless a tax — is it right that that tax can be increased at the . . . by regulations at the discretion of the minister or cabinet?

**Hon. Mr. Andrew:** — That's correct.

Clause 11 agreed to.

Clause 12 agreed to.

The committee agreed to report the Bill.

### **Bill No. 31 — An Act respecting Certain Adults Requiring Guardianship**

#### Clause 1

**Mr. Hagel:** — Thank you, Mr. Chairman. Mr. Chairman, in the course of consideration of Bill 31 in Committee of the Whole, I shall be moving four amendments. And I would ask, Mr. Chairman, that the pages take these. I will provide them for the Clerk. Is there a page in the House?

For the Clerk's office, then, I've also . . . I have previously provided notice of the amendments informally to the minister, and shall do so formally now, if the page would deliver those amendments to the minister.

Mr. Minister, in consideration of this Bill, my colleague, the member from Saskatoon University, had indicated in his second reading debate that the opposition supports

the Bill, and I would concur with him that the Bill has been thoughtfully crafted, and it is our knowledge, as the minister had previously indicated, that those bodies with whom it was appropriate to consult in advance have done so.

However, Mr. Minister, there are a number of questions that I would like to raise as well, as I had said, to propose four amendments to make a good Bill better. And so in that regard . . . maybe while we're dealing with section 1 of the Bill, we can have our discussion of these items and then proceed fairly rapidly, Mr. Chairman, when we get to the consideration of the Bill on a section-by-section basis.

(1630)

First of all, Mr. Minister, my colleague had given notice of the thought of the official opposition about the wisdom in protecting the interests of handicapped persons who are affected by orders that come under this Act, to implementing a position that we refer to as official representative which would be located in the Office of the Ombudsman. We're not hung up on that title, official representative, and if the minister would be in agreement with the principle and would see it as more appropriate that the official representative be located in the Department of Justice or perhaps Social Services, that's not a major issue from our point of view.

But I would like to ask first of all, Mr. Minister, having reviewed the comments of the critic when he responded to second reading, whether you would be prepared to agree with the establishment of an official representative who would do a couple — well really three things — potentially. Number one, ensure that the dependent adult is represented in court, and if that person has no representative, act as that person's representative before the courts when the order is being made.

Secondly, to have the right to conduct follow-up visits once the order is issued, to ascertain the well-being of the dependent adult.

And thirdly, should it become necessary, that the official representative could have the right to apply for review of the court order at some subsequent time.

I would appreciate, Mr. Minister, your response to that consideration of an official representative.

**Hon. Mr. Andrew:** — The hon. member gave me, prior to commencing the study in committee, four proposed amendments, and I thank the hon. member for that.

I can advise the hon. member that with regard to the third amendment that the hon. member proposed with regards to . . . and I believe the gist of that amendment was as follows: that there was some concern that you might end up with guardians for hire, if you like, or a large number of . . .

**The Chairman:** — Order, order. It's getting difficult to hear with the conversations that are going back and forth across the floor. I'd ask you to give the minister the opportunity to respond.

**Hon. Mr. Andrew:** — With regards to one person acting for a large number of individuals, we are prepared to accept that amendment. I believe we have sent over to you a proposal that it be drafted in a different form to fit into the legislation, and that means amending section 5 as well as section 18. And we believe by doing that, we can handle the concern raised by yourself and the member from Saskatoon Sutherland.

With regards to the question of official representatives in court, it is our view that what we should attempt to do is initially move the legislation forward, which is quite a change from what it exists now; and then monitor how that goes perhaps for a year or two and then determine whether or not it is working properly on a . . . perhaps sampling a fair number of cases, and then moving forward.

Alberta has a situation similar to what you are proposing here. They find that it is rather an expensive cost involved, and there has not been a large number of cases that are of concern. Now one, I suppose, can argue the chicken and egg war there. Their advice is that we should move on it this way, and then perhaps a year or two from now, see whether or not it would be appropriate to move to the suggestion that you advance.

So I would say that we would prefer not to move that way at this point in time with the official representative, but certainly would be prepared to move with regard to that clause which I think is a good, quite frankly, a good amendment. And that is to ensure that some person doesn't get a hold of a large number of these because should that happen, you're more likely to have someone in there for the betterment of their self, perhaps, than the dependent adult.

**Mr. Hagel:** — I thank the minister for your response and also for the amendment here. I haven't finished reviewing it, but I will take a moment to do that as we're proceeding. Just at first glance, it does seem to meet the objective, and I appreciate that very much.

Just further to the question that I had asked which was about the official representative, Mr. Minister, I do appreciate your having looked at the Alberta circumstances, and I would quite expect that what you've reported is accurate, that it would not be a large number of cases where there is an application for an order without someone to represent the best interests of the dependent adult in the actual determination of the order in court.

However, I guess I find myself feeling, Mr. Minister, that it may be a bit more appropriate if we're going to err in one direction or the other, because I hear you quite clearly saying that you want to proceed without an official representative, number one. Number two, that in the next year or two, it is the intent of your department to review how that's working and to consider the introduction of an official representative position.

It would be my view that if there is the possibility of erring on one side or the other, coming along later and saying, we should have done this in the best interests of the dependent adults, let's proceed with an amendment to

the Bill and do it now; or at this point in time, perhaps looking in the other direction and saying, maybe it makes sense to do it now, to monitor that, and then determine at a later date whether it was necessary or not.

I simply express the point of view that if there's a possibility of error, why not err that way. It is possible to do an amendment by withdrawing the reference to the official representative.

I say that simply because I agree that this is good legislation. It's been a long time coming and I think is welcomed by many people. And I would prefer to see us administer it through the legislation in as effective a way as we possibly can in the interests of the dependent adult.

Because if we look down, a couple of years down the road and say it should be a little different than it was, it will simply be because we have determined at that time that dependent adults didn't have their interests sufficiently well represented and respected in the structure of the order that was put forth in court.

I wonder, Mr. Minister, if you would simply reconsider that — I don't think what we're proposing is an expensive item, nor do I hear you suggesting that it is — and whether you would reconsider introducing it and still monitoring it and some time a year or two from now, determining whether it was money well spent or not, in the best interests of the dependent adult.

**Hon. Mr. Andrew:** — I can respond to that issue in three ways. Number one, there is a fair amount of support growing both here and across the country to broaden substantially the powers of the public trustee. And this is one area that perhaps the public trustee would become involved in, and those discussions are ongoing now at the officials' level in various provinces together. And so maybe the proper focus to go there is through the public trustee as opposed to a specific representative or appointed representative. That's point number one.

Point number two, the point that we have added to that particular debate is perhaps, rather than having an appointed official representative that you talked about, perhaps this is an area, for example, where the Saskatchewan Association For Community Living can become involved in, and perhaps we could do it through that vehicle, which would not necessarily then be a particular position in the Department of Justice or Social Services or the Ombudsman's office, but to enter into an arrangement with an organization or association like that.

The third point I would wish to make is this: is that this legislation is a changing field of legislation, both here and across the country. And we have attempted, in bringing in this legislation, to try to be consistent, to be a part of that sort of movement across the country, to address this concern that, as you noted, has been left perhaps unaddressed for some period of time.

So I'm not trying in this sense to sort of throw cold water on your ideas; they're not wrong in that sense. But I'm advised from the people that have been working on this in the Department of Justice, they would prefer to pursue those other two options first, initially, and see if we can

accomplish it through that mechanism.

**Mr. Hagel:** — Mr. Minister, I hear what you're saying and I don't really take issue with another approach. I am left though at this point in time, being a bit unclear then as to whether it is the intent, or how clear the intent, or how strong the commitment is for the department to look at that particular aspect that seems to be missing from the creation of orders right now.

I can live with us not having this amendment carried now, as long as there is some official commitment that it will be reviewed, and that that criteria will be looked at, and it will be responded to. If you can respond to me to give me that assurance in an official way, then that would be satisfactory to me.

**Hon. Mr. Andrew:** — I could perhaps respond to you in this way. It would be our intent that officials from our department over the next year would discuss this matter with such groups as the Saskatchewan Association For Community Living. It would be our intent to explore that with them. It certainly would be our intent to explore with the provinces of Alberta in particular, but with other provinces at the national level at meetings associated with this. And certainly it is our intent to participate in the discussions at the national level, along with the provinces at the national level, of the whole question of The Public Trustee Act and amendment to The Public Trustee Act. And that would all be done over the course of the next 12 months.

**Mr. Hagel:** — Mr. Minister, I find that a satisfactory explanation. I think perhaps then the distribution of the *Hansard* of consideration of this Bill to those bodies that take an interest in it would be sufficient. And so accordingly, Mr. Chairman, and also having looked at the amendment that the minister sent across, I will withdraw the first three amendments that I had proposed and discussed with the minister previously. However, I still will intend to introduce the fourth amendment when we get to that point in our consideration.

Mr. Minister:

In 1983 the Law Reform Commission proposed that upon making an order, the court shall within which the order must be made, the time . . .

Excuse me, let me repeat this again.

The Law Reform Commission proposed that upon making the order, the court shall specify the time within which the order must be made, the time not to exceed five years.

And I was wondering, Mr. Minister, in dealing with this legislation, why you decided not to go with that recommendation.

I think I was less clear than I intended to be. I'm referring specifically to the review of the order, not to the enforcement of the order.

**Hon. Mr. Andrew:** — It is our intent on that. If you refer to section 7(3):

(3) In making an order appointing a personal guardian, the court may:

(b) require the personal guardian to have the order reviewed by the court within a specified period of time, if it is in the best interests of the dependent adult.

Now we are aware of the recommendation of the Law Reform Commission, and it was our view that it would become, it perhaps can become almost . . . Well let me rephrase it this way: it was the view that perhaps there is not that many orders are going to be made. There can be a fair number, but we will get copies of those orders. And we will be able to monitor, over the next year or so, the number of orders that the court says I believe this one is a case that should be reviewed.

(1645)

As you can appreciate, in some of these cases, it's going to be a case of severe problems where it's not maybe going to be quite so necessary, and therefore you don't need that mandatory review. It just becomes an extra cost in that type of situation.

So it is our view that the court should be able to properly, with this section in, look at the particular case and say, yes, this one probably should be reviewed; maybe it should be reviewed next year; maybe it should be reviewed in three years or five years or whatever. And I think our position would tend to be that if we did it that way we will see how that unfolds over the period of time.

Perhaps the courts will take the position of doing that in virtually every case, in which case then you've accomplished what you in fact want to accomplish. If, on the other hand, you see the court judgements coming down with no reference to it whatsoever, then I think that's an area that perhaps we'll sit back and review as to whether your proposal has merit at this point in time or not. So that tends to be the view we take at this point in time.

**Mr. Hagel:** — Well, Mr. Minister, I understand what you're saying, and again don't disagree with the spirit of what you're saying. I guess it really comes down to a question as to how we approach this. If I could just kind of deal with a hypothetical — that I think in reality for people who are affected by these court orders, the dependent adults, is not all that hypothetical — for a moment.

Court orders will be issued providing personal guardianship. And it's not the intent of the opposition to introduce an amendment which would block the courts unnecessarily, so to speak. And that's clearly not the intent of the amendment that I will be proposing.

But when we're dealing potentially with court orders that will potentially apply for perhaps even a lifetime, for many, many years, it won't be automatic that every one of those personal guardians will work out as operating in the best interests of the dependent adult.

We will also recognize of course that people change and that the circumstances of requiring assistance by dependent adults may change. The circumstances within which the personal guardian is living may also change through age or retirement or health or personal circumstances in some other way. And what I'd like to see us prevent, as we're drafting this good legislation for dependent adults, is a circumstance arising where perhaps the dependent adult, him or herself, may wish to see a review, but either: (a) not be aware that it's possible; or (b) not feel personally secure because of a relationship that may have changed with the guardian, to request that that happen. And it would strike me as, again, being in the best interests of the dependent adult, because certainly that's what this legislation is all about, to err on the side of caution.

And therefore I will be proposing an amendment which calls for a five-year . . . a review after five years, unless at the time of the order the judge specifically indicates that that's not necessary. So it's not happening with everyone, but if there's reason to believe that circumstances may change for the dependent adult or for the personal guardian, then in the order itself a review can be required. And if that's not specifically referred to by the judge, then it will automatically occur within a five-year period.

I think in that case we're erring in the interests and the well-being of the dependent adult, and that's a slightly different point of view, I think, than the one that you were referring to. I don't take issue with the things that you said, but could you respond to that perspective, please.

**Hon. Mr. Andrew:** — Here's where, I suppose no matter how you draft it, you can get into the legal . . . the lawyers, if you like, picking at it. What you're saying is basically, unless otherwise dispensed of by the court. What we're saying is the court shall have discretion to determine which cases should come back and which ones should not come back.

A couple of the problems that can exist . . . let's take the case of a . . . let's say an individual that's fundamentally retarded, or let's say an individual who has been involved in an automobile accident and is by doctors ruled to be brain dead.

You have two potential problems that can develop. One problem is, what happens if at the end of five years they don't apply into court. Is the order done, or is it finished, or does it carry on? So what happens in the event that the individual — maybe they've gone some place else, they don't bother applying into court, their life carries on — what happens there?

The second thing is, assume that that court application costs \$500 or \$700, depending what the legal fees would be. In the event of the case that I referred to earlier, is it wise to impose upon that estate, if you like, a further 500 or \$700 cost?

The other point I think that you're quite aware of and familiar with, is that the development of a system of advocacy that is out there in that whole area. And so I think where we're at is not a fundamental serious disagreement here as much as perhaps the fine tuning of

how the process works.

I am advised that because of those reasons advanced, we would like to move in this direction, certainly monitoring it, monitor it, and should that monitoring show that there are problems here or here, or should the law move in that direction, depending on how judgements are coming down out of the courts, then we'll certainly be prepared to review that as we would be prepared to review the other amendments that you have advanced.

**Mr. Hagel:** — I thank the minister for his explanation. I still happen to hold the same view, and particularly I guess I would have to admit that my concern is more for the living than for the impact on estates. And I do recognize that unfortunately all too frequently in our society those who would be classified as dependent adults are people who all too frequently are not assertive and may be hesitant to request that their rights and privileges be respected.

Again I point out that the amendment that I will be introducing does not call for an automatic five-year review, but automatic unless the judge determines otherwise at the time of the court order. And I would assume in the large majority of cases that that would happen, that the judge would determine other . . . would make a determination and therefore the automatic provision wouldn't kick into place.

**Hon. Mr. Andrew:** — When I was referring to the estate, I wasn't referring to it in the normal way that we'd probably use that term, but back to my old days, the estate of the mentally incompetent or the committee of the estate, meaning the assets, that perhaps \$700 could be better used to purchase something for the dependent adult as opposed to paying a lawyer 700 bucks. That's what I was referring to, not for in the event of a death. I'm sorry to mislead on that particular point.

**Mr. Hagel:** — Mr. Minister, if we move along to the issue of quality of life checks, you'll be familiar that the association for community living currently has participated in quality of life checks for people when they move from North Park Centre into the community and so on. As I review the legislation, I don't see anywhere any implications or references to quality of life checks taking place to ensure that the order is being properly followed; that the guardian is acting . . . is, as a matter of fact, acting in the best interests of the dependent adult.

Going back to a comment you made earlier, this is something that I would see could be done by an official representative, or it could be done by the Saskatchewan Association For Community Living, or the Saskatchewan Mental Health Association, or others.

Could you tell me whether you see as implicit in this legislation any implications requiring quality of life checks to ensure that the intent of the orders that are issued by the court are, as a matter of fact, being followed in the best interests of the dependent adult?

**Hon. Mr. Andrew:** — I think the point raised by the hon. member is somewhat akin to the other points that you raised. I will answer it in much the same way, in the sense

that this is an evolutionary field and it's evolving and I think the world is sort of still looking to see where that is.

There is still the case of about 90 per cent of the guardians appointed are members of the family. And so it is a sensitive area, when it's members of the family involved, that the government is seen to be superimposing — are you doing this right, that right, the next thing right.

So when I say it is moving in that direction, that's why I simply ask that perhaps if we allow some time, I think it'll come into a little better focus. And the points you raise certainly are points that should be of concern, but it would be our view that we would move at the pace that I have outlined.

**Mr. Hagel:** — Am I to take it then, Mr. Minister, that the issue of quality-of-life checks will be part of the ongoing review of the legislation by the department? Can you just make that clear for me?

**Hon. Mr. Andrew:** — That would be our intent.

**Mr. Hagel:** — I thank you for that, Mr. Minister.

Mr. Minister, section 41(6) of the Bill permits the court to appoint a public trustee as the property guardian for a dependent adult who doesn't have one; however, there is no provision within the Bill that I can find for someone to act as a personal guardian in situations where there is no alternative or no one comes forward. I am wondering Mr. Minister, whether you would be prepared to deal with that, what appears to be an omission?

And for instance, could some non-profit organization such as Crocus Co-Op, or the Saskatchewan Association For Community Living, or the Saskatchewan Mental Health Association be contracted with to do this work? Why the reference to the appointment of the trustee for property guardian, but no mechanism, it appears to me, to appoint a personal guardian when, for example, a dependent adult may make an application and no one comes forth to request to be approved for that?

**Hon. Mr. Andrew:** — I'm advised that, again, that's the area of The Public Trustee Act that I talked to you about that was looking to expand. I'm also advised by the officials that if you refer back to section 3(1):

An application for an order pursuant to this Part may be made by:

(b) an individual, corporation or agency designated pursuant to subsection (2).

(2) In accordance with any terms and conditions that may be prescribed in the regulations, the minister may designate an individual, corporation or agency or a category of individuals, corporations or agencies who (which) may make an application pursuant to this Part.

What I'm advised by officials is that pursuant to that section we probably could handle, in specific and particular cases, the issue that you raised. But certainly it is our intent, as I indicated earlier, to look at a total review

of the public trustee.

**Mr. Hagel:** — Well, Mr. Minister, if you just may clarify for me then. My interpretation of 41(6) is that if there is no application for guardianship then the — this is for property guardian — that the public trustee can be appointed. And are you saying then that under section 3 that that is equally true for the appointment of a personal guardian? I don't read it that way, and could you just clarify that for me.

**Hon. Mr. Andrew:** — I'm advised by the officials that I could, let's say, designate the Saskatchewan Association For Community Living, pursuant to section 3, to be a group eligible to make application under that section to look at the guardianship. That's what I was referring to.

**Mr. Hagel:** — And if that happened then, Mr. Minister, would it be automatic that if a dependent adult made application that he, to use SACL (Saskatchewan Association For Community Living) as an example, that they would be advised that there's an application for which no guardian has come forward. Is that how it would be implemented?

(1700)

**Hon. Mr. Andrew:** — Applications are made by proposed guardians, so by the proposed guardian makes the application, not the dependent adult. So the proposed guardian would make the application in that particular case.

**Mr. Hagel:** — And a dependent adult cannot make application? You're saying that that's the case?

One final question before we proceed through clause by clause. Mr. Minister, related to the guardians themselves, and I very much do appreciate the amendment that we'll be considering in sections 5 and 18, I just wanted to ask whether you are of the view that there should be some restriction as to the number of people for whom a single guardian may act. And secondly, given that it would be my speculation that the large majority of guardians who are appointed by order will in fact be individuals, not legal bodies, organizations, or otherwise, whether you have given any thought to the possibility of training for legal guardians who assume this responsibility. So restrictions as to numbers of dependent adults for whom one guardian may act, and secondly, any thoughts as to training so as to carry out the responsibilities in the best interests of the dependent adult.

**Hon. Mr. Andrew:** — With regard to the second part of your question with regard to training, we would in that . . . we have discussed it, the officials have discussed it with various interest groups, and we would believe that probably to be the best role, to look at training in this particular regard.

With regard to the first question on numbers, I suppose there's always the type of situation where a group, or several in one family type of environment, could need the assistance of a guardian, in which case we wouldn't want to put a restriction on, you can only be a guardian for one or two. It's not likely to be the case. Certainly if your

concern was that you didn't want to have someone that was going into quasi-business to do this, certainly we would be prepared to not want to see that either, and that's the rationale of accepting your amendment.

But as I say, 90 per cent of it is usually going to be members of the family. And so there could be cases where one individual, and well thought of by the entire family, could be looking after perhaps three or four members of the family, in which case, more likely than not, there's not a great deal of dollars around — but there could be, I suppose. But maybe the welfare could be handled by an uncle that's taken a great interest or concern with that particular family, as opposed to dividing it up between one, two, or three people.

**Mr. Hagel:** — Yes, Mr. Minister, my concern is not the case where there may be two or three, but it's the eight or nine, or 20 or 40, that turns into guardianship business, and I suppose some would maybe refer to that as privatization of guardianship or something, but I don't think it would serve the interests of dependent adults most effectively.

Mr. Chairman, that concludes the questions I wanted to ask under section 1, and I'd be happy to proceed clause by clause now.

**Hon. Mr. Andrew:** — We'd only refer the hon. member to section 6(5), which is:

No person shall be appointed personal guardian who will be in a position where the person's interests will conflict with the dependent adult's interests.

And that should cover that type of situation off.

Clause 1 agreed to.

Clauses 2 to 4 inclusive agreed to.

#### Clause 5

**Mr. Chairman:** — Is the House amendment to clause 5, moved by the Minister of Justice, to amend section 5, will the members take the amendment as read?

Clause 5 as amended agreed to.

Clause 6 agreed to.

#### Clause 7

**Mr. Hagel:** — Yes, Mr. Chairman, I just want to make it clear with this amendment that what the opposition is asking for is that . . . The key line here is:

. . . unless otherwise dispensed by the court on the basis that it's in the best interests of the dependent adult, that we require the personal guardian to apply for review of guardianship every five years.

I want to make it clear we're not asking for automatic five-year review, but unless otherwise ordered by the court at the time. And would ask for the support of the

minister.

**Hon. Mr. Andrew:** — We discussed this on clause 1. I indicated the reasons why we would just as soon not have that amendment, and I will not repeat that.

Amendment negated on division.

Clause 7 agreed to.

Clauses 8 to 17 inclusive agreed to.

#### Clause 18

**Mr. Chairman:** — The amendment to clause 18 of the printed Bill, moved by the Minister of Justice, to amend section 18 of the printed Bill, will the members take the amendment as read?

Clause 18 as amended agreed to.

Pages 10 to 23 inclusive agreed to.

#### Clause 54

**Mr. Hagel:** — Thanks, Mr. Chairman. Mr. Minister I simply wanted to know what your intention is in terms of the coming into force on this legislation? And while I have your attention here, I neglected to ask one question, I understand that it's not in order to ask, but if you could provide an answer I would appreciate it.

Back in section 7(5) there is the phrase: "sufficient interest", referring to a person who is of sufficient interest related to the dependent adult. Could you simply describe for me what that might include? For example, would it be the Saskatchewan Association For Community Living, Saskatchewan Mental Health Association?

**Hon. Mr. Andrew:** — If there's any . . . and I'm sure what you're asking, would the court interpret that to be that way. If they did not and there was a concern through section 3, I could give them status to do that and therefore they could apply.

With regards to the time of proclamation, it would be our schedule that hopefully we'd get the regulations done, the regulations through . . . I anticipate by October we should be able to proclaim this legislation.

Clause 54 agreed to.

The committee agreed to report the Bill as amended.

#### **Bill No. 32 — An Act respecting certain Consequential Amendments to certain Acts resulting from the enactment of The Dependent Adults Act**

Clauses 1 and 2 agreed to.

**Hon. Mr. Andrew:** — I can advise the hon. member that . . . I'm advised that these are simply . . . This is, first of all, a housekeeping amendment to start with, and these are just cleaning up the drafting of the legislation.



Clauses 3 to 9 inclusive agreed to.

**Clause 10**

**Mr. Chairman:** — There's an amendment to clause 10 of the printed Bill, moved by the Minister of Justice that section 10 of the printed Bill be amended. Will the members take the amendment as read?

**Mr. Hagel:** — Yes, Mr. Minister, I just got this. It looks to me as though these are simply amendments dealing with the amendments that were made in Bill 31. Is that correct?

**Hon. Mr. Andrew:** — That's correct. The other amendment was passed and adopted from the previous one.

Clause 10 as amended agreed to.

Clauses 11 and 12 agreed to.

The committee agreed to report the Bill as amended.

**Mr. Chairman:** — Being past 5 o'clock, the committee will take recess until 7 p.m.

The Assembly recessed until 7 p.m.

Subscribers and readers of *Hansard* may notice that this issue features the new coat of arms of Saskatchewan on the front page. This replaces the former coat of arms which featured the lion and three wheat sheaves.