

AFTERNOON SITTING

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Kowalsky: — I rise pursuant to rule 11 to present a petition to the Assembly on behalf of 7,000 residents of Saskatchewan. These petitions are all urging the government to reverse its decision to impose the ill-conceived 10 per cent provincial tax on lotteries, which substantially cut into the revenue of charitable, cultural, and sport organizations, and which has already had a severe negative effect on the livelihood of lottery vendors.

The petition reads, and I quote:

That the new 10 per cent provincial lottery sales tax will lead to a substantial loss of revenue for charitable, cultural, and sport organizations, and that the provincial lottery tax will have a negative effect on the livelihood of vendors who operate the lotteries.

I submit these petitions, Mr. Speaker, on behalf of all of the people who signed these.

Some Hon. Members: Hear, hear!

ORAL QUESTIONS

Opposition to Lottery Tax

Mr. Kowalsky: — Mr. Speaker, my question today is to the Minister of Parks, Recreation and Culture. Mr. Minister, ever since your government has introduced the new lottery sales tax, people have been contacting me to express their opposition to this ill-conceived tax. In fact, one kiosk operator in her letter stated, and I quote:

Customers are concerned about the tax. They are more concerned about what the tax says about Devine and his government, which is that both are incredibly greedy.

Even you yourself, Mr. Minister, have expressed some concern about this tax, and you've indicated that the government may reconsider the tax.

Are you, as minister responsible for culture and recreation in this province, receiving the same kind of feedback, Mr. Minister?

Some Hon. Members: Hear, hear!

Hon. Mr. Maxwell: — Mr. Speaker, I can advise the hon. member in the Assembly that I've had very little feedback but I have had a number of meetings with client groups, just to discuss the ongoing issue and take a look at what speculatively could occur in the future.

Mr. Kowalsky: — Mr. Minister, I am sure that you will be continuing to receive additional information. One hundred and twenty-three ticket vendors in this province

took the time to complete a survey. The results confirm Saskatchewan people's widespread concern and opposition to the tax. In fact, 97 per cent of those who responded indicated that their customers are expressing concern about the tax, and some very emphatically; 98 per cent indicate that the lottery tax has decreased their sales; close to 40 per cent indicate that sales have dropped by more than a half.

Over 7,000 people signed a petition which I presented today asking for the elimination of the tax. Do you need further proof, Mr. Minister? Are you listening to what the people are trying to tell you?

Some Hon. Members: Hear, hear!

Hon. Mr. Maxwell: — Mr. Speaker, the very reason I hold meetings with client groups is because we want to listen. Yes, we are listening to the people.

Mr. Kowalsky: — New question, Mr. Speaker. Small businesses are being hurt by this tax, not only because of the dramatic decrease in sales of \$2.7 million alone, while Alberta's sales and Manitoba's sales have gone up by 5 per cent, and an unofficial figure from B.C. states that their sales have gone up by 11 per cent. Many of the ticket vendors are actually concerned about their livelihood. They cannot afford to have sales drop by over 50 per cent, Mr. Minister, and you know that.

I'm asking you, will you make representation on their behalf to your colleagues and state that you are opposed to this tax and that this tax should be dropped?

Some Hon. Members: Hear, hear!

Hon. Mr. Maxwell: — Mr. Speaker, I'm not familiar with the figures which the hon. member has just quoted. I'd like to take a look at them. As I said before in the Assembly in answering similar questions, the decision to impose this particular tax was a collective one of cabinet and caucus and any other discussion would have to be collective, and that hasn't taken place yet.

Mr. Kowalsky: — A new question, Mr. Speaker. The Saskatchewan people are telling you, by signing a petition and by this survey result, that they are not interested in continuing this tax; in fact that they want this tax dropped. Twelve hundred charitable, sport, and cultural organizations benefit from the proceeds of the lottery, Mr. Minister. And if the proceeds are down by \$30 million over the next 12 years you will be the one that's going to be held responsible, you will be the one. Can you tell this House how you, the minister responsible, can just justify imposing this tax while all of the cultural, sport, and charitable organizations you are responsible for will have their funding undermined.

Some Hon. Members: Hear, hear!

Hon. Mr. Maxwell: — Mr. Speaker, it's 11,085 groups, and when the tax was conceived initially it was in aid of health care. Perhaps if the hon. members instead of trying to torpedo the tax altogether for purely political partisan reasons had come out in support of health care, which

they tend to provide us with copious rhetoric on occasion in here, we wouldn't be in the crisis situation which he is describing right now.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Thank you. Mr. Speaker, I would like to direct my question on the same subject to the Deputy Premier. Since this decision has to be a collective decision of the cabinet, I will direct my question to the Deputy Premier. Mr. Deputy Premier, this tax has in many ways become a symbol of your government's failed economic policies, and yet you don't seem to have the sense to change course. You continue to sell off the assets of this province, which have in the past and could in the future earn income for the treasury and the people of Saskatchewan. And as a result you've had to impose an unfair and unexcessive tax system on the people of Saskatchewan.

You've got money to hand out to the largest corporations, multinational corporations in North America, and then you turn around and you threaten the very livelihood of the small-business operators, the kiosk operators, whose sales have dropped very dramatically.

So, Mr. Minister, since you dropped the used car sales tax because the public rejected it, and in view of the fact that the public and the purchasers have rejected this tax; in view of the fact that this tax hurts small businesses, and has undermined charitable, cultural, and sports organizations, why don't you do the sensible thing. Why don't you admit that you were wrong and withdraw this tax before even more harm is done, Mr. Minister?

The Speaker: — Order, order. Member for Elphinstone, order, and Minister of Public Participation, order.

Hon. Mr. Maxwell: — Thank you, Mr. Speaker. Mr. Speaker, if any government in the history of this province has proved that it is not scared to change courses it happens to be this particular government. The discussion which has been promoted by the members opposite has not taken place within our benches and may take place at some time in the future has not taken place yet. We'd like to take a look at the lottery numbers before we get into any kind of crisis mode or start panicking or saying it's time to retrench and look backwards in what we've already done. We'll take a look at that in the future.

Mr. Tchorzewski: — Mr. Speaker, a new question. I guess I'll have to ask it of the minister who just responded to the question which I asked of the Deputy Premier. Mr. Minister, people who are travelling throughout this province from other provinces are saying that you have made Saskatchewan the laughing-stock of Canada with this tax. Saskatchewan people are a very patient and they are a very understanding people, but what you've done is that you've now crossed the line of their tolerance.

There is, and you will have to admit, there is a small tax revolt that has been created by your Minister of Finance, and it's reflected in a major reduction of sales to operators of kiosks in Saskatchewan, many of them who in the last month didn't make enough money to meet their mortgage payments.

So I say, Mr. Minister, will you speak to your Minister of Finance? Will you impress upon him the fact that there is no way that he can justify this attack on the small-business community while you continue and he continues to waste \$50,000 a month on GigaText and can continue to provide \$150 million to a multinational corporation like Cargill grain? Will you say to your Minister of Finance and get him to change his mind and do the right thing?

Some Hon. Members: Hear, hear!

Hon. Mr. Maxwell: — Mr. Speaker, in difficult financial times ministers of Finance, supported by their colleagues across this country, are looking for new sources of revenue. That is precisely what happened with the inception of this particular tax. Any discussion regarding the future of the tax will take place at the appropriate time.

Some Hon. Members: Hear, hear!

Impact of National Sales Tax on Farm Land

Mr. Upshall: — Thank you, Mr. Speaker. Mr. Speaker, my question is to the Acting Minister of Agriculture, and it regards, Mr. Minister, the 9 per cent federal sales tax that you and your friends over there are supporting.

There is a twist to this tax when it comes to farm land. As you know, if a farmer sells out his farm completely, he's not subject to the tax. But if he is a farmer in a case, as many of them are, who have to sell a portion of their land in order to wipe out some debt that they may be carrying in order to stay farming, then this land is going to be taxed.

Now, Mr. Minister, why is your government and the Premier of this province supporting this unfair tax that is taxing the people most hard hit in this province?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — Well, Mr. Speaker, relative to the national sales tax and its fairness or unfairness, what we do know and what the federal government has recognized, and what we do recognize, is that the present system is unfair and discriminatory towards Saskatchewan. The objective, as I understand it, by Mr. Wilson, is to come up with a fairer tax as opposed to that 13 per cent tax, hidden tax now.

It's a very complex tax, I think it deserves a full scrutiny. My understanding is that's exactly what the Minister of Finance and his officials are doing, looking at it in the broadest dimension possible to see what the various impacts are, and to make representations where we think it could be improved, Mr. Speaker. And indeed that will be the basis on which we make our evaluation, Mr. Speaker, whether the issue is farm, farm land, farm machinery, or anything else, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Upshall: — Mr. Speaker, a new question to the same minister. You will also be aware, Mr. Minister, that any

land leased by Saskatchewan farm families will also be subject to this tax. Now we're looking at about 40 per cent of the farm land in Saskatchewan that is leased, or about 25 million acres. And if you multiply that out on a most reasonable level, it's going to cost about 34 to \$35 million, and that's a conservative estimate, Mr. Minister, of tax on leased farm land.

Now, Mr. Minister, will you stand up in this House today and just explain to the farmers precisely why you are supporting this tax which is going to take 30 to 35 million more dollars out of their pockets, which is going to tax them when they have to sell off land to restructure their debt? Can you stand here and tell them why you're supporting the prime minister of this province and not the farmers of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — Mr. Speaker, I'm reluctant to take the hon. member's observations relative to the tax on leased land at face value, Mr. Speaker. So I would not comment further on that, other than what I have already said.

But I can tell you, Mr. Speaker, that when it comes to the question of tax on farm land, and I speak specifically of capital gains tax, it was the Tory government in Ottawa that took that capital gains tax off, against the objections of the NDP, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — That's what I like about that government down there; they're behind the farmers, not like the NDP, Mr. Speaker.

Mr. Upshall: — Mr. Minister, and Mr. Speaker, new question. The minister can try to change the subject if he wants to, but he's not going to get away with it. There's a point to be made here.

Some Hon. Members: Hear, hear!

Mr. Upshall: — You and your government are supporting a tax that you have just admitted that you don't know anything about. So what you're doing is going along blind-eyed behind, holding Brian Mulroney's hand, and the farmers of Saskatchewan are having increased costs put upon them.

Mr. Minister, can you tell me why the Premier of this province went to P.A., came back and said he was behind the tax, and now is going to the premier's conference in Quebec to help Brian Mulroney sell this tax, why he would be doing that when we have the largest number of farm foreclosure actions this province has ever seen, \$6 billion debt, and many farm families under severe stress? Can you explain that to the people of Saskatchewan?

Some Hon. Members: Hear, hear!

Hon. Mr. Hepworth: — Well, Mr. Speaker, I am glad that we have a Premier who is also Minister of Agriculture who can be at a premiers' meeting of all the premiers across Canada, carrying the message relative to

agriculture, Mr. Speaker, and who can use that forum to get the facts on that and other issues, unlike the misrepresentations that we get from members opposite on things like farm foreclosures and other matters that they bring before this legislature, Mr. Speaker.

Some Hon. Members: Hear, hear!

Sale of GigaText

Mr. Anguish: — Thank you, Mr. Speaker. My question is to the minister in charge of SEDCO. And, Madam Minister, I see you made the front page of the *Leader-Post* today, announcing the sale of GigaText. I notice that one of the companies you mentioned that's interested in buying GigaText is WESTBRIDGE Computer. Now would you tell us this afternoon, Madam Minister, if it isn't fact that you've gone to your corporate friends and cooked up a deal so that you don't have to be accountable for one of the biggest scandals of your government?

The Speaker: — Order, order.

Hon. Mr. Berntson: — I know members opposite would be very, very disappointed, Mr. Speaker, if GigaText were in fact to become a successful company in our province. And he talks about cooking up a deal with our corporate friends in WESTBRIDGE. They certainly are one of the people that we have been talking to and they have a degree of interest, Mr. Speaker, and many others as well.

I can tell you, Mr. Speaker, that there are firms in the United States, there are firms in Japan, there are firms in eastern Canada, there are firms in central Canada, there are firms all over the world, Mr. Speaker, that are trying to develop exactly what we have at GigaText, Mr. Speaker. So there is some considerable interest and I hope, Mr. Speaker, that we can make an appropriate announcement relative to GigaText in the very near future.

Some Hon. Members: Hear, hear!

Mr. Anguish: — Well again I direct a new question to the minister in charge of SEDCO. There isn't a company in their right mind that would buy GigaText other than companies that want to do business with the government and the province of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Anguish: — WESTBRIDGE Computer we know does at least \$12 million a year business with the government. We also know that you own 50-some per cent of WESTBRIDGE. We also know that other companies would want to do business with a government that wants to treat their corporate friends better than they do the people in the province of Saskatchewan. Madam Minister, will you account for the scandal at GigaText or offer your resignation to this legislature, Madam Minister?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, throughout this whole debate what have we heard from the member from Quill Lakes? — that the GigaText is snake . . .

The Speaker: — Order, order. The hon. member was asked a question and we have about four people answering it, unfortunately. Let us allow her to answer.

Hon. Mrs. Duncan: — Mr. Speaker, as was indicated by the Premier in his estimates a few days ago, as was just indicated by the Deputy Premier today, artificial intelligence is a technology that is workable. GigaText is developing the artificial intelligence that will be a saleable product. And for them to suggest that they can do it in Japan, they can do it in Germany, they can do it in eastern Canada, central Canada or the United States and not here in Saskatchewan, speaks poorly of their attitude towards Saskatchewan and the type of people that live here.

Mr. Anguish: — New question, same minister, Mr. Speaker. Everybody in Saskatchewan except the front-benchers and the back-benchers in the Tory caucus know that you're doing nothing more than a cover-up of a blatant misuse and mismanagement of taxpayers' dollars.

Hon. Members: Hear, hear!

Mr. Anguish: — Madam Minister, can you tell us then this afternoon — you say in here that there are at least two other companies — can you first off tell us the name of those two other companies that are interested in buying GigaText? And secondly, when GigaText is sold, will you table the agreement for sale in this legislature and come clean with the province?

Hon. Mrs. Duncan: — Mr. Speaker, getting back to his first question before I sat down, no, I will not offer my resignation. With regards to GigaText, Mr. Speaker, I will not reveal the names of the companies that are interested in the technology that's being developed here in Regina in the province of Saskatchewan.

With regard to tabling of documents, the Premier indicated the other night — Wednesday evening, I believe it was — that all pertinent, proper documents would be tabled at the appropriate time.

Some Hon. Members: Hear, hear!

Mr. Anguish: — New question. Tell us, Madam Minister, have you appraised the company and what is the company worth? What will the sale price be to these companies that are so interested in GigaText?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, we do not negotiate through a public forum.

Mr. Anguish: — New question. Madam Minister, the reason you won't tell us the price for GigaText is because nobody will pay a price for it because it's a worthless company. The other reason that you won't tell us the names of the other companies is that there aren't two other companies. Will you stand up and admit that you have cooked a deal to remove GigaText from the embarrassment of the front benches where the Deputy Premier said he would take responsibility? Either he or

you have to hold the bag on this. When are you going to resign your position?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, no.

Mr. Anguish: — Madam Minister, why should the taxpayers in the province of Saskatchewan have to buy this company again? Can you explain that to us?

Hon. Mrs. Duncan: — Mr. Speaker, I think the hon. member opposite has simply lost it after all these lengthy days of sitting.

High Interest Rates

Mr. Shillington: — Thank you very much, Mr. Speaker. In the absence of the Premier my question is to the Deputy Premier and it arises out of the Premier's visit to the premiers' conference in Quebec City. Last year, Mr. Minister, the provinces chose this Premier to represent them in Ottawa on the question of high interest rates. We all fervently hope that they don't repeat the mistake. The only visible effect of his visit to Michael Wilson has been a steadily increasing interest rate.

Mr. Minister, in a press conference the Premier alluded to a discussion paper and has given no one a copy of it. The obvious suspicion is that the discussion paper is so anemic that even you people are embarrassed about it. Will you allay that suspicion by giving us a copy of the discussion paper that he is providing on interest rates?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, the hon. member, I think having served for a brief period in cabinet and should know far better than to simply ask if I would table internal documents on Executive Council. I mean that is a foolish request and the hon. member being a lawyer and well, briefly a cabinet minister in the Blakeney government, knows full well that that is not a proper question or a proper request even, Mr. Speaker. The Premier, with regards to the issue of interest rates, Mr. Speaker, on the question of interest rates, the Premier had . . .

The Speaker: — Order, order. Now the minister isn't very far from me and quite frankly, because of so many interruptions, I'm having great difficulty hearing what he's saying, and I believe that we should give him the opportunity to be heard.

Hon. Mr. Andrew: — Mr. Speaker, with regard to the question of interest rates, the Premier has stated on many occasions that he strongly disagrees with the position taken by the Governor of the Bank of Canada with regard to monetary policy in this country. He has stated on many occasions that where his disagreement comes is the use of monetary policy to attempt to cool down what the Bank of Canada governor sees as inflation in the province of Ontario.

He has stated that on many occasions, Mr. Speaker, and he, along with many others. And yet the Governor of the

Bank of Canada seems to persist in following the monetary policy of high interest rates than hurts us out in western Canada and hurts us in the province of Saskatchewan. He will take that message again, and I guess you have to just keep talking and talking and talking, and maybe the governor will start to listen some day.

Some Hon. Members: Hear, hear!

Mr. Shillington: — Mr. Minister, new question. Mr. Minister, this is a transparent case of all talk and no action, and the public's growing awareness of your government's tendency to talk and not act may have a good deal to do with your disastrously low showing on the polls.

Mr. Minister, three times you've had an opportunity to send a united statement from this Assembly. There now stands on the order paper a motion proposed by your government which would have sent such a message. For over 100 days that motion has been called and that motion has been stood by the assistant Government House Leader. Mr. Minister, how can you deny, how can you deny, Mr. Minister, that the Premier's position would not have been stronger if he had gone with the united voice of this Assembly on the motion which you proposed?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, the Premier has made his representation to the federal government, to the Governor of the Bank of Canada with regards to our disagreement with regard to the national monetary policy. The Premier has represented all 10 premiers who have the same view with regards to that monetary policy, Mr. Speaker.

Now the hon. member might think that their particular caucus carries a lot of weight in Ottawa. I can tell the hon. member that if all 10 premiers in this country have advocated a different monetary policy, the governor has not responded to that request, I doubt that the endorsement by the NDP opposition in Saskatchewan would have anything to do with changing the mind of the Governor of the Bank of Canada.

Some Hon. Members: Hear, hear!

The Speaker: — Order, order. Now, now! Would the hon. members calm down. I don't think we should have a daily yelling session in the House after question period, which is what some hon. members seem to want to do. I think we should have some respect and decorum for the Chamber. That applies to everybody.

Member from Moose Jaw North, would he contain himself. I'm going to once more call the member for Regina Elphinstone to order. And I'm going to call all members to order, who simply don't seem to be able to contain themselves.

Once more, I don't think the Chair should have to be rising every minute or two to reprimand members, and that's certainly not . . . I don't feel that's my role. Now we

should have a little respect for the Chamber, and we are in the midst of government business and I ask for your co-operation.

GOVERNMENT ORDERS

COMMITTEE OF THE WHOLE

Bill No. 57 — An Act to amend The Wascana Centre Act

Clause 8 (continued)

Mr. Van Mulligen: — Mr. Chairman, when we left off this morning we were discussing clause 8, specifically the new proposed section 9(d) which would expand the authority's ability to accept donations of funds from the public. And it was indicated that the Wascana authority and other urban parks are undertaking a joint fund-raising campaign. And although we have no particular problem with this provision I did want to get the assurance from the minister that this expansion of the fund-raising capacity, even if it is in line with the clauses that are in effect now for the other urban parts, that this expansion of fund-raising capacity will not lead to a further cutting of funds to the Wascana Centre in the future.

Hon. Mr. Maxwell: — Now, Mr. Chairman, the intent of this particular clause, and I quote, is expanded to explicitly permit the authority to "accept donation of funds from the public . . ."

That is why that is in there. I took the opportunity before lunch to call the executive director of Wascana Centre to make sure that the answers I had given earlier were indeed accurate, not only accurate, but reflected the absolute intent and spirit of what the authority had been discussing in previous meetings, and I was told that I was correct in what I'd given you earlier.

Mr. Van Mulligen: — I appreciate the minister doing that, so therefore I would then interpret, sir, your remarks to mean that this expansion of the fund-raising activity, and this particular clause, will not result in any further reduction in the statutory funding from your government to the Wascana Centre.

Hon. Mr. Maxwell: — There's certainly no intent to look at any reductions. As we were talking earlier this morning, over the years the actual amount total that the government is contributing is more than it had been in some previous years. So there's no intent to cut funding. As I said, it's to permit the acceptance of donations from the public, and that's not explicit right now under The Wascana Centre (Authority) Act.

Mr. Van Mulligen: — Well, Mr. Minister, you might well take the position at some future time that if the Wascana Centre Authority has greater ability to accept donations from the public, you might take that as a cue to cut your statutory funding to the Wascana Centre.

I just want to make it clear, get it for the record, that that is not your purpose.

Hon. Mr. Maxwell: — No, that's certainly not the intent, Mr. Chairman. But as the hon. member, I think, could

agree, I can't commit future governments to statutory requirements.

Mr. Van Mulligen: — Then just for the record, Mr. Chairman, I want to indicate our concern. We're prepared to vote for this particular clause, but I'm a bit uneasy about the minister's last words and his explanation about that he cannot commit future governments.

Again we've seen the case with hospitals in Saskatchewan, where it was generally accepted, Mr. Chairman, that hospitals would indulge in fund raising to add some things that were not normally provided for. This has been changed by the government over the years to a situation now where hospitals must go to the public to get the funds it needs to provide some basic facilities and to ensure that hospitals can in fact operate, which is a far departure from having some group or another raise some funds to expand a burns unit or to expand some of the provisions in hospitals. And I'm very concerned that this not happen with respect to the Wascana Centre.

It might however be somewhat academic, this discussion, Mr. Speaker, because I'm sure that in two years time we will see a change in government that we need not concern ourselves with this clause. But I have no further comments at this point on clause 8, Mr. Speaker.

Clause 8 agreed to.

Clause 9

Mr. Van Mulligen: — This technical amendment deals with the quorum that's necessary to carry on the authority business. It would seem like it's going to be six members except for when you want to amend the master plan, when eight members will be required and it sets out the requirement that there must be so many from each of the participating parties present at those meetings.

Now I want to ask the minister if approval of this amendment will also eliminate the requirement for a special quorum under section 37(a) of the Act where it stipulates eight members are required to pass a resolution setting landscape and servicing unit cost and will it also negate the special quorum of eight members as outlined in section 53(1)(b)(iii) to pass special warrants?

Hon. Mr. Maxwell: — I'm advised, Mr. Chairman, it doesn't change it at all, no.

Mr. Van Mulligen: — Do you have a legal opinion to that effect, Mr. Minister, and can you just give us your assurance that the legal opinion in fact states that?

Hon. Mr. Maxwell: — Mr. Chairman, before any legislation comes before the committee or indeed before the floor of the Assembly, there is legal counsel sought. There is legal counsel to the Wascana Centre Authority, and he sits in on the meetings. And of course when anything goes to drafting here in the Assembly, it goes through several legal hoops as well.

Mr. Van Mulligen: — Well that's great, Mr. Chairman. So I can then assume that your legal counsel has clearly told

you that this particular amendment will not negate the special quorums as outlined in section 37 and section 53. Your legal counsel has clearly indicated that to you.

Hon. Mr. Maxwell: — Now, Mr. Chairman, I haven't said we can't do it this way, that it would negate it. Specifically, I haven't asked the question because I wasn't at the authority meetings. I wasn't a member of the authority at the time when this was being drafted.

The initial proposal was cleared on a meeting of April 20, and at that point I wasn't a member of the authority. I'm only designated as a person who carries the legislation through the Legislative Assembly, and I must be guided by the other members of the authority, and what they have given to me and has gone through the legal hoops here is precisely what they want presented to this body and what they want passed.

Mr. Van Mulligen: — Well I accept the minister's assurances, Mr. Chairman. I don't sense that he's trying to pull a fast one here, but we'll let the clause go, but I would recommend to him that he check this with his legal people.

Clause 9 agreed to.

Clause 10 agreed to.

Clause 11

Mr. Van Mulligen: — Mr. Chairman, in clause 11 . . . earlier the minister indicated that he would be prepared to put forward an amendment on this clause which would then come under clause 11. This is in respect to the matter of excluding the architect planner. If he doesn't have an amendment, would he accept an amendment then from this side with respect to that item?

Hon. Mr. Maxwell: — Mr. Chairman, I had indicated earlier we'd put in an amendment. The hon. member already had one drafted that had gone through the Clerk. And I took a look at it and I'm perfectly willing to accept that amendment. It's already drafted, and it's precisely what I had said we would go along with.

Mr. Van Mulligen: — Mr. Chairman, I would then move that we:

Amend subsection 12.1(2) of the Act as being enacted by section 11 of the printed Bill by adding the words “, after consultation with the architect planner appointed pursuant section 70” after the words “The authority may”.

I would move that, Mr. Chairman.

Mr. Chairman: — There is a House amendment to clause . . . moved by the member for Regina Victoria, to section 11 of the printed Bill.

Amend subsection 12.1(2) of the Act as being enacted by section 11 of the printed Bill by adding the words “, after consultation with the architect planner appointed pursuant to section 70” after the words “The authority may”.

Amendment agreed to.

Clause 11 as amended agreed to.

Clauses 12 to 16 agreed to.

Clause 17

Mr. Van Mulligen: — Mr. Chairman, this is the one section of the Bill that we object to. This is the section that freezes the funding this year for the Wascana Centre at the same level as last year. And I might say, this has been going on for some years. And the question has to be asked, how long can this be continued without affecting basic services?

Now I know that the government has reduced its statutory funding but has increased the amount of funding to the authority for specific services. But the authority needs a certain amount of statutory funding to be able to do things such as snow removal and others, cleaning out sewer lines and what have you. And over the years the authority's capacity to perform basic services, and certainly the authority's capacity to expand and to develop further — and it must if it is to continue to be an urban park that's at the forefront of urban parks in not only Canada but North America — if we continue to freeze the statutory funding, then over time we must be concerned about the Wascana Centre to be able to do that.

I mean it's one thing for the government to be able to give the Wascana Centre more money to expand the amount of maintenance that it's going to do for government owned lands, but it's another thing to continue to freeze the amount of operating funds that the authority simply needs to do the job right and to do the job that it was designed to do.

And again the Wascana Centre is the single greatest asset the people of Regina have. It's certainly a great asset as well to the people of Saskatchewan as a whole. But it's a very great asset to the people of Regina and it must be maintained if we're to show to tourists, visitors, and to meet our own needs, Mr. Speaker.

And without belabouring the point, I simply want to register our opposition to this continual freezing of funds coming as it does after many years of freezing and also after a substantial reduction in the statutory funding to the Wascana Centre in 1984.

Some Hon. Members: Hear, hear!

Clause 17 agreed to on division.

Clause 18 agreed to.

The committee agreed to report the Bill as amended.

(1345)

Bill No. 58 — An Act to amend The Wakamow Valley Authority Act

Clause 1

Mr. Hagel: — Thank you, Mr. Chairman. The Bill 58 deals with one subject and one subject only, and that's the level of funding to the Wakamow Valley Authority in Moose Jaw.

In order to put some questions to the minister related to this, I think it's important to put the history of funding to Wakamow into context, Mr. Chairman, because it is as a matter of fact quite unique from the other development authorities in the province of Saskatchewan.

Mr. Speaker, the Wakamow Valley Authority was established by Act in 1981, and at that time, Mr. Chairman, the funding to the Wakamow Valley Authority was determined by the province to be 2 mills, which would in turn be supplemented for total funding by the municipalities affected, primarily the city of Moose Jaw.

As a matter of fact, the proportionate funding was 40 per cent from the province and 60 per cent from the municipalities. And it was made very clear to the Wakamow Valley Authority at that time that that was a funding arrangement that was intended to be just a part of the start-up but that once development and operations of the authority area were proceeded with, that the funding from the provincial government would increase.

And 1983 was a significant year then for . . . there was a change in government in 1982, and then in 1983 was a significant year for the level of funding not only to the Wakamow Valley Authority but to all other authorities in the province as well. And funding was reduced by 20 per cent, cutting the funding from the province back from the equivalent of 2 mills from the city of Moose Jaw to 1.6 mills.

It leaves the Wakamow Valley Authority still in a unique position. Whereas there is funding on a 50-50 basis shared equally between the province and the municipality for the Chinook Parkway Authority in Swift Current, it still remains that the 40-60 ration related to the Wakamow Valley Authority; and also, Mr. Chairman, whereas there is a funding of 5 mills to the authorities in the Wascana, as we've just discussed here, in Regina, as well as the Meewasin in Saskatoon, it still remains at 1.6 mills in the city of Moose Jaw.

There's one other item as well that differs for the Wakamow Valley Authority in terms of funding that makes it unique from Regina and Saskatoon in that there is not third party funding that is presented to the Wakamow authority as there is here in Regina and Saskatoon, from the universities. And also, as well, Wakamow, out of its statutory funding, must fund its own landscape maintenance, which is also different from Wascana situation.

I will certainly admit, Mr. Minister, that I was pleased when I learned that the responsibility for the Wakamow development authority, as well as the others, was transferred from the Department of Municipal Affairs over to Parks, Culture and Recreation. That strikes me as being a more appropriate location for it within the government scheme of things, and I will admit as well that it caused me to feel a bit of optimism that, given that it was coming

under your ministry, that funding for the authorities may achieve a higher priority, and disappointed that with this Bill, as a matter of fact, the consequence of this Bill is to hold the level of funding to the same level it was since 1986 and that that has not changed since.

If I can just conclude my preamble, Mr. Chairman, by quoting the remarks of the minister when this Bill was introduced back in July 6, and the minister at that time said and I quote:

. . . it is the intention of the Department of Parks, Recreation and Culture to carry out a comprehensive review of the funding formulas for all of the urban parks. This will be done over the next several months, and it will be done in consultation with the parks' authorities to ensure that their views will be taken into consideration.

Mr. Minister, first of all then if I may ask if you have met, or officials of your department have already met, with the Wakamow Valley Authority. Has that meeting taken place yet?

Hon. Mr. Maxwell: — Mr. Chairman the hon. member is correct in quoting from the second reading speech. I didn't deliver it; someone else delivered it on my behalf. But he's absolutely correct, and yes, those were my words. There is a review of the funding formula and the next meeting I believe is, first meeting the August 28 and that's one of the topics on the agenda.

Mr. Hagel: — So there has not been a meeting with the Wakamow Valley Authority yet? Mr. Minister, will you be involved in that meeting, or will that be with the officials of your department?

Hon. Mr. Maxwell: — I'm advised this one is just for officials, Mr. Chairman.

Mr. Hagel: — Well, Mr. Minister, I would encourage you in as non-partisan a way, most non-partisan way as I possibly can, to listen very carefully to the concerns of the board members of the Wakamow Valley Authority particularly given that Wakamow is in a unique position, is in a distinctly disadvantaged position in terms of provincial funding as compared with the other three in the province of Saskatchewan.

Mr. Minister, could you explain to me, because it certainly is not clear to me, why it is that an agreement was reached to provide 50-50 funding with the Chinook park in Swift Current? I repeat as well that in Moose Jaw it's a 40-province/60-municipality, and the intent was made very clear at that time that when it was established in 1981, that that level of funding from the province would increase. What is the rationale for a 50-50 arrangement with the Chinook park in Swift Current which was established after Wakamow as a matter of fact?

Hon. Mr. Maxwell: — Now, Mr. Chairman, those agreements were negotiated individually and at different times. The then minister made that particular agreement with that particular authority and I'm frankly not privy to the discussions that took place.

If I could revert to something else. There will be terms of reference worked out between officials and this particular authority, hopefully at the August 28 meeting, or if it takes a couple of meetings, fine, and then I'll be meeting with the chairperson shortly thereafter.

But back to your latter question, the agreements were worked out by other ministers in other departments over different periods of time and the negotiations took place independent of each other.

Mr. Hagel: — Well I understand that the Chinook arrangements were made in the term of your government, Mr. Minister, and the initial Wakamow arrangements were made under the purview of the New Democrat government of the day. But still, you do have the authority to provide an equivalent level of funding, obviously chose that it was appropriate, and I would agree, to provide a 50-50 funding in the case of the Chinook park at Swift Current. I'm not criticizing that decision. I simply ask, Mr. Minister, in light of having made that decision for the Chinook park in Swift Current, why was that same principle not used in providing funding to Wakamow in Moose Jaw?

Hon. Mr. Maxwell: — On upcoming discussions, Mr. Chairman, and any review that takes place, we would be looking at agreements with the other urban parks. That would be part and parcel of any new agreement that would be reached.

Mr. Hagel: — Mr. Minister, am I hearing you say then that you're very open to that proposal, or am I hearing you say that if that proposal is made by the Wakamow Valley Authority people, that as a matter of fact, it would be accepted by yourself?

Hon. Mr. Maxwell: — Well, Mr. Chairman, subject to the fiscal restraints of the day and any constraints that may be placed upon us, the officials will be meeting with these authorities and discussing the future ongoing funding requirements.

In terms of taking a look at existing formulas, certainly we're quite prepared to review those. I can't guarantee we would change them, just as I can't guarantee that future governments would feel committed to honour something that we have entered into in a spirit of looking ahead into the future. I don't think that would be fair to saddle anybody else with that type of agreement, however, we are prepared to take a look at the agreements.

Mr. Hagel: — Well, Mr. Minister, I would encourage you to give full consideration to treating the Wakamow Valley Authority in an equivalent way to the other authorities in the province. I don't think the people in Moose Jaw are looking to have special treatment, but at the very least, it's not unreasonable to expect that the Wakamow authority would be treated in an equivalent manner with the other authorities.

Mr. Minister, you'll be aware that the provincial funding for Wascana and Meewasin authorities is 4 mills and for the Wascana is only 1.6 mills. I would be interested, Mr.

Minister, in your explanation as to the rationale as to why that was chosen as a criteria to be applied to Wascana and Meewasin but not to Wakamow.

Again I'm not holding you responsible for decisions made under the term of office of a government other than yours, but your government has been in office for seven years now and has had opportunity to review those, if you wish, and I understand you're undertaking a review now. But I would be interested in knowing, as would the people involved with the Wakamow authority, as to the rationale for four mills for Regina and Saskatoon but only 1.6 mills provincial funding for Moose Jaw.

Hon. Mr. Maxwell: — Mr. Chairman, I'm advised that when those negotiations took place there was a dollar figure ascribed to those particular authorities and then it was calculated what would the equivalent mill rate be to raise that number of dollars.

Mr. Hagel: — Mr. Minister, I would ask if it would be fair to say . . . well I don't want to put words in your mouth; let me put it in the form of a question. Would you be of the view, Mr. Minister, that in light of, as well, of the fact that both again Wascana and Meewasin have third-party funding from the universities, and that Wakamow in Moose Jaw does not, in light of that fact as well as the lower level of mill rate funding from the province and the lower proportion of provincial funding, 40-60 versus 50-50, I simply ask if you would be of the opinion that the Wakamow Valley Authority is not being funded by the province in an equivalent manner to the other three development authorities in the province? Would you please express to me your opinion as to the equity and the fairness of that as it currently stands, Mr. Minister?

Hon. Mr. Maxwell: — Well, Mr. Chairman, I recognize that the two larger authorities do have the advantage of having the university contribution, which to some degree is government in any sense of the contribution. However, we do recognize there is a third party there. In the case of Wakamow there are two R.M.s who contribute but I'm advised there is not really . . . (inaudible interjection) . . . yes, it's not really consequential at all or germane to this particular discussion, therefore we can't even count it as a third party.

What I have said to the officials is when we get down to negotiations and into discussion we should take that into consideration. I can't commit that there would be any dramatic increase in funding. I wish that it were true that there could be greater increases in funding. Any minister would like to stand up and say, I'm announcing increases in funding to all of my client groups. We'd all like to do that. Unfortunately, I won't be in that particular position, but I can guarantee you we will review the situation.

Mr. Hagel: — Just further to that then, Mr. Minister, would you give me your assurance . . . Let me repeat, would you give me your assurance that when your department is reviewing the funding levels for the four authorities within the province, would you give me your assurance that the Wakamow Valley Authority would start out in a preferred position, so to speak, in terms of attempting to remedy an inequity that currently exists in its funding level as compared to the other three?

Is it fair to make that kind of request to you on behalf of the Wakamow Valley Authority?

Hon. Mr. Maxwell: — Mr. Chairman, we will be reviewing all of the agreements with the urban authorities, and it would be unfair of me to say we're going to give preferential treatment to any one authority.

I understand where the hon. member's coming from. He says that two of the authorities have the benefit of third-party contribution, which Wakamow does not; therefore it would be a perceived inequity, and that they would not be receiving as much funding from the primary source, the provincial government, as they might otherwise be entitled to receive. And that's the situation we take a look at.

Mr. Hagel: — Well just finally, Mr. Minister, let me make it clear that I'm not asking for preferential treatment. I may have inadvertently chosen an incorrect word in my previous question — not asking for preferential treatment, but simply that Wakamow receive funding to a level that is equitable with the other authorities. That's the nub of my question.

Hon. Mr. Maxwell: — Mr. Chairman, we'll do our level best subsequent to negotiations.

Mr. Hagel: — I appreciate that, Mr. Minister, and I trust that that will be the criteria that you'll use to make decisions regarding funding for it.

Just in conclusion in terms of questions on this Bill, Mr. Minister, I would echo the words or the sentiment of the member from Regina Victoria when speaking to the Bill and the funding related to Regina Wascana, to the Wascana Authority, that I am disappointed that with this Bill what in effect is happening is that it's entrenching that the funding for 1988-89 will be at the same level as it was in 1986-87. The same formula is being used.

Mr. Minister, I don't expect that you'll change that in the course of this discussion. I am realistic enough to know that. I simply want to put on record the disappointment of the people of Moose Jaw that that will as a matter of fact be the case.

(1400)

May I ask, Mr. Minister, if . . . I'm sure that you have begun to do some thinking about funding levels for the next budget year for 1990-91. What would it be reasonable or realistic for the Wakamow Valley Authority, and the other authorities — I assume that you may try to remedy some inequities, but you'll use a criteria that would be equivalent to all; maybe that's a rash assumption, but I make that assumption — what is reasonable for the Wakamow Valley Authority to expect by way of a funding approaching your government for 1990-91?

Hon. Mr. Maxwell: — Mr. Chairman, the hon. member's question is answered by the fact that we are holding meetings to begin negotiations . . . or discussion leading to negotiations towards future funding levels to be established.

If you want to look on the bright side of the Bill, and I believe there is a bright side just having inherited this particular responsibility, if you look back over the history of the funding, the two big years, '82-83 and '84-85, included a \$50,000 one time start-up project, which if you took that out would make the current funding level look actually pretty fair and pretty reasonable.

So to answer your question, I couldn't tell you what the next fiscal year will contain, only that we'll do our very level best to address the needs of all of those urban parks.

Mr. Hagel: — Just my one final comment then, Mr. Chairman. I certainly commit to you, Mr. Minister, that I and my colleague from Moose Jaw South would be more than happy to co-operate in any way that could result in improved funding for the Wakamow Valley Authority.

I simply want to make it clear on the record as well, Mr. Chairman, that I intend to vote against the second clause of this Bill, not because I'm opposed to funding to the Wakamow Valley Authority, obviously, I'm in strong support of it, but simply because I am opposed to limiting the funding to the same level that's been in place since 1986.

Clause 1 agreed to.

Clause 2 agreed to on division.

Clause 3 agreed to.

The committee agreed to report the Bill.

Bill No. 59 — An Act to amend The Meewasin Valley Authority Act

Clause 1

Mr. Hagel: — Thank you, Mr. Chairman. Mr. Minister, rather than have a replay of a discussion that we just had over the last few minutes, let me say, so be it and put on the record the concern for clause 2 of this Bill, which again is purely and simply a funding Bill — that's all it does. And it entrenches funding for Meewasin at the same level as 1986 level of funding.

People of Saskatoon as well, Mr. Minister, expressed their concern for the cut-back in funding in 1983 by 20 per cent that took place under the term of your government — not your personal ministry, but your government — and are disappointed in the fact that the cut-back was made and that the funding has never been renewed to equivalent levels or to levels equivalent to previous.

May I ask, Mr. Minister, whether you or your officials have met with the board members of the Meewasin Valley Authority?

Hon. Mr. Maxwell: — Mr. Chairman, I have met with the chairperson of the authority, yes. And officials have had meetings with officials from Meewasin Valley Authority, and the next meeting is August 28.

Mr. Hagel: — Thank you, Mr. Minister. Just a moment ago I had a conversation with a board member of the

Meewasin Valley Authority who indicates that they too would like more money, and so, Mr. Minister, on behalf of those board members and the good people of Saskatoon, I simply pass that request on. I know again you're not going to make any changes in this Bill, but to make it be known that the New Democrat caucus certainly would support initiatives of your government to increase the level of funding to the Meewasin Valley Authority in your 1990-91 budget.

For the same reason as previously, Mr. Chairman, we'll be voting against clause 2 of this Bill. Again that's intended to be in support of Meewasin Valley Authority, but in objection to the fact that this Bill requires that funding will be equivalent to the 1986-87 level.

Clause 1 agreed to.

Clause 2 agreed to on division.

Clause 3 agreed to.

The committee agreed to report the Bill.

Bill No. 51 — An Act to amend The Uniform Building and Accessibility Standards Act

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

Hon. Mr. Swan: — Thank you, Mr. Speaker. Beside me is Peter van Es, deputy minister of Environment and Public Safety; back at the back with the blue jacket, Randy Sentis, associate deputy minister Environment and Public Safety; Mike Hegan at the back, executive director of Emergency Measures Organization; right behind me, Nick Surtees, executive director public safety; and Les Harmsworth, chief inspector building standards.

Clause 1

Mr. Tchorzewski: — Thank you, Mr. Chairman. We went through this Bill yesterday, concluded the debate on it, so I'm not going to pursue it at any length. I only have one question. It's not a major question. But at a time when the government is practising restraint and trying to save dollars here and there, increasing taxes to pay for other things, I notice that you're increasing costs by increasing the numbers of people on the advisory board. Maybe there's a legitimate reason for that, so I'm not pressing my argument. But I would like the minister to explain why he feels it is necessary it increase this advisory board from six people to eight people.

Hon. Mr. Swan: — This group was made up of a broad segment of society, and we have had representation from the different professional groups, and this will add the small-business sector which has traditionally not been represented, but which is in effect the end user of the system. For that reason it was thought necessary to increase the membership by two.

An Hon. Member: — By two?

Hon. Mr. Swan: — Yes.

Mr. Tchorzewski: — I think that's legitimate. I think the small-business community could be affected by this kind of legislation. But can I ask you, Mr. Minister: in the six members of the board who are there now, can you indicate which groups are represented by those six?

Hon. Mr. Swan: — The existing people are the CNIB (Canadian National Institute for the Blind), Canadian Paraplegic Association, professional engineers, architects, the firemen's association, and the construction industry.

An Hon. Member: — What was the last one?

Hon. Mr. Swan: — Construction industry.

Mr. Tchorzewski: — Thank you, Mr. Minister. So there's six representatives, most, oh a good half of them from the industry, and I'm not arguing with that. So it appears that each of those groups or interest groups or people who might be affected are represented by one. And I don't ask my question in an argumentative sense. Why do you then suggest that you will appoint two members who will represent the small-business community rather than maybe adding another interest group from the handicapped community to give it more of a balance that way?

Hon. Mr. Swan: — I'm advised by my staff that they at first said two would come from the small-business side, and what they're saying now is that in the early stages, we'll only have seven; this allows up to eight. We'll only have seven and that one will be from the small business, and it leaves an opening that we could bring in another group if we feel like it. So I gave you a wrong answer there.

Mr. Tchorzewski: — I'm glad we corrected that, Mr. Minister. I would really urge you to really seriously consider giving a stronger representation, not that the representation that's there now is not doing an effective job, but more of a balance from the organizations that speak on behalf of people who are most negatively affected when there is not adequate accessibility. That's after all in many ways what this is all about anyway. So, Mr. Minister, I simply would urge you to do that and put on the record on behalf of my colleagues that we think it's very important that you do it that way.

(1415)

We welcome the addition of a small-business representative. I must say I think it's important to know clearly how this small-business representative will be selected. Are you going to look for recommendations for any particular organization, or will you hand pick somebody, or will you canvass your colleagues in the back benches — might not be a bad idea. Can you explain what process you are going to use in making sure that you have the right person?

Hon. Mr. Swan: — My first temptation would likely be to pick one of my political colleagues, but in this case, what really happens is that the industry itself recommends and that's usually who's appointed.

Mr. Tchorzewski: — Well that's . . . half of the answer is a

good one. The first . . . I would not favour the earlier one because I'm not sure that . . . we've had too much of that. I'm sure you will agree privately.

When you say the industry will recommend, Mr. Minister, who do you mean by the industry? I'm not sure that that's very clear. Who's the industry?

Hon. Mr. Swan: — The small-business group will pick their own person. They have asked to be represented and now they will select a person and recommend that person.

Mr. Tchorzewski: — What are you going to do? Send a letter to every small-business man and woman in Saskatchewan, or is it going to be a particular organization? I have a reason to ask that question because there are some organizations who do speak for business but do not speak for small business. So I think we'd need to make it clear to the public in this House, who do you mean as small business? Who will be doing the recommendations? What organization? What spokesman for the small-business community?

Hon. Mr. Swan: — There's a little indecision here, but I believe normally it would be chamber of commerce that would be the representative of the small business groups that would make that selection.

Mr. Tchorzewski: — Thank you, I'm glad that we made that very clear, Mr. Minister. I hope that when you get the recommendations, you will make a very strong point, to make sure that the individual selected is a small-business person who clearly does small business as a business and therefore is capable of speaking on behalf of the small-business community, as opposed to the larger corporate sector which, quite frankly, does not have the same kind of interests in many ways as the small-business world.

With that, Mr. Minister, I think that's all the questions I have, Mr. Chairman, and if you wish, we may proceed by clause by clause.

Clause 1 agreed to.

Clauses 2 to 10 inclusive agreed to.

The committee agree to report the Bill.

Bill No. 54 — An Act respecting Emergencies

Clause 1

Mr. Tchorzewski: — Mr. Minister, this Bill has considerably more impact in many ways than the one we just earlier dealt with, although I do not want to reduce the significance of any legislation that increases accessibility for everyone in society. But I think this Bill will take a little more time because in this legislation there are some provisions, Mr. Chairman, that are extreme, I believe, threatening to liberty and freedoms of people to such an extent that I don't think that we can simply glance at the Bill and let it go.

When I first saw this legislation when it was tabled in the

House, I raised a number of questions about why it was necessary to provide such extreme measures, such measures with such excessive powers to government and hired authorities and appointed authorities to do things like fight forest fires, for example. That's just one example, and I'm not suggesting that's the only case in which these provisions would be used.

So I want to begin by saying, first of all, that it is not a question of whether there is a need for legislation to deal with emergencies. That is mutually accepted by, I think, everyone, including members on both sides of the House. There is indeed the need to have the capability to deal with an emergency when one arises, and deal with it quickly and deal with it adequately.

The problem with this Bill is that it goes far beyond what any reasonable government in a democratic society should need to do. This Bill doesn't belong in Saskatchewan, or some provisions of this Bill don't belong in Saskatchewan or in Canada. They might fit well in some parts of South America, maybe some states in the United States, as from the time of about the 1960s — I think there have been some improvements since then — but it doesn't belong in 1989 in a province of Saskatchewan or the country of Canada. And I'll get to that in a moment and explain why I think that's so.

As I said in my initial remarks, that there are provisions here that I would only describe as threatening legislation. It gives the government essentially the power to establish and to run a police state if it so chooses. That's how immense the powers are. The government can decide what an emergency is. There are no definitions of emergency.

Because we're going to deal with all of this basically under clause 1, I refer you to clause 17, Mr. Chairman, and Mr. Minister. In 17(1) under Part III, state of emergency, it states:

When the Lieutenant Governor in Council is satisfied that an emergency exists or may exist in all or any part of Saskatchewan, the Lieutenant Governor in Council, by order, may make an emergency declaration relating to all or any part of Saskatchewan.

Period — the cabinet. Now that is a very, very broad power. No explanations, no need to rely on certain directions or guide-lines that are written in the legislation. Just simply the cabinet sitting around the cabinet table, chaired by the Premier, can decide, either for good reason or because of some ulterior motive — I'm not suggesting that this would happen, but it could happen — that they're going to declare a state of emergency.

Now, Mr. Chairman, I suggest that that is a power that is excessive . . . (inaudible interjection) . . . Well, Mr. Chairman, the member from Melville who should know what I'm talking about because there's no one on that front bench over there that is a more threatening individual to people who are poor and people who are handicapped and people who are underprivileged than the member from Melville.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — And it's precisely because of people like the member from Melville that makes this Bill so dangerous and so worrisome to the members of the . . .

Mr. Chairman: — Why is the member on his feet?

Hon. Mr. Schmidt: — A point of order, Mr. Chairman. If the member from Regina North East is going to indulge in a personal attack on myself, I should at least have a chance to reply. Will he entertain a question?

Mr. Chairman: — Order, order. State your point of order.

Mr. Lingenfelter: — I just want to speak to the point of order that was raised by the member from Melville. Obviously what the member from North East is talking about is the attack on welfare recipients, the cut-backs. In fact the courts of this province have decided that the member from Melville and his department were wrong in taking away moneys from the unemployed single employables.

Some Hon. Members: Hear, hear!

Mr. Chairman: — Order, order. I find the point of order not well taken and would ask the members to allow the member to respond and ask his question.

Mr. Tchorzewski: — Thank you, Mr. Chairman. I appreciate your ruling. I simply want to repeat again, and it's interesting why the member from Melville would become so defensive.

Mr. Chairman: — What is the member's point of order?

Hon. Mr. Schmidt: — The member from Regina North East is challenging the Chair and this Assembly in that he knows his points are not relevant to the debate today.

Mr. Chairman: — Order, order. I would like to respond by stating that I don't believe the point of order is well taken. However, I would ask the member from Regina North East to just address the question before the Assembly.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Thank you, Mr. Chairman. I regret that the member from Melville keeps wasting the time of the House with his interjections. I want to continue with the remarks with which I was making, which clearly the member from Melville and other members of the House know were making sense, know that what I'm saying is real, and therefore, are uncomfortable enough that the member from Melville feels he has to continue to interrupt the flow of the debate.

Mr. Chairman: — Order. Let's please allow the member to place his question, but I would again remind the member to make his questions, direct his questions to the minister and to the committee and the clause before the House.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Thank you, Mr. Chairman. I don't want to dwell on this at great length, but I certainly want to make the point that I am concerned about some of the provisions in this legislation, one of which I want to serve notice to the minister that I intend to move an amendment to, because of the kinds of power that it opens up to a government which may tend or may wish or may want to abuse. And I can tell you, Mr. Minister, that there is enough history and examples with this government opposite to indicate that this is a government that would indeed choose to abuse this kind of a power.

I've referred you to section 17(1) which is a very blanket kind of provision. If you take that in isolation, that's one thing. I don't want to take it in isolation; I want to take that section, Mr. Chairman, and Mr. Minister, and relate it to another provision in the Bill which then causes the problem which I am referring to. And that is section 15(2), well the whole of section 15 in fact, where it indicates that:

Where a state of emergency is declared to exist by the Government of Canada, an emergency declaration is made or a local emergency declaration is made (which means where a province declares an emergency):

- (a) the minister;
- (b) the executive director;
- (c) the organization (which means an Emergency Measures Organization as I understand it);
- (d) the provincial planning committee of members of the provincial planning committee;
- (e) local authorities and members of local authorities (which means a member of a local authority could declare an emergency); and
- (f) persons appointed by the minister or local authorities to carry out measures relating to emergencies (and I don't know whether this applies to political appointments of the minister, which he does appoint in this field);

(1430)

All of those, Mr. Chairman, have the power to make such a declaration. But it's interesting that, it goes on to say:

are not liable with respect to damage caused through any actions taken in good faith pursuant to this Act, the regulations or any order made pursuant to this Act.

Now the next section is very important because it says:

The orders, decisions or actions of any of the persons mentioned in subsection (1) shall be final and shall not be reviewed or restrained by:

- (a) injunction;

- (b) prohibition;
- (c) mandamus;
- (d) *certiorari*; or
- (e) otherwise by any court.

There is no recourse here. If the government should decide at any level to abuse this power because of some political interest, there is no channel of appeal. There is nothing that an individual who is harmed by that can do to go to a court and say that a wrong is being done. That is the problem that is faced here, Mr. Chairman.

But let me talk about the history and what I think causes me to be even more concerned. Here we have a government that has been prepared through a minister of the Crown, threaten officers of this legislature, a minister of the Crown threatening the Legislative Law Clerk. Totally unacceptable but an exercise of intimidation because the government was wrong and it got caught. And its political motivation was to try to put the clamps on an officer of this legislature because the government was embarrassed.

The same thing happened with the Provincial Auditor for doing his work, for doing the work that he was mandated to do by legislation out of this legislature, another servant of this Assembly. He was threatened and maligned; his name was dragged through the mud by the same minister of the Crown and by the Premier, who defended the minister of the Crown because that auditor dared to do his job and point out that this government was mispending public money and hiding information of expenditures from the public.

There are numerous non-government organizations across the province, Mr. Chairman, who have been cut in their funding, some of whom have had their funding cut off completely because they dared question this government.

An Hon. Member: — And that minister from Melville.

Mr. Tchorzewski: — I won't refer to the minister from Melville again. He's a little sensitive about this, but once it's on the record I think it's quite adequate. He's certainly one of the worst actors.

And then of course, Mr. Chairman, we know and everybody in Saskatchewan knows about the quiet threats that are made to contractors and business people and others, who are told either you toe the line or you are going to be cut off from government revenues.

What we have here, Mr. Chairman, is a Bill that has got as much and maybe more power as the War Measures Act in Canada. Why do we need a war measures Act in Saskatchewan is something I don't understand, and quite frankly, I object to.

Now the minister made some comments when he introduced the Bill which I will be questioning him on, and I don't want to take a lot of time on this but I think the

point has to be made. The minister said that there was a demand for this legislation, Mr. Minister. You said in your earlier remarks that there was organizations who said that this legislation was necessary. You had their support, you had involved them in consultations, and therefore you brought it forward. Now I ask you, Mr. Minister, has the legislation that we have now not worked?

I should wait so he hears the question, sorry. Has the legislation which we have now not worked? If so, will you explain to the House where it has not worked? And also, who is it that asked for this legislation which we are considering here in committee today?

Hon. Mr. Swan: — Mr. Chairman, the member has gone into quite a few items here and it's going to take a minute or two to explain some of it. The member sort of went across the whole of government and made some wild accusations that I don't think had much purpose under this Bill, and I think for that reason that he should perhaps reconsider his approach to this piece of legislation and consider what actually is in the legislation.

Section 15 that you criticize is when a state of emergency is declared by the Government of Canada. Now if you have a state of emergency declared by the Government of Canada, this gives the authority then for the minister and the local authorities to act. I believe that it's very important that those authorities have their right to act when the federal government declares an emergency, and they only declare an emergency if something is very, very serious.

In the last clause, there's a notwithstanding clause, 15(3), and it says:

Notwithstanding subsection (1), the persons mentioned in that section are liable for gross negligence in carrying out their duties under this Act, the regulations or any order made pursuant to this Act.

So there is very definitely an opportunity to challenge if they do not do their job properly.

But when you're operating under a state of emergency, there isn't opportunity to run for a lot of outside help. You have to make immediate decisions, and that's the reason that the authority is required, is because under an emergency, you do make emergency decisions.

The last time we had a state of emergency declared in Saskatchewan, I'm advised, was 1974. And it was advised that we declare a statement of emergency in the community near Lumsden where severe flooding occurred, in the Estevan area where severe flooding occurred, and in a number of other communities because of very, very severe flooding.

We felt that there was need for change because there hasn't been the authority for local R.M.s and towns and cities to declare a case of emergency when it develops in their own surroundings.

Before this Bill was developed, there was considerable discussion and many, many meetings with SARM

(Saskatchewan Association of Rural Municipalities) and SUMA (Saskatchewan Urban Municipalities Association). Those are the two groups that have worked very closely with the EMO (Emergency Measures Organization) division of my department and have recommended this legislation, and we have the support of both of those groups for their piece of legislation.

The member asked why the need of a new Emergency Planning Act. It will replace The Civil Defence Act, and the emergency Act will better prepare communities throughout Saskatchewan to deal with emergencies where they may occur, and The Emergency Planning Act will provide local governments with authority and responsibility to prepare an emergency plan for their communities.

Now that was not in place before, and that is one of the main reasons for the changes and why this Act is being updated. The Civil Defence Act that we operated under before gave almost identical authority as section 17, and it's being basically transferred to this piece of legislation. So it's not something entirely new. It's really much of a rework of the old Act with some new opportunities presented in it.

Mr. Tchorzewski: — Well, I'm really sorry that the minister does not understand what this is all about here. Maybe he does, but he doesn't want to indicate. Mr. Minister, section 15 was not in the old Act. There is no such provision in the old legislation which you and I have referred to. You have not provided an explanation of why that section is necessary.

It wasn't necessary before. In the whole history of this province, you cannot find one example of why it would have been necessary, and we have had emergency situations in Saskatchewan, from storm situations to others, tornadoes, and so on, and yet that wasn't necessary, but you are bringing that in here. Is it that somebody discovered that this existed in somebody's legislation somewhere else in the world and thought, boy, is this ever an exciting idea and maybe we should put it in? That's not good enough, Mr. Minister.

You say that this applies when there is a state of emergency declared by the Government of Canada. Well you don't provide the full representation of that because this will apply even if you declare a state of emergency. I don't think you're going to deny that. So if you don't deny that, why wouldn't you say that in the House and try to skirt around it and try to indicate that it only applies if the Government of Canada declares an emergency because that's not the case. It will apply if you declare an emergency. It will apply if you and the Premier sit at a cabinet and decide that they're going to declare an emergency, right or wrong, for whatever reasons. And I'm surprised that you would not admit to that in your remarks, but instead try to evade it.

Now, Mr. Minister, I go back to my question because you didn't answer it. Who is it that wanted this legislation? Can you provide in this House some evidence that this legislation was being requested by SUMA? Can you provide some evidence to that, Mr. Minister? Well I'll wait for my question till the minister is listening to my

other question. Can you provide that information, that evidence, and can you tell me, Mr. Minister, since you indicated it was such extensive consultation, who it is in SUMA and SARM that the consultation took place with?

Hon. Mr. Swan: — I'm advised that the beginning of the request for change came from the urban law review committee report of 1980. Then there have been meetings held with SUMA and SARM during the time of Herb Taylor and later with the time of Don Abel, when he was the head of SUMA.

The meetings have been held at . . . or presentations have been made at the time of the conventions of both SUMA and SARM in 1985, and at the district meetings of both of those organizations over the '85-86 period. So there's been a considerable amount of discussion of the changes that are proposed here, and both organizations indicated to us that they would support the changes that were proposed.

Now when I replied to your first question, I indicated to you that section 15 says:

Where a state of emergency is declared to exist by the Government of Canada . . .

And I think that's something that you'd better keep in your mind. The section 17 says where the state of emergency is declared by the province of Saskatchewan, Lieutenant Governor in Council in the province of Saskatchewan, then the minister or the local authorities have the right to go ahead from that point on. The first decision is being made here by the Government of Canada or the Saskatchewan government.

(1445)

In isolated cases, a good example would be the hurricane that struck the city of Edmonton, that was declared an emergency by the Government of Alberta and the city of Edmonton.

I think that when we have situations like the upgrader problem that we've faced here, it's because of the organization of the emergency measures group within the city of Regina that it would have declared an emergency here had there been need. But we need to have these organizations in place and they need to have some authority to deal with severe situations within their own communities. And the Government of Saskatchewan and the Government of Canada have to have authority to declare emergencies if real emergencies arise.

And for you to make the statement that we would declare an emergency for political reasons, is absolute foolishness.

Mr. Tchorzewski: — Well, Mr. Minister, that's not the point. You might not. Some people would believe that this government would. In all of the kinds of tactics that this government has used, which I on some occasions have referred to as political gangsterism, lead a lot of people out there to believe that your kind of government would indeed apply this. I'm not suggesting that. That's not the point. The point is that a government, depending

on who the personalities are on that side of the House, would have this power and be able to apply it.

Mr. Minister, I listened with care to your comment about this consultation that you say took place. I don't believe it . . . (inaudible interjection) . . . Well I know you don't care. You don't seem to care about an awful lot. The fact of the matter is that during . . . and I've been able to go back to 15 months prior to the introduction of this Bill. During that period of time, which would have been when you should have been doing the consultations, SUMA, for example, was not once consulted about this legislation — not once. There is no record of that consultation, Mr. Minister, and if you have record of that, I challenge you to back up what you're saying by making that available to us in this House. I don't think you can do that.

Now since the Bill has been introduced, SUMA has considered it by the board of directors, but before that there was no consultation with SUMA. When I talk about SUMA, I don't mean any one individual of SUMA; I'm talking about SUMA and the representatives of all of the municipalities of the province of Saskatchewan, the board that is elected by the convention.

Now I have here a report that was provided in *The New Urban Voice*, which is the publication that SUMA produces from time to time. This is the most recent one, I believe. And it says:

A review of past SUMA resolutions dealing with emergency measures, 1982-1986 indicates that urban municipalities asked for increased planning assistance rather than greater legislative authority and mandatory participation.

That contradicts your comment that this is something which SUMA was urging you to pass and bring forward and pass in this legislature. Mr. Minister, why would you say that SUMA, and I suspect this is the case with SARM, was pressing for this legislation and was consulted when in fact it was not?

Hon. Mr. Swan: — The member made a number of comments, and one of the things you asked me was to give you some letter or something that indicated that people were interested. This was to Michael Hegan, dated February 18, 1987, it says, this is from the City of Regina:

I am pleased to advise you that at its meeting held on February 16, 1987, Regina city council adopted a resolution endorsing the proposed emergency planning Act and urging the provincial government to expedite presentation of the Act to the legislature. We are cognizant of the need to update this legislation and appreciate the opportunity given us to have input both in the drafting stage and in the review of this draft. We look forward to continued harmonious relations with your organizations.

This one is from the northern village of Green Lake and it deals with the proposed emergency planning Act. It says:

In the review of the proposed Act please accept

the following comments. The Act is well written and contains the appropriate direction to establish it as an emergency planning Act to replace the outdated civil defence and disaster Act. It is brief, concise and to the point which is a great consideration to administrators and councils who have to deal with numerous and cumbersome statutes within the municipal setting, and it is hoped this piece of legislation will be reviewed and passed quickly into law for immediate use.

We don't have all of the correspondence that the department receives here, but that's two of the letters. Now I hope that the hon. member realizes what he's saying when he criticizes that he's gone back to 1987. All of the time that our staff have put into reviewing this legislation would likely have occurred prior to '87, because they were dealing with this starting back in '85, and the first piece of this legislation was introduced to the legislature in 1988, but had died on the order paper because of the timing of the Act coming in. So this is a reintroduction with some minor modifications.

The discussions did take place. You may have had changes in SUMA, that you were talking to different people, that I'm not sure of. But the meetings were held. This was presented at conventions for both SUMA and SARM, and it was presented out in their meetings throughout the year as they travelled around the province. Each of them hold a group of district meetings and these proposals were presented at those meetings and thoroughly discussed.

Mr. Tchorzewski: — Mr. Minister, you have read from two letters from two different communities. Well since you read them, I assume you will table them in the House, the full letters, because you've used them in the House, so that I have access. Can you table both letters? I would appreciate that. Thank you very much. The minister indicates he will provide those letters and I appreciate it.

Now Mr. Minister, can you table likewise a communication with SUMA, which represents all the communities, indicating that there has been consultation with the legislation, not the idea of the legislation, Mr. Minister, but with the legislation itself? Can you provide information in correspondence with SUMA that the legislation itself, the draft of the legislation, involved SUMA and that there was input? Can you do that for us?

Hon. Mr. Swan: — Mr. Chairman, I'm advised that copies of the first draft of this legislation was sent to every rural municipality, every urban municipality within the province of Saskatchewan, and copies were sent to SUMA and SARM. The letters that I read to you are responses from the time that that Act went out, and that was long before the Act was tabled in the House; that was in draft form and it went out all over the province. SUMA and SARM, I'm advised, did not respond at that time. Very recently, there was a response from the current president of SUMA, but that was just very recently, like in August.

Mr. Tchorzewski: — Mr. Minister, can you provide me some information indicating that SUMA and SARM did support the Bill, because I find it difficult to be able to support the Bill unless I know that SARM and SUMA also

have supported the Bill. Because after all, they and their constituency are the ones who are going to be very seriously affected. So can you provide evidence to the members of this House to help us in making our decision which indicates that you've got their support for this legislation?

I know you don't have support of it in one sense, because although you're making it mandatory for the establishment of emergency measures organizations, you are not providing one cent of financial assistance in order to be able to assist them to do that. You're creating on them a financial cost, after you have reduced revenue sharing funding from them over the past few years under this Minister of Urban Affairs that we have. You're reduced their funding but you're going to increase their funding by making it mandatory that they establish an Emergency Measures Organization without the parallel funding that you ought to be providing when you're making it mandatory upon them. So can you answer both of those questions.

Hon. Mr. Swan: — I'm advised that there is no cost to the rural municipalities or the urban municipalities in the act of forming an EMO organization. There might be a cost of holding a meeting or a little bit of paper but it's very, very nominal.

On the other side, through the JEPP (joint emergency planning program) program that the federal government has, this Emergency Measures Organization is able to access in excess of a million dollars worth of federal funding that goes straight into the pockets of the EMO communities that . . .

An Hon. Member: — 50-50.

Hon. Mr. Swan: — Yes. So that money has come into the province that would not have been available otherwise. So there will be no major cost.

Now I'm advised that he doesn't have letters from SUMA and SARM, but in the meetings that they held there was no objection expressed, and they held many meetings. Now I don't know whether you have to have them write you a letter after you have a meeting, or whether they say, go ahead, we support you. I think that should be good enough. Evidently they didn't feel the need to write a letter because they didn't.

And we have very, very few letters back from all of the urban and rural municipalities that were sent copies of the draft Bill. So I think that that would indicate to you if they were violently opposed, they would certainly have written letters back. But there was no violent opposition and that's the reason there aren't very many letters.

Mr. Tchorzewski: — I take it then, Mr. Minister, from your comments that you are not prepared . . . Let me first of all give you the background for my question. It is not simply a matter of establishing by some passing of a motion in a council meeting of Emergency Measures Organization. I mean, if that's all you are wanting local authorities to do, then it's best you not ask them to do anything at all.

I mean, surely you will understand, Mr. Minister, that if you're going to establish an effective Emergency Measures Organization, you need to be able to provide them adequate training. You need to be able to provide them some experiences with how to deal with these kinds of emergencies. Otherwise, you may find in some situations, you send people out there not knowing how to handle a situation who are going to be more of a handicap than they are of an assistance. That does not come free, Mr. Minister. That incurs some expenditure of taxpayers' dollars.

Am I to conclude then, Mr. Minister, from what you have said, that you are not prepared to make a commitment of financial assistance to local authorities even though you're going to make it mandatory for them to organize Emergency Measures Organization?

(1500)

Hon. Mr. Swan: — I would like to give the hon. member some background as far as assistance in training in the organization of emergency measures districts. We have assisted the communities that have established EMO districts. We've worked with them right across the province. We've held a number of training sessions, most of them have been held at Fort San, I believe, and prior to this year, we had trained a thousand local government officials and the training continues, and we're offering training to approximately 500 people per year at the present time.

I think that's fairly commendable effort put out by the EMO division of my department. It takes a lot of organization to bring that many people out and it takes a lot of work to provide the training, and then, along with that, the accessing of the JEPP program to bring in federal dollars, that is money that's used to assist them to buy the equipment that they need. And I think that's been very worthwhile, and an important move by the EMO division of our department.

Mr. Tchorzewski: — Thank you for your answer, Mr. Minister, but I refer you again to the concerns of SUMA in which they write in their news-letter:

Despite intending to place greater responsibilities on municipalities with Bill 54, the provincial government does not intend to increase the budget or the staff in the provincial Emergency Measures Organization office, which serves to co-ordinate emergency planning activities.

It is not just training that is required, Mr. Minister. I mentioned training, but I should have mentioned the other things. When you have an organization which is trained, you have to have equipment. You're going to incur, just by natural course of events, operating costs.

Why then, Mr. Minister, are you not prepared to do your share? I don't mean you personally; I mean the government. Why is the government not prepared to do its share and provide some of the financial assistance that you ought to provide on municipalities on whom you are saying, local economy or not, we are demanding that you establish emergency measures organizations?

Now I'm not suggesting they shouldn't have them. In fact, I think it's a good idea. In fact, I think it's important that they have them. That's not the point here. The point is here when the government of this province, by mandatory provision, says you ought to do something, it should also be able to back it up with some money to show that it is serious about what it's intending to do, rather than simply putting an additional cost burden on the taxpayers of local municipalities.

Why then, Mr. Minister, will you not be prepared to provide some funding in that you are providing this legislation as it is?

Hon. Mr. Swan: — The assistance that the member speaks of to purchase equipment is available through the JEPP program, but it's also going to be available through the capital grants program that the government has put in place this year for both urban and rural. That funding can be used, if they wish, for this kind of equipment. It's any kind of a capital purchase. So I think that we have really met that requirement through that way.

Clause 1 agreed to.

Clauses 2 to 14 inclusive agreed to.

Clause 15

Mr. Chairman: — House amendment moved by the member for Regina North East, section 15 of the printed Bill:

Amend section 15 of the printed Bill:

(a) by striking out subsection (2); and

(b) by renumbering subsection (3) as subsection (2).

Mr. Tchorzewski: — Mr. Chairman, I've made my arguments on this provision and indicating that I would be making and moving this amendment, and I don't want to personalize it in any sense here in my discussion. That's not what my intention is. I would be making this amendment whether it was this government who introduced it, or whether it was another government who introduced, and I would be opposing that amendment within discussions in our own caucus, if there was such a discussion, and they're certainly would not be because I know how my colleagues think about this.

So the purpose of my amendment is because of my concern that when you give authorities very broad powers in which they can essentially do almost anything they want is what this Bill says. And even if I were to accept the minister's argument, and I don't accept it, that this only applies to where a state of emergency declared by the federal government only these provisions apply. It doesn't matter which government may be doing this, I think it's a bad principle in law in a democratic society.

We on the opposition think it's a bad provision to put in the law, to take away the rights and freedoms and ability to appeal, and to have some recourse by people who may

be wrongly done by because of an unfair or an injudicious or a malicious act by officials or by the government of the day no matter who the government is. And so I don't think that this provision is necessary, besides it being wrong. It didn't exist in The Civil Defence Act. We never had a problem in Saskatchewan, because it didn't exist in The Civil Defence Act. There is no evidence to indicate why it should have to be necessary here.

And so I want to move . . . I am moving this amendment in the hope that the minister, in spite of the fact that we've had some words across the way that were relatively tough, I guess, in spite of the fact, recognizing that this is an amendment that he doesn't need and the legislature doesn't need, and that he would agree that we should move the amendment and delete that provision and proceed with the rest of the Bill so that the Bill can be in place. Because, as I said in my initial remarks, there is need for some legislation of this form.

Hon. Mr. Swan: — Mr. Chairman, I'm going to ask my colleagues to vote against this amendment, and I'll tell you why. The rules that are laid out under 15 are very much required in order to operate at the time of an emergency. We have an Emergency Measures Organization in place that might cover four or five municipalities and small towns. One person in that Emergency Measures Organization is declared to head up that emergency measures district. If there is an emergency measure that occurs in that district, somebody has to be given the authority to make the decisions that need to be made, instant kind of decisions. If that person then is eligible for injunction and court action on every decision he makes, I would doubt if anybody in this province would take one of those jobs. I know I wouldn't want it.

And it's the same kind of protection that you get as a member when you're standing in this legislature and speaking — you're protected so that you can say the things that you feel you have to say. This man is out there in the world doing a job in a very tense situation under a lot of pressure, and he has to make instant decisions. If every decision he makes is challengeable in the court, then I wouldn't be able to get people to take those responsible positions. I don't believe that the amendment is the right thing to do, and I'm asking the members on this side of the House to vote against it.

Mr. Tchorzewski: — A question of the minister. I wasn't going to ask him, but because of what I really think is a silly argument, I have to ask the question. Mr. Minister, are you saying to the House that we don't have emergency measures organizations with directors and volunteers and staff existing in Saskatchewan today? Are you saying that, Mr. Minister? Because that's what your argument finally concludes.

If your argument had any validity at all, you wouldn't have an Emergency Measures Organization in the city of Regina, or the city of Saskatoon, or anywhere else, because they would have been deathly afraid of making a decision in case of an emergency. So I'm saying, Mr. Minister, that that argument is just not good enough.

People who are taking a job, or people who are elected have to be prepared to justify their actions, and have to be prepared to be responsible for their actions, and people who are affected by those actions have to have a right of recourse of some form in case they are wrongly done by. And that's why this amendment has been moved, and that's why the members on this House are going to support the amendment.

Hon. Mr. Swan: — I think the member doesn't understand the legislation very well. We do have an Emergency Measures Organization in the city of Regina, and they have one person that heads up that organization. And at the present time that member is protected if he makes decisions, but at this point that member could not declare an emergency. The emergency would have to be declared by the provincial government or the federal government. This legislation changes that so that the city of Regina's emergency measures group could declare an emergency if an emergency occurred here.

If at any time a local authority declares an emergency, that can be overruled by the provincial government, or the federal government could overrule the province if they felt it was not required, but I don't see that ever happening. It's possible, but the protection that's required under 15(2) I think is a must, and therefore we would have to vote against the amendment.

Amendment negated.

Clause 15 agreed to.

Clauses 16 to 26 inclusive agreed to.

The committee agreed to report the Bill.

(1515)

Bill No. 16 — An Act to amend The Clean Air Act

Clause 1

Mr. Tchorzewski: — I'm actually not going to make a speech on this. I'm just going to ask some questions, and I hope the minister will treat it in kind and respond in the same way. Members opposite, I know they're disappointed, but, Mr. Minister, I just have some very quick questions for you.

In that The Clean Air Act was first passed in 1987 and never proclaimed, can you tell this House when it is your intention to proclaim this Act when this amendment goes through?

Hon. Mr. Swan: — I would simply say to the member, very shortly. The regulations are almost finalized, and this Act makes it so that the regulations can be proclaimed and the Act proclaimed at the same time.

Mr. Tchorzewski: — Can you tell me, Mr. Minister, will it be before the end of the year? Surely, I mean, I think it was really quite unacceptable that you had an Act that was brought in here; it was supported by the opposition back in 1987; it was good legislation, and you sat on it for two years and did nothing about it. I know that you've made

the argument, well you needed an amendment. Well if you needed an amendment, you knew that in 1988 and you could have had an amendment then and the Act could have been in place.

You wait until 1989 and then somebody said, gee, environment is a big issue; we better find some things to include in the budget speech that talks about environment. Mr. Minister, you could have introduced, you could have proclaimed this legislation, but you weren't committed enough to the whole issue of air pollution control to act on it as quickly and as expeditiously as you ought to have. So can you tell me, will this Bill be proclaimed in this year?

Hon. Mr. Swan: — I advised the member before that the reason for this piece of legislation was because there were minor changes required in the legislation in order to make it possible to introduce the regulations. There were things that were giving trouble at the time the regs were drafted. Now the regs are pretty much finished, and will likely be proclaimed very shortly. I can't give you . . .

An Hon. Member: — This year?

Hon. Mr. Swan: — Oh yes, this year, very shortly. I can't give you a day, but it will be very soon.

Mr. Tchorzewski: — I've had a concern expressed to me, Mr. Minister, by some people in the agricultural community who are in the field of organic farming that they're concerned about the drift of chemical sprays that drifts on to their property. Can you tell me whether through this legislation you will be able to deal with that, and if not, what are the provisions by which this kind of a problem can be dealt with?

Hon. Mr. Swan: — The licensing of aerial application of spray chemicals is taken care of under the Department of Agriculture and really is not under this legislation.

Mr. Tchorzewski: — Well, Mr. Minister, I was going to leave it at this but that is really a non-answer. I mean, surely you ought to be concerned as the Minister of the Environment.

Mr. Minister, don't you think that it's important that the Department of the Environment be involved in looking into this matter to see what it is that could be done to better enforce this thing and better to be able to stop this from happening? Don't you think that you have some responsibility as well, Mr. Minister?

Hon. Mr. Swan: — We all have responsibility for what happens within the province, but it seems that in the format of government certain responsibilities fall under different departments of government, and as I advised you, that particular part falls under the Department of Agriculture.

Mr. Tchorzewski: — Well, Mr. Minister, except that as Minister of Environment, I simply make the point, and I'll leave it at that, probably has more responsibility than anybody else in society. That's what you have the portfolio for. So I'm really not satisfied with your answer.

I want to deal with one more issue before I let this Bill go through, and that is that I wrote the Premier some time ago with regard to the development that is taking place in the R.M. of Abernethy. It's the National Pig Development Company Ltd. project, a project which is going to have something like 6,000 hogs in the place at one time.

The Premier responded and said that the agencies that have been consulted included the Department of Saskatchewan Environment and Public Safety, air and land protection branch. Mr. Minister, that's the branch which supervises this legislation. Can you tell me, Mr. Minister, what steps you have taken in order to assure that the foul odours which come from these kinds of projects are not going to affect in a detrimental way the farm families who live around the project?

There is a concerned citizens organization who has worked very hard, hired consultants at their own expense to try to make sure that the correct mitigation measures are in place, and have not been provided with any satisfaction.

As a matter of fact, Mr. Minister, I am extremely concerned that on June 5, I wrote to the Premier on behalf of these concerned citizens, a letter asking a number of questions which they have asked him many times and have not got an answer. And since June 5, I have yet to get a reply from the Premier. So therefore I am left with talking to you as the Minister of Environment to see if we can get some answers. Can you give us a report in this House, Mr. Minister, about what you are doing to assure these people that they will be able to live in that area with the same kind of comfort after the project is there, as they've been able to do before the project?

Hon. Mr. Swan: — I don't have anybody here directly from that particular department, but what my staff look at is the technical side of it to see whether or not the proposals under the permit that's granted by the Department of Agriculture will make the project operate in a manner that will be acceptable. And that was done by the clean air division of my department and they have given their endorsement to the permit that was issued under the intensive livestock section of the Department of Agriculture.

Mr. Tchorzewski: — Except, Mr. Minister, that that endorsement isn't good enough. And I don't know what standard you use, because there is documented evidence of other such project which say that it is a problem. And I'll read you one. It's a quote that is provided to the Premier, of a similar operation near Humboldt. A resident living in the area said:

In hindsight I would have strongly objected to the construction of this pig barn. On days when the wind is from the east the smell is unbearable. I would strongly insist that a closed pit be installed or a lagoon cover of some type.

So there is a concern which your department must know about. And yet in spite of that you approved the licence of this without the correct measures being put in place.

Hon. Mr. Swan: — The staff in my department, as I

indicated to you, did the technical reviews. Now we aren't the department that gives the permit, but we do review the whole process to be sure that what the Department of Agriculture is saying that we can support with actual fact. And so our department has reviewed this project and has given its okay to the Department of Agriculture to proceed to issue its permit.

I don't know what the hon. member is suggesting here, whether he thinks that we should not raise livestock in Saskatchewan; should we not raise hogs in Saskatchewan. I think that you should go and take a look at very large hog operations on Hutterite colonies and other places, find out how well in fact they do operate, and see how close to the actual residences of the Hutterite people hog operations operate without any difficulty. I think sometimes you get scares thrown up by people who are not familiar with intensive livestock operations.

There may be some odour at times, but normally I think that you will find that they are quite capable of operating in a manner that people can live close to them and have no difficulty.

Mr. Tchorzewski: — Final point, and then we'll let the Bill go through. Mr. Minister, I have been at those kinds of operations, many of them. I used to represent in a constituency which had quite a number of them. I know the kinds of industry and the kind of benefits that they bring about. But I think there's also an obligation on our part, and your part as a government, to be able to deal with the other kind of side-effects.

So I ask you my final question, Mr. Minister. Did your department, in your consideration, look at a pre-storage aeration system which does exist in other parts of this country and does essentially do away almost totally with the odour that comes from the manure disposal system of this kind of a project? Did you consider that kind of a system as being the correct way in order to be able to handle this?

Hon. Mr. Swan: — I'm advised that all we can look at really is the proposal put forward by the proponent and the Department of Agriculture, and either approve or disapprove. The system that you're suggesting may be preferable and perhaps should be recommended by the intensive livestock division of the Department of Agriculture, but it's not really within our jurisdiction to have that authority.

Mr. Tchorzewski: — Oh behalf of the people who are concerned, and there are some nine families, I understand, I simply want to register my concern for them that the Department of Environment in the province of Saskatchewan — I mean the political arm, because it's really, ultimately the buck stops with the ministers — that you are not prepared, Mr. Minister, to exercise some influence and some authority on these kinds of situations, but are quite happy to slough it off to some other authority somewhere else.

Overall, when it comes to environmental questions, it is your responsibility whether you're dealing with the legislation or not. These people have a legitimate concern. They welcome the industry. They don't object

to that, never have. But they simply say, let's make sure that the environmental concerns, in this case the odour, have just as important a priority as the development side. And the way I see this project developing, the environmental concerns are being ignored.

I'm disappointed in that, and families who live in the R.M. of Abernethy are disappointed in that. And all I guess they can do, since the Premier has refused to consider their request, is wait until the election and do the thing that is only left to them, come that election time, and change either the member of the legislature from that area, and in doing that change the government who will in fact consider their concerns.

Mr. Chairman: — Order, order.

Clause 1 agreed to.

Clause 2 agreed to.

Mr. Chairman: — Order, order.

Clauses 3 and 4 agreed to.

Mr. Chairman: — I'd ask the member from Rosthern and the member for Regina Rosemont to be quiet while the vote is being taken.

Clauses 5 and 6 agreed to.

The committee agreed to report the Bill.

Bill No. 64 — An Act to amend The Clean Air Act (No. 2)

Clauses 1 to 3 inclusive agreed to.

The committee agreed to report the Bill.

(1530)

Bill No. 65 — An Act to amend The Environmental Management and Protection Act

Clause 1

Mr. Tchorzewski: — Just simply for the record, Mr. Speaker, I've indicated that we support this provision. We think that if we're going to convince those who might pollute that they need to take a second look, that the fines and other penalties have to be adequate. These go a long ways towards that, and therefore we find them to be the kinds of amendments that if we were the government, we would be seriously considering in moving it, so we're able to support this Bill.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The committee agreed to report the Bill.

Bill No. 6 — An Act to amend The Wills Act

Clause 1

Mr. Koskie: — Thank you, Mr. Chairman.

Mr. Chairman: — One moment please, one moment please. Would the minister introduce his officials?

Hon. Mr. Andrew: — Madeleine Robertson, Darcy McGovern.

Mr. Koskie: — Thank you, Mr. Chairman. In respect to the amendments in The Wills Act, I spoke on it in second reading and I indicated to the minister that we are essentially in agreement with The Wills Act and the provisions that are provided here and some of the amendments to the formalities of making up a proper legal will.

I want to ask the minister though, just a couple of questions, and if he would just turn to section 6. One of the indications that you have indicated in your . . . when you spoke on the Bill, Mr. Minister, is that it might alleviate legal actions. And when I take a look at some of the provisions which you modify, it seems to me that they may in fact create more legal actions in the interpretations that is going before the court.

And in section 12, as amended in the Act, and there it allows, I believe, a beneficiary to be a witness to a will and has to appear before the court to get an application within six months. I think that's a very dangerous precedent to have a beneficiary being a witness to the will because it lends itself so much to coercion of the testator. And I wonder on whose recommendations or under . . . why are you intending to amend it where a beneficiary can in fact be a witness to a will which otherwise wasn't provided?

Hon. Mr. Andrew: — The rationale for it is that the main purpose is to attempt to avoid a situation where the intentions of the testator can be frustrated by technical rules, where you could call technical rules. The question that the hon. member raises with regards to whether or not a beneficiary can be a witness, and does that lead to a sense of . . . or a potential sense or inference of undue influence, we have attempted to address the balance of those two principles by shifting the onus on the beneficiary to prove that there was no undue influence, as opposed to a presumption otherwise.

And while there can be perhaps some more actions in the court, as the hon. member says, through this section, clearly again the rationale of the amendment and the rationale of the Bill for the most part is to seek to allow the court to be able to give as close an interpretation as one could expect the testator to have had at the time he made the will.

Mr. Koskie: — Well I know the intent of the modifications or the amendments. The problem that I see is that while you try to give effect to the testator's will, it just seems to me — I'm not going to argue with it — but I really think in the end having the beneficiary . . . there's not many around watching the beneficiary being a witness to a will if the beneficiary wants to use influence on a particular testator. And that's the problem that I see.

I know they have to apply to court, but very difficult in my

view to get evidence to the contrary that at the time was not also some influence in respect to the direction of the will. Similarly it seems to me that if you look at the next section, that's my same concern, Mr. Minister and whereby the:

. . . testator without any requirement as to the presence of or attestation or signature . . . (can make up a codicil).

And here again, if you had made up a codicil and you had applied to the rules, you had two witnesses to the codicil just like to the will. And here you take that away and again, it seems it leaves it so open that an individual who is perhaps aged and is seeking out special assistance from one member of the family or other, and could be influenced again and no witness to it. And it seems to me again, while you're trying to facilitate the wishes of the testator, you may well be opening it up pretty wide to, in those two sections, to the influence by a party that is interested.

Hon. Mr. Andrew: — I can advise the hon. member that both sections that he has referred to in his questioning are part of The Unified Wills Act that is in place now in Ontario and Manitoba and being adopted by other provinces. It is also supported by the Law Reform Commission and the Canadian Bar Association, Regina chapter, and Saskatoon chapter. These two sections were also in the 1986 proposed Bill that was introduced into this House — I understand not passed. Those sections were then forwarded to all members of the bar of Saskatchewan and we received no concerns back from them.

The second thing with regard to the section you referred to now, I'm advised that it also brings it into line with case law in Saskatchewan where the court has in fact found ways, as you know they have a capacity to do, found ways around some of those formal technicalities that they see as formal technicalities and come to a decision that they thought was the true intention of the testator.

Mr. Koskie: — I just raise that particular concern, sir, and perhaps in respect to section 9 of this Act which is the new section 35, there it gives broad powers to court. You seem to be indicating that the court had that power before and was using it. But you have added here yet another broader provision for the court to do the interpretation.

And it just seems to me again that we don't want to get into the situation where good estates are used by court applications by contesting parties. However, I suppose that a general provision for the court to take a look at it is not out of order. But again I just indicate that it could lead to a considerable amount of court action, whereas before, with the strict compliance, it was either right or wrong previously.

Those are the only comments I have, Mr. Minister.

Hon. Mr. Andrew: — On the last point, and that certainly is an observation I think very often we face with any type of legislation we could introduce, I can only try to reassure the hon. member in the following way. This section has been in place in Manitoba in the wills Act

in Manitoba for five years now. There was some concern raised over there that this would in fact happen. To date, that is five years, that has not been the case, number one. And number two, the courts in Saskatchewan, as you know, can take some licence in interpreting and finding ways around things that they see as unfair, and that's what has happened, and this is really an attempt to clean it up as much as anything.

Clause 1 agreed to.

Clauses 2 to 10 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 11 — An Act to amend The Criminal Injuries Compensation Act

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

Hon. Mr. Andrew: — The same officials except for Betty Ann Pottruff.

Clause 1

Mr. Koskie: — Mr. Minister, I'm advised that there has been representation made to you by the Law Reform Commission indicating and requesting that governments should compensate crime victims for their suffering even if they're not totally innocent.

And I have an article here which sets out, and in fact there was a 13-page report that was forwarded to you in that respect.

Provincial crimes compensation board can consider a victim's moral conduct but it shouldn't reduce or deny in a ward unless the behaviour directly contributed to the person's injuries (the commission report indicated).

I just want to give a couple of examples were they use, where the crimes compensation board discriminated in the past. The first one is . . . the report cited a number of cases in which it said there was no clear casual connection between the victim's conduct and the injuries.

One person got home at 2 a.m. after drinking and found a party in progress. He got into an argument with a stranger over how loud he was playing his radio. The stranger shot him numerous times and was later convicted of attempted murder. But the victim was denied compensation because he was intoxicated by drugs and alcohol and didn't initially co-operate with the police.

Just one other. A man was leaving a bar in an advanced state of intoxication when two people approached him and stabbed him repeatedly. The board reduced his award because he himself was drunk. I don't know him being drunk really in any way necessarily contributed to his injury.

(1545)

One other. A woman was sexually assaulted by two men who were later convicted of the offence, but she was denied compensation because her drunkenness and because she had put herself in circumstances that contributed to her injuries. And this has been the recommendation of the Law Reform Commission. And I'm asking you, why haven't you incorporated that concept within the Bill?

Hon. Mr. Andrew: — The point raised by the hon. member is valid in that sense. If you look at the subsection 8(e), prescribe the following clause added to clause 36:

prescribing guide-lines with which the board shall comply in determining eligibility for and calculating the amount of an award for compensation . . .

Again the legislation is consistent with the legislation across Canada. I'm referring to Department of Justice Canada, criminal injuries compensation in Canada 1986, policy programs research branch:

(The legislation) all jurisdictions provides that behaviour directly or indirectly contributing to the injury or death of the victim should be considered or taken into account.

Now I don't think the hon. member would necessarily disagree with that part of it and I would take his statement to say that . . . let's take the two or three cases that he raised. The fact if the individual was drunk and that was the only factor, I would tend to agree with him given the facts that he talked about there. And I think this will allow that type of situation to be dealt with that way.

If on the other hand the individual sought not to co-operate with the police, was belligerent in coming to bring the matter to trial, then I think that's something that should be considered, whether . . . how much weight is put to it I think we have to have the flexibility in order for that to happen.

Mr. Koskie: — Well these are not my recommendations, these are your Law Reform Commission recommendations and the examples they cited and have indicated that as it was operating before there was a discrimination on the basis of the fact that somehow, whether they contributed or not, if the person was doing other than he should have been under the law, whether it contributed to the injury, that it could be taken into consideration; and they felt that that shouldn't apply. I raise that for your consideration.

The other basic concern that we have with this here is in respect to what crimes this will cover. I take it it was previously set out in a schedule, and I think I'm right in saying that that schedule has been removed and now it's going to be made by regulations. And so as a consequence it's going to be totally up to your discretion. If we pass the Act, we don't know the full impact as to what it's likely to cover. Can you indicate if that's indeed correct, and I wonder why you are proposing to do that.

Hon. Mr. Andrew: — I'm advised the reason is twofold. One, the ability to put it into regulation gives you more

flexibility. The coverage of what is covered is also the subject of a federal-provincial agreement, and therefore there's not a great deal of discussion on the part of us in the sense that we have a standard form across the country with regard to this. And when there is an amendment to the Criminal Code, then the regulations can be adjusted accordingly, should there be an amendment to the Criminal Code.

Mr. Koskie: — There's another provision added to this Act, and I ask you to give me your interpretation on it. Is it true that there is subrogation rights now for the crimes injury compensation board just, for instance, similar to workmen's compensation, whereby under the Workers' Compensation Board — I guess you're familiar how it works — a person gets compensation from workers' compensation, and then if he commences an action against the negligent party or the party at fault, the Workers' Compensation Board is subrogated. In other words, they get back the amount of compensation that has been paid out from that judgement. How is it anticipated here to work?

Hon. Mr. Andrew: — Subrogation rights are similar to . . . or this is a copy of the subrogation rights under the Workers' Compensation Board.

Mr. Koskie: — And is this a provision . . . this provision was not obviously in the previous Act, and I'm wondering whether there's other jurisdictions that have the subrogation rights set out in the amendments that you have provided here.

Hon. Mr. Andrew: — Most jurisdictions have a subrogation right. We take ours as the model from Workers' Compensation Board, so it's maybe not quite the same, but we want to have it consistent with the Workers' Compensation Board. But all jurisdictions have certain subrogation rights under this.

Mr. Koskie: — And under the subrogation provisions in here, is it an absolute necessity that the crime victim that has received payment in respect to the criminal injuries compensation, that they commence an action on behalf . . . well commence the action in order that . . .

An Hon. Member: — Are you asking is discretionary or an absolute rule?

Mr. Koskie: — You better stand up and explain it to me.

Hon. Mr. Andrew: — It's a discretion. The matter can either be brought by the individual or be brought by the board.

Clause 1 agreed to.

Clauses 2 to 9 inclusive agreed to.

Clause 10

Mr. Koskie: — Yes, Mr. Chairman, I just want to ask the minister, in section 10(2), the latter part in subsection (c):

the board makes an award of compensation to the person mentioned in clause (b);

the board shall deduct from the amount of compensation awarded to the person mentioned in clause (b) the amount of compensation mentioned in clause (a) that has not been otherwise recovered by the board.

Would you give me the clarification of that clause.

Hon. Mr. Andrew: — I'm advised it works the following way. If a person has been guilty of the offence of harming some individual, then at some later point in time they come back as a victim, the one is offset against the other.

Mr. Koskie: — Well this is sort of after-the-fact punishment for nothing related to the particular injury. I mean, because he committed a crime that compensation was paid out for it in the past, and now he behaves himself and someone . . . he is a victim of a crime, and you're saying then go back to his previous act, and because compensation was paid out because he committed a crime and injured someone, now it's going to be reduced by the amount that was paid out previously. It doesn't seem like a very meaningful situation, Mr. Minister.

Hon. Mr. Andrew: — I suppose the most famous case in this area is Clifford Olson. Clifford Olson killed a number of young children. Subsequent to that, because he got into some trouble in the penitentiary, he brought an action as a victim because somebody had slapped him around in the jail. We didn't think that was an appropriate type of situation to compensate.

Clause 10 agreed to.

Clauses 11 to 13 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 12 — An Act respecting Regulations

Clause 1

Mr. Koskie: — Mr. Minister, I just want your clarification in respect to section 2, really, subsection (e). You have the definition there of "regulations" as defined by The Interpretation Act and goes on under subsection (i) and (ii), "but does not include:" and what I want is your clarification and explanation of what is excluded under the definition here, in a little more detail.

Hon. Mr. Andrew: — I will attempt to answer this fairly technical question. Number one, with regard to the reference, the example given to me by officials is, let's say The Electrical Inspection Act, which adopts a federal code, and by reference then that would be into there without having to resubmit the new code or whatever. So it covers that.

The other one tries to clarify that any by-laws by a corporation do not constitute a regulation. It seems obvious that to be the case. It just simply clarifies it even further that that corporation's going to have the power . . . (inaudible) . . . regulation. And that would refer you to The Interpretation Act, section 2(b):

“regulation” includes any rule, rule of court, order prescribing regulations, tariff of costs or fees, form, bylaw . . .

And that just clarifies the word “bylaw” in there.

Mr. Koskie: — Thank you. Section 3, if I might just refer to, Mr. Minister, here the minister may appoint the registrar. I looked at a couple of other Acts, I believe Alberta and Manitoba, they had the Lieutenant Governor in Council — no big deal.

But number 5, section 5 is a little bit of concern in that it gives retroactivity to the enactment of regulations, and that certainly is a new provision. And I wonder why you have to have a provision for retroactivity in respect to the enactment of regulations.

(1600)

Hon. Mr. Andrew: — This doesn’t authorize in itself retroactive regulations. It says where there are retroactive regulations in existence or the power to do that, this then authorizes, in other words it cleans the Act up; one such section being Members of the Legislative Assembly Superannuation Act which allows for retroactive regulations.

Mr. Koskie: — One other area, and that is section 13, Mr. Minister, if you’d take a look at that. And it gives the repeal of regulations, and I’m wondering, is there any provision whereby the repeal is made public? In other words, I’m really wondering how does the public, how do the lawyers know if the right to repeal the regulations is with the Lieutenant Governor in Council? Certainly when regulations are enacted, that they are gazetted, but when they’re repealed, there is no way of informing the public, as I understand it.

Hon. Mr. Andrew: — Section 13, page 4:

the Lieutenant Governor in Council may repeal by regulation those regulations pursuant to the authority of this section.

A regulation must be gazetted and therefore in order to repeal any regulation, it must be a regulation itself and it must be gazetted.

Clause 1 agreed to.

Clauses 2 to 21 inclusive agreed to.

The committee agreed to report the Bill.

Bill No. 13 — An Act respecting Certain Amendments to Certain Acts resulting from the enactment of The Regulations Act, 1989

Mr. Koskie: — Yes, I’d like to ask the minister there, section 3, if I might refer to:

Section 22 of The Provincial Lands Act is repealed and the following substituted . . .

Mr. Minister, and it goes on to create a new section 22

and section 22.1. I want to ask you whether or not this broadens the powers that was previously in The Provincial Lands Act under the new proposal?

Hon. Mr. Andrew: — I am advised that this section was brought in on the advice of the Legislative Law Clerk, and the reason for it under the section there was an ability to make both a regulation and an order, the regulation requiring gazetting, the order not. And therefore they were split out to avoid that complication.

Mr. Koskie: — I think this was in . . . the previous section was somewhat as broad. But I think if you look at it, it couldn’t be broader than what it is now, perhaps no broader in power. But I want to be clear that really what it’s doing is separating the two, that is, in respect to regulations and in respect to orders. I understand why that’s done, and I just want a confirmation that it basically is the same powers in respect to the previous Bill.

Hon. Mr. Andrew: — It is exactly the same powers as the previous Act.

Mr. Koskie: — Just in respect to section 8 where you have the schedule. You have your column one, two, and three, and four. Just run me through the significance of, you say in column three “strike out” and “substitution”. Just run me through why in fact we end up with “and rules” and in the previous what we strike out “rules and regulations,” and what is the basic effect that that has?

Hon. Mr. Andrew: — I’m advised that if you take the first one, The Accredited Public Accountants Act, our interpretation is that professional associations like that can make rules but they cannot make regulations. To leave the word “regulation” . . . and then goes back to the point we talked about before with regard to a regulation or a by-law of a corporation, that type of thing, that just to make it clear through this that the professional organization like this could only make rules not regulations.

Mr. Koskie: — Well I take it they can make rules and/or by-laws but can’t make regulations.

An Hon. Member: — Can’t make regulations.

Mr. Koskie: — Okay, that clarifies it.

Clause 1 agreed to.

Clauses 2 to 7 inclusive agreed to.

Clause 8

Mr. Chairman: — Would the members take the amendment to schedule 1 of the printed Bill as read?

Just for clarification, would the committee approve the schedules as amended?

Clause 8 as amended agreed to.

The committee agreed to report the Bill as amended.

Bill No. 80 — An Act to amend The Department of Justice Act

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

Clause 1 agreed to.

Hon. Mr. Andrew: — Terry Thompson is added to the group.

Clauses 2 and 3 agreed to.

Clause 1

The committee agreed to report the Bill.

Mr. Koskie: — I understand what you're proposing to do here, Mr. Minister. Two questions that I have in respect to it. You're setting up a revolving fund for the corrections facilities, and it's called a corrections facilities industries revolving fund to be established. Two questions: one, why do you need it; and two, the accountability of revolving funds in respect to the auditor?

The committee reported progress.

THIRD READINGS

Bill No. 57 — An Act to amend The Wascana Centre Act

Hon. Mr. Andrew: — Mr. Speaker, I move that the amendments be now read a first and second time.

Motion agreed to.

Hon. Mr. Andrew: — With leave, I move that the Bill as amended be now read a third time and passed under its title.

Leave not granted.

Bill No. 58 — An Act to amend The Wakamow Valley Authority Act

Hon. Mr. Andrew: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 59 — An Act to amend The Meewasin Valley Authority Act

Hon. Mr. Andrew: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 51 — An Act to amend The Uniform Building and Accessibility Standards Act

Hon. Mr. Andrew: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 54 — An Act respecting Emergencies

Hon. Mr. Andrew: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 16 — An Act to amend The Clean Air Act

Hon. Mr. Hodgins: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed

Mr. Koskie: — Are there any plans to expand the activities of the inmates in the corrections into more industry type operations? Is that the reason for it? Are the plans made in respect to enlarging the number of activities that inmates may well be doing?

Hon. Mr. Andrew: — Where opportunities present themselves, we would do it. We are cognizant of the fact that we would not want to do it or to get into some businesses or quasi-businesses that would compete with an individual out there in the outside world trying to make a living. So we wouldn't want to try to set up industries that would be in direct competition to some small-business man.

Mr. Koskie: — Have you any operating now? What type of industries have you operating now at the correction facilities that you would be using the revolving fund? And have you any additional ones contemplated?

Hon. Mr. Andrew: — The one place that it has been expanded is to build some furniture. And it's not a . . . I wouldn't say it was a large operation. A lot of the stuff to date has been sewing for institutions, office curtains, mattress covers. Those are at Pine Grove at Prince Albert. Garden sheds, cattle feeders, outdoor toilets for national parks, Regina Correctional Centre; shelving, modular office dividers, deer gates and bear traps for Department of Parks; garden sheds and picnic tables by individual request. That's the type of thing that is being done. And we wouldn't see it expanding into a large, large operation, but anything that could properly be done for the benefit of all.

Mr. Koskie: — Is there any anticipation of the size of the revolving fund that would be requested once approved?

(1615)

Hon. Mr. Andrew: — I'm advised it would be clearly under half a million dollars to capitalize the whole thing.

under its title.

Bill No. 64 — An Act to amend The Clean Air Act (No. 2)

Hon. Mr. Hodgins: — With leave, now, Mr. Speaker, I move the Bill be read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 65 — An Act to amend The Environmental Management and Protection Act

Hon. Mr. Hodgins: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 6 — An Act to amend The Wills Act

Hon. Mr. Hodgins: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 11 — An Act to amend The Criminal Injuries Compensation Act

Hon. Mr. Hodgins: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 12 — An Act respecting Regulations

Hon. Mr. Hodgins: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed under its title.

Bill No. 13 — An Act respecting Certain Amendments to Certain Acts resulting from the enactment of The Regulations Act, 1989

Hon. Mr. Hodgins: — Mr. Speaker, I move the amendments be now read a first and second time.

Motion agreed to.

Hon. Mr. Hodgins: — With leave, now, Mr. Speaker, I move this Bill be now read a third time.

Leave not granted.

Bill No 80 — An Act to amend The Department of Justice Act

Hon. Mr. Hodgins: — Mr. Speaker, I move the Bill be now read a third time and passed under its title.

Motion agreed to, the Bill read a third time and passed

under its title.

COMMITTEE OF FINANCE

**Consolidated Fund Budgetary Expenditure
Department of Justice
Ordinary Expenditure — Vote 3**

Mr. Chairman: — Order, order. The business before the committee is the Department of Justice. I'd ask the minister to introduce his officials.

Hon. Mr. Andrew: — The officials present today are Darryl Bogdasavich who is acting deputy minister in the absence of the deputy minister; Twyla Meredith, director of administrative services; Ellen Gunn, director of public prosecutions; Terry Thompson, assistant deputy minister, corrections and justice service; and Jim Benning, assistant deputy minister, administration, plus other support staff.

Mr. Koskie: — Almost overwhelmed, Mr. Minister. Mr. Minister, I want a few preliminary questions first of all, and I just want to run through your personal staff and you can confirm with me whether or not they're still with you. Bev Kallsen, ministerial assistant C and monthly salary as of April 15, '88, \$1,930; Mavis Roots, ministerial assistant D, monthly salary as of April 15, '88 of 2,244; Wanda Wolbaum, ministerial assistant C, monthly salary April 15, '88, 2,079; Kenneth Ritter, special assistant, salary April 1, '87, 3,517, as chairman of the Surface Rights Arbitration Board, special assistant; and finally, ministerial assistant 2, Coryna Kulba, a monthly salary as of April 15, '88, 2,750. I refer to those as your personal staff that was provided to my colleague last year.

And accompanying the expenses that were asked for in out-of-town travel, I note that there was a very substantial outlay by your ministerial assistant 2, the total sum of something like \$16,923.44. Many of those were obviously in respect to free trade meetings throughout the province.

I want to know, in providing us with those expenses, for instance, you have September 26, '87, Kindersley; purpose — accompany the minister to meetings. And there are others. October 1, '87, Saskatoon; purpose — accompany the minister to interview. Now do those expenses here include . . . what in fact do they include? Do they include just the expenditures put out by your ministerial assistant 2, or the covering off of the costs of the rental of halls and the food and whatever else is provided at these meetings that you go to. So could you give me just a little bit of information because that's a fairly substantial amount of money, 16,923.44, by one of your ministerial assistants — at least those were the expenditures which you allocated to her and indicating the various out-of-town travel.

So two questions. When you provide this information what did those expenses include? And secondly, is that your complete list or are there some of those that I have mentioned have left and do you have any additional legislative assistants?

Hon. Mr. Andrew: — The list of the individuals that the

hon. member read out, there is a Wanda Wolbaum, she was a secretary. She has since moved over to the Department of Trade and Investment. Bev Kallsen who was a secretary, has since moved out of province. Ken Ritter who was special adviser, he has left the employ of government; he's now working with the federal government.

Add to that two secretaries to replace the two that have left, is a Rita Repushka, salary 1,904 — pardon me, 1,980 as of July '89; and a Jane Clow who commenced February 15, '89, salary, 2,210. She was formerly in the Department of Trade and Investment and moved over. And replacing Mr. Ritter is Sue Barber as the special adviser on justice matters to the minister.

Mr. Koskie: — There's been a number of changes in your staff. I wonder if you could provide me with the list of the staff and the salary at this time if you have that sheet that you could forward over. I'd also like you to provide us, you know, as you did last year, with any out-of-town travel and any expenses associated with any of your staff. I also asked for an explanation in respect to the expenditures of one of your ministerial assistant 2, in respect to the 16,900-and-some dollars. If you could give a little clarification as to what that was for last year.

Hon. Mr. Andrew: — What I would undertake to . . . I believe last year and the year before when we did the estimates, I forwarded over a copy of all the information requested. Perhaps if you could set out for us what you would like, as we did the last couple of years, then I'll send all of that . . . I'll have it set up and send it over to you in the next week to 10 days.

Mr. Koskie: — Well what I want is your personal staff, their positions, their salary . . . their position, like ministerial assistant C or D; their monthly salary; the out-of-town travel, if any; and travel expenses associated with any of them. We requested that last year. You provided that, so that would be satisfactory.

Hon. Mr. Andrew: — The hon. member also I believe last year had requested certain positions in the department over such and such salary and an update on that as well.

Mr. Koskie: — What I want also, Mr. Minister, to provide, if you don't have it in a sheet today, is to provide a record of all out-of-province travel by the minister and department officials. I want to know the destination, the purpose, cost, and those that accompanied the minister or a deputy in any out-of-province travel. Could you provide that.

Hon. Mr. Andrew: — I can undertake to get that for you. When you say the deputy, do you want it restricted to the deputy or do you want it to include other senior people in the Department of Justice?

Mr. Koskie: — Other senior people.

Hon. Mr. Andrew: — I'll undertake to get that for you.

Mr. Koskie: — The other information that I would like is also a list of all the prosecutors that is hired by the Department of Justice. I'd like to know the name of the

lawyers, the firm they're associated with, and the amount that was paid in the past year.

Hon. Mr. Andrew: — The hon. member would want all the prosecutors that do fee for service prosecutorial work? I'll undertake to get that for you.

Mr. Koskie: — Mr. Minister, just as another preliminary, I wonder if you could advise whether or not there are any legal actions against the Government of Saskatchewan and/or any ministers of the Crown that you're aware of and that the Department of Justice is looking after.

Hon. Mr. Andrew: — The hon. member, there are several pages of actions against the government, or where the government is involved, and rather than taking the time in the committee and reading them out, what I would do is send a copy over to the hon. member.

Mr. Koskie: — Thank you for that. The other information that I want is whether or not within your department you have any employees on personal services contracts and whether you have any, and if so, I would like a list of those that are on personal services contract, the amount they are paid, the position, and their duties.

Hon. Mr. Andrew: — The officials don't believe there is any. They will undertake to go through the list of all the people, though, and perhaps bring that back to you on Monday, but the view is that there probably is none.

Mr. Koskie: — And I want other information. You may not have it, but provide it for me. Any other law firms — I'm not talking about prosecutors — any other law firms whose services were hired or employed by the Department of Justice for any specific or special work; if so, the name, the purpose, and the amount paid. Could you provide that information?

Hon. Mr. Andrew: — I will undertake to get that information for the hon. member. Now what you're talking about here, I take it, is all legal work that would be billed to the Department of Justice? I will undertake to send that over with the other information.

Mr. Koskie: — Also I would like information in respect to any commissions, studies, or research, or any consultants that you had by the department, and the nature of the . . . if so, the nature of the consulting work and any amount that has been paid for the past year in respect to the consulting fees. Can you provide that?

Hon. Mr. Andrew: — I will undertake to provide that as well.

Mr. Koskie: — Mr. Minister, I want to get into the nuts and bolts of my concerns in respect to the Department of Justice. I have two colleagues that want to ask in a particular area, and rather than start with the full thrust of my comments, and because of other obligations. I'm going to ask my colleagues to do their parts during the course of this day.

Ms. Simard: — Thank you, Mr. Chairman. Mr. Minister, I want to direct your attention to the Human Rights Commission, and in particular, the affirmative action

program with respect to the Human Rights Commission. You will recall that with respect to the 1987 budget, there was a cut-back of some \$160,000 from the Human Rights Commission budget, an 18 per cent cut. There has been some increase since then, but it's my understanding that there's still a shortfall of some 92,000 with respect to that 160 in comparison to the 1986 levels.

Now this creates a serious problem in the area of affirmative action inasmuch as it becomes very difficult for the commission to fulfil its mandate to monitor and encourage affirmative action programs. And I note from the most recent annual report that Saskoil simply withdrew from the affirmative action program, and I understand that there were no repercussions taken against Saskoil with respect to its withdrawal from affirmative action.

I have been advised that there was no increase in employment for women since 1982 at Saskoil, and as women's critic, I am asking you, Mr. Minister: number one, why did Saskoil back out; and number two, is this being reviewed to see whether or not the program could be improved upon and the objectives, original objectives and goals met?

Hon. Mr. Andrew: — I have a little trouble with trying to respond to your question with regard to Saskoil. That usually is a response that would come from the commission, and as you know, the commission is at arm's length from the Department of Justice. So I could undertake to pass your question on to the Human Rights Commission who could respond or take it up with Saskoil if you would like. But it's not something that would normally be done, that type of specific question not handled by Justice estimates. That's all I'm saying.

With regards to the budget, on a per capita basis if we were to compare ourselves to the province of Alberta and the province of British Columbia and we're talking here about dollars for the Human Rights Commission. We have a population of a million plus and we spend \$927,900 or 92 cents per capita. Alberta has a population of two and a half million, a budget of 1.2 million or 48 cents per capita. British Columbia has 3.010 million people, a budget of one point four zero three, eight hundred or 47 cents per capita.

So if we look at ourselves versus Alberta, now maybe you can't use that as a total gauge given the fact that you have a larger population, etc., but we stack up reasonably well to those provinces with regard to funding of the Human Rights Commission. Do the Human Rights Commission request further funding than they have? Yes, clearly they do. This year we were able to increase their budget by some \$67,000, which on a less than a million dollar budget is a substantial increase in that sense, perhaps not as much as they had requested or would like to have. But that's not untrue for any department or commission of government that most of them would want more money than they have been allocated in their budget.

(1645)

Ms. Simard: — Mr. Minister, with respect to your statement that you don't ordinarily ask these sorts of

questions, well it's my understanding that the Human Rights Commission is funded under Justice estimates and therefore I would have expected that you would have been prepared with answers respecting the Human Rights Commission.

With respect to the comparison between Alberta and B.C., I want to simply make the point that Saskatchewan has been a leader in the area of human rights throughout the years, and I think that if we reduced ourself to comparing ourselves to Alberta, for example, which has not been the forefront, which has been very, very slow with respect to human rights and considered sort of backwards, that I think that that's exactly the sort of thing that we're complaining about, Mr. Minister. We've been a leader and you've reduced us to an Alberta situation, and I say that that's shameful.

With respect to the increase, yes, there's been an increase. But you still haven't brought us up to the levels of 1986. There was a cut. It's still catch-up and it's not even all the way there. There's something like a \$92,000 difference, Mr. Minister.

And so what is the effect, what is the effect of this sort of difference? The effect is that we have a company like Saskoil that does not comply with the affirmative action goals and objectives that were originally set out. It does not comply obviously because the support services and the monitoring is not there because the Human Rights Commission cannot fulfil those functions because of understaffing and underfunding by your government. That's what I believe the situation is, Mr. Minister, and it's directly related to your cut-backs.

Now with respect to maintenance, I have raised in this House on numerous occasions, Mr. Minister, that there is a situation where spouses do not qualify for legal aid. They don't qualify for legal aid, and yet they may have to go to court in order to defend their custody rights or fight access rights or defend their maintenance rights, but they still don't have the money to pay for a lawyer.

And we find a situation in Saskatchewan — and this applies to both men and women, but primarily women are the victims in this case. They cannot qualify for legal aid; they do not have adequate funds in order to defend their rights for custody of children, and I hear from many of these women. It's a very, very serious problem in Saskatchewan.

What I would like to know, Mr. Minister, is what action is your government going to take to make the law and the courts accessible to these women so that they can pursue their legal custodial rights, their rights to access, their rights to maintenance? What action is your government going to take?

Hon. Mr. Andrew: — I'm going to go back to two questions that were asked here. Number one, with regards to the Human Rights Commission, you said that I should be answering questions. The Human Rights Commission is a quasi-judicial board that is arms length from the Department of Justice and arms length from government. Now it is not for me, nor I would think if I started to indicate that I'm speaking on behalf of the

Human Rights Commission, you would be first to take me to task for that, and properly so.

When you said that we are the same as Alberta, we're almost twice as much per capita that we spend as Alberta does. Now you can say that isn't relevant; I would think that that probably is.

Number three, we have brought in amendments to the Human Rights Commission this year. They were passed through this Assembly — I believe they've been passed through this Assembly.

Going to then your second question, and you raise an important question with regard to the whole issue of custody, maintenance, particularly for those people that do not have the wherewithal to perhaps have access to the courts as much as those with money. I think the hon. member would acknowledge the introduction of the enforcement of maintenance orders in the province that has been good legislation; that through that vehicle now we can enforce all maintenance for people in the province. And that's been quite a step forward for people in that whole area you refer to.

The second response, I suppose, is that I would refer the hon. member to the, I think it's called the children's law Act or the child law Act introduced in this session that that Bill is now out for consultation. It is not our intent to pass it through the House before the House rises on adjournment. But certainly when the House reconvenes it would be our hope to bring that in. That deals with areas like mediation, that I think the hon. member would acknowledge is an area that can have some value in this area. It also will streamline the procedure substantially in order to start to address with some of the issues that the hon. member raises.

I'm not saying it solves all the issues as the hon. member raises but it is certainly a step in the right direction.

Ms. Simard: — Has the minister given any consideration to improving the unified family court in Saskatchewan and perhaps implementing the same sort of system in the southern part of the province?

Hon. Mr. Andrew: — That issue was certainly brought forward this year in the budget presentation from the Department of Justice. It did not make it into the budget, ultimately. Now I don't know what the increase in the Department of Justice budget was this year . . . 9 per cent. That's a fairly substantial increase in a fairly large department, 9 per cent in spending. And it was the decision that the priorities would go perhaps to some of the pressure points.

A lot of this spending in Justice you have very little control over. As you know, about 40 per cent of our spending goes to policing contracts that are subject to an escalating cost on our part each year and about 40 per cent go to corrections. And corrections are really a product of how many people end up in those institutions and the costs of it.

So the remaining 20 per cent had to view for the additional funds that we got. Nine per cent is a pretty substantial

increase but we could not look at it. Certainly in next year's budget that will get a hearing once again. I think it's an area that, quite frankly, does not cost money but sometimes I have difficulty convincing people in Finance of the value of that argument.

Ms. Simard: — Mr. Minister, will the unified family court be implemented in Regina in the near future?

Hon. Mr. Andrew: — The whole matter is now being evaluated both by the department and by outside people and I would hope that you would, from our department's point of view, we would hope to be able to see the expansion of that in the next session. Now that's our hope. As you can appreciate, that has to come up against competing interests, and I guess we'll have to see.

Ms. Simard: — It just occurs to me, Mr. Minister, that if the unified family court was implemented in Saskatoon — as I understand it hasn't been completely implemented to the extent that was originally anticipated — and in Regina with all the necessary support services attached to it, that it would go a long way to helping out in some of these situations that I have talked about, and that's the reason why I raise that question.

And it's not simply good enough to establish a court and say, well, we've got a unified family court. You have to put the support services in with the court in order to alleviate some of the trauma that's associated with many of these custody and maintenance battles, and perhaps resolve many of them out of court, Mr. Minister.

The other matter that I would like to raise with you is the question of family violence. I have been receiving correspondence from women who find themselves caught in the justice system as a result of husbands who are batterers. And I think you may have even received a copy of this letter which I would like to read into the record because I believe it describes the situation aptly, Mr. Minister, better than I could in my own words. But this is the tale that one woman has told me:

I am one of hundreds of women in this city alone who are not pleased with the judicial system as it exists today. I am a separated woman, living by myself behind security doors. I was married to a batterer and even though the marriage has been over for two years, the battering has not stopped. I live every day not knowing if I will be allowed the privilege of keeping my car in its intended stall overnight or if it has to be hidden to avoid malicious vandalism by my abuser.

I go to bed not knowing if I'll be able to sleep all night or if I'll be awakened by the door buzzer or telephone with my abuser behind both. If it's the door buzzer and I don't answer I'm awake the rest of the night wondering if he'll be back or con some other tenant into letting him in. If my car is home and I don't answer the door I know that it will mean a trip to the auto insurance company the next day.

If it's the telephone ringing, I have two choices. If I've hidden the car earlier I can choose not to

answer the phone and let him think I'm not home; if the car is at home I can choose to not answer and run out to hide the car, then run home hoping he doesn't drive by, or I can answer and dress while talking to him, then say good-bye, rush out and hide the car, and again run home hoping he doesn't drive by before I'm safely inside.

Why do I live like this? Why don't I do something about him? Well I have. There have been a multitude of charges laid. There's a probation order stating that he's not to have any direct or indirect contact with me, and I have involved the police many times.

So why hasn't the problem been solved? Well every charge means three to six court appearances with a time span of up to six months. By the time a plea has been entered and there have been up to seven more charges laid, then comes plea bargaining time. The prosecutor is drawn into the picture. Out of seven charges, at least three will be dropped and the two most serious charges will be downgraded. That leaves four charges the judge apparently thinks are minor, because if I'm very, very lucky I'll see him sentenced to six months more probation.

The last time my abuser was to court he received 30 days, weekends, and he wasn't even working, for two breach of probation — one public mischief, and one drunk in a public place. The two breach of probation charges are the last two of approximately five in the last year.

I don't believe this is justice. I believe this is abuse to a victim through the judicial system.

And it goes on, Mr. Minister, the point being that this woman and many women out there, hundreds of women according to the person who has written this letter — feel that the justice system is not meeting their needs in a situation where they are being battered and they are continuing to be battered.

Mr. Minister, would you please advise this Assembly what steps you have taken in order to remedy this situation.

Hon. Mr. Andrew: — The particular letter the hon. member refers to and reads from, we received that letter. The individual meeting was arranged and the meeting took place between the writer of the letter, the deputy minister of Justice, the director of public prosecution, and special adviser in the minister's office.

The hon. member asks, what am I going to do about it, and I think one could say that all members of this House have sympathies with those type of victims. Would it solve the problem for the courts to be tougher on them, to be able to, in those type of situations, find a mechanism by which to keep them away from them or keep them in jail? And I suppose one, in a perhaps maybe too simplistic a way, can say, well I would tend to think the courts should send them to jail for a lot longer period of time, have stronger orders.

But I don't think that's the answer to it. I think you have to . . . a combination of how the court better deals with them. Can we bring in some better enforceable rules with regard to restricting their access? And that becomes, as you understand as a lawyer, rather tricky to legislate that type of thing, because you then, as soon as you start doing that, then they start squealing on the other side that somehow you're violating a person's right to mobility and his human rights, etc., and so there's a balance off there.

I tend to think that the issue that the hon. member raises is a very important issue for society. It's something that I think society in a lot of ways has to deal with. We are dealing with this along with the Department of Human Resources in attempting to (a) better protect the individual who is being battered, along with our point of view trying to get stronger and more enforceable decisions by our courts to bring those particular individuals, that I have little sympathy with, but I suppose they also suffer from illness, if you like, making the rules much stronger for them.

So I agree with the hon. member. From Justice's point of view, though, I think that we're tending to focus more on the law perhaps than the member of Social Services who will tend more to deal with the protecting of the individuals.

The committee reported progress.

The Assembly adjourned at 5:02 p.m.