

The Assembly met at 8 a.m.

Prayers

ORDERS OF THE DAY

GOVERNMENT ORDERS

COMMITTEE OF FINANCE

Consolidated Fund Budgetary Expenditure Justice Ordinary Expenditure — Vote 3

Item 1 (continued)

Ms. Simard: — Thank you very much, Mr. Chairman. Mr. Chairman, when we concluded on Friday, I had asked the minister some questions about battered women and the difficulties they were having in feeling secure because of the lack of support services and to help their husbands and to help themselves in that sort of situation.

I'd also talked about the court systems and the sentences that were being given and read a letter into the record where a wife had indicated that the court system was unjust to her and felt . . . The minister responded by saying that he didn't feel sentences should be necessarily longer and also that, with respect to support services, it was really the responsibility of Social Services and not Justice, and they had been looking at it more from a legal point of view.

And in response to that I simply want to say that there is some evidence to support the fact that courts tend to be more lenient in domestic situations as opposed to a situation of violence where it isn't between spouses or family related. I think it's important that the message get out to the court system, to prosecutors, and to defence counsel, that with respect to battered spouses that the same standards should apply as in any other situation.

I also want to comment on the fact the he said that support services that may be necessary to help in this kind of a situation is the responsibility of Social Services. In that regard, I wish to make the point that it's the unified family court concept, if it was implemented in the manner in which it was originally intended to be implemented, would have that sort of support services attached to it and could be used theoretically in a situation dealing with battered women.

I also want to comment on the fact that we compartmentalize too much, and I believe that the Minister of Justice was doing that on Friday when he made that comment. It's far too easy for us to say, oh, that's not my area, it's not legal, it's Social Services; and Social Services, well, that's not my area, that's legal.

And I think in society as a whole we have to have a much broader view of everything that's going on because what happens when we compartmentalize is that we refuse to accept responsibility for anything beyond our narrow compartment, and I think this whole attitude of compartmentalization and specialization is far too prevalent in our philosophical and psychological psyche

today.

I think it's much more important for governments to have an overall view, and the Minister of Justice should be looking at the social aspects of crime and doing something about the social aspects of crime in order to reduce crime in Saskatchewan.

So I just wanted to make those comments with respect to the minister's response, and he may have further things to say. I'll sit down and give him an opportunity, and after that I want to go on to another topic.

Hon. Mr. Andrew: — Two observations. With regard to the question of the courts being too lenient, I don't disagree with you on that. And I don't think I said on Friday — if I did I stand to be corrected — that the courts could in fact be a little bit more aggressive in their sentencing on this. I simply said that sentencing alone is not going to solve the problem, and I think you agreed with me with regards to that.

When the member from Qu'Appelle was the attorney general, he in fact did make that . . . a directive out, certainly to prosecutors. It's somewhat difficult to put a directive out to the judges or to defence counsel as to take that kind of an aggressive type of approach with regard to that.

On the question of compartmentalization, I make two observations. Number one, my statement was more to the effect that we were dealing with Justice estimates, and whether we like it or not, you have to segment it into Justice estimates. There is a committee working composing of people from Justice, people from Social Services and people from the Department of Human Resources, etc. working on this question along with some people in Health, and I think it has to be approached that way. So I don't disagree with most of the statements made this morning by the hon. member.

Ms. Simard: — Thank you very much, Mr. Minister. I wish to direct your attention now then to the situation at Pine Grove, and I have some comments I want to say on that.

Your government has often spoke about families and the fact that it supported families, but I want to just point out the fact that in Pine Grove, we have a situation where approximately 10 per cent of the yearly population are pregnant women, and women, in other words, who have very special nutritional health care related and psychological needs. And I'm wondering what programs are in place, Mr. Minister, to meet the needs of these pregnant women. And once a child is born, Mr. Minister, what are the options for the family and what programs are in place for the children and the mother?

Hon. Mr. Andrew: — I'm advised that they are working along again with Health into making health care services for female offenders, and other changes are under consideration. So that is being worked at.

The point you raise, I'm saying, is that it's something that has been identified by the corrections people, and they are attempting, along with Health, to try to find some

improvement with regards to that. What happens when a child is born of an inmate, the child is put into a foster home with a large number of visits. We have not yet come to the point where they can keep the child at Pine Grove. We haven't made that policy decision, and it's certainly a ways away, I would suggest, as to whether we come to that point.

Ms. Simard: — Mr. Minister, I guess there's some urgency in this situation because we're really very much aware in our society about the importance of mother and child bonding, particularly immediately after the child is born. And what we're doing by separating mothers from their children — like apart from a child that's just been born; say the child is two or three years old — is that you're punishing the child as well as the mother.

And I think as a society we have to take a close look at that and say, what are our paramount interests here — rehabilitation? Bonding is a factor that has to be taken into consideration between mother and child, and I think we have to look at a situation where mothers are allowed to stay with their children and still serve a sentence that is adequate from the point of view of society. That may mean completely new methods of incarceration other than what we have at Pine Grove. It may mean group homes in each community; it may mean some sort of home monitor devices.

But I think that the government should be taking an aggressive stand with respect to women in particular who have small children at home. And I want to know whether the minister agrees with me on that and whether he'll be looking into alternate forms of sentencing and incarceration for mothers.

Hon. Mr. Andrew: — It one had a choice, I think that alternative forms of sentencing would be a preferable route than to create a situation where the child was left, after birth, was left to live in the Pine Grove Correctional Centre. There's something about that that I think would be not an accepted way. I think maybe alternative ways of sentencing or perhaps more stringent rules as it relates to probation and have the mother come out of the correction centre, would be the more appropriate way to go.

I would bring to the hon. member's attention that about two weeks ago Elizabeth Fry Society issued a press release indicating that some of the new provisions being implemented at Pine Grove in fact drew their praise, which is not necessarily a common occurrence.

So from that point of view I think the hon. member has to at least acknowledge that there is work being done of that. I would think the hon. member would also agree, and I understood her to say, that alternative forms of sentencing or probation, better systems of probation in those types of situations is probably the most appropriate route to go.

(0815)

Ms. Simard: — Thank you, Mr. Minister. I just note from my information that something like 82 per cent of the women entering Pine Grove are mothers. I am pleased to

hear that there are some programs that are being looked at that are progressive in this regard, and I urge the government to act on this matter quickly. I don't think it would be difficult; I don't think it would be costly for us to look at alternative forms of sentencing and incarceration. And I think all it takes, Mr. Minister, is the political will and for you to say, this is the direction that we're going.

Do you want to respond?

Hon. Mr. Andrew: — The other observation I would make is the new Gabriel Dumont transition house is maybe an area by which we can address a lot of these questions when that particular institution is completed and up and running.

Ms. Simard: — Thank you, Mr. Minister. That also leads me into the next comment which is that 80 to 85 per cent of the offenders at Pine Grove are of native ancestry, are native women. So I think it's very crucial for us to take a look at the very special needs in Pine Grove itself, of aboriginal women. One of the things that was pointed out to me, for example, is they have different spiritual needs, and many of these needs are simply not being met. So I would ask the minister to take a look at that as well — special needs of aboriginal women in the Pine Grove Correctional Centre.

I also want to bring to the minister attention the fact the their appears to be a gap between programming available for female offenders in comparison to male offenders, and I'm talking now primarily about educational training and social programs. And I understand that there is a serious gap in that regard. We spoke a bit about it last year, and I would ask the minister to once again direct his attention to that and to take some action in that regard.

I also want to point out once again, Mr. Minister, that the erosion of the social safety net in Saskatchewan, because that's what has been happening — there's been an erosion of the social safety net — leads to a higher incidence of poverty and a higher incidence of crime. And as a result of social service cut-backs, food bank usage, all these things point to an erosion of the social safety net. And we find many mothers, single mothers, living in dire poverty in the province.

And so I would ask the minister once again to address those issues with respect to crime and the Justice department, the erosion of the social safety net.

Hon. Mr. Andrew: — Well let me make the observation in two ways. I will place a caveat, and I hope the hon. member will appreciate the caveat, that there is presently a lawsuit going on, and I don't want to get into a whole lot of the details that could in any way affect that lawsuit.

The hon. member makes, obviously, a point I think concerns many people that are involved in the corrections area. There has been, I think in fairness, some progress made at Pine Grove last year to this year. There certainly is a requirement of further progress to be made, and certainly the people in corrections are cognizant of the issue you raise.

I think you would appreciate and agree with me that the

solutions to those problems are not easily found, are not readily something that could be a policy change introduced and all of a sudden the problem goes away. It's something that you have to work at, and the people in corrections have been working towards that end. It's slow and perhaps not as fast as you would like to see, and I can appreciate that, but it's certainly an area that we intend to move towards.

Ms. Simard: — Mr. Minister, what current programs at Pine Grove address drug and alcohol rehabilitation needs of women? I understand that something like 79 per cent of the women surveyed in 1986 at Pine Grove are victims of addiction to drugs or alcohol.

Hon. Mr. Andrew: — I'm advised there are two programs. Number one, there is an addiction program where there is a full-time worker working on that particular question. As well there is a very active group within AA (Alcoholics Anonymous) that visit the correctional centre on a very frequent basis and seeking to again deal with that question. I think your comments don't have to be restricted simply to Pine Grove. I think that probably applies to all correction centres and probably all corrections centres across the country.

Certainly if you look at drugs and alcohol, it leads to a large majority of the people that now find themselves in correction centres.

Ms. Simard: — Thank you. Mr. Minister, how much training do corrections staff have in handling mental health problems of inmates?

Hon. Mr. Andrew: — I'm advised that correction workers do 11 weeks of class prior to going into that employ. And part of that time is spent in that area. As well there are a number of workshops whereby the corrections workers can go to these workshops dealing specifically with that question.

Ms. Simard: — Well your answer doesn't appear . . . it doesn't appear to me, Mr. Minister, that that's adequate. I think there is a need for more experienced and trained personnel with respect to mental health problems. I think an 11-week class where only a portion of it is dealing with mental health problems is simply not adequate, Mr. Minister. And therefore I would ask you to take a look at that situation and see whether or not there couldn't be more counselling and more people, more staff with skills in this area.

I am just wondering what current programs are in place in Pine Grove to counsel women who have been victims of sexual assault, because my information indicates that about 80 per cent of the women at Pine Grove have been victims of incest and sexual abuse.

Hon. Mr. Andrew: — I'm advised that the people in corrections also identify that same issue. It's an area that they are working on. It's an area where increased resources and effort is being made. So we don't again disagree with what the hon. member is saying.

Ms. Simard: — Mr. Minister, what kind of preventative health education program is currently in place for

inmates at Pine Grove?

Hon. Mr. Andrew: — At this point in time, that health project is being, is contracted to Elizabeth Fry, paid for by the federal government, and that project is being continued as we are apprised at this point in time.

Ms. Simard: — Okay, just to conclude this portion of the estimates, Mr. Minister, I simply want to point out that there does not appear to be, from your response, a great deal of programming that is needed at Pine Grove or a great deal of thought that has gone into the institution and how these women can be rehabilitated.

We see an erosion of the social safety net in Saskatchewan which leads to further crime. We see an unacceptably high incidence of native women at Pine Grove without any real programming being done to look after their interests. We see a gap between female offenders and male offenders with respect to programming. We see female offenders being removed from their families. And we know of course, Mr. Minister, that without bonding, children of female offenders are more likely to become offenders themselves, and that I understand is documented statistically.

And so I think that this is something that the Justice department should be making a priority, and should be . . . if indeed this government is interested in the family, if this government's interested in the family, if this government is interested in our children, I think it's very important that the needs of the women and the special needs of native women at the Pine Grove institute be addressed and be addressed promptly, Mr. Minister.

Hon. Mr. Andrew: — Let me make the following observations. Clearly what you identify is what the people in corrections has identified as a priority area. As I said before, maybe we haven't moved as quickly as you would like, but certainly there is movement in that direction as witnessed by Elizabeth Fry's statement. We have moved with regard to Gabriel Dumont Institute and their transition house. And it's an area, quite frankly, that we have been meeting over the last couple of months with the FSIN (Federation of Saskatchewan Indian Nations) and other native groups as to how they might better be deployed into the whole area of corrections, because clearly it's an identified question that has to be dealt with in that and many other ways.

Mr. Koskie: — Thank you, Mr. Chairman. Mr. Minister, last day I asked you in respect to your personal staff, I want to make a comment in respect to the operation of this government. And in a general way I looked at last year's expenditures for personal staff in your department, and it came to somewhere in the neighbourhood of \$170,000 in salary, and there was over \$20,000 of expenses. It's running at over \$200,000 a portfolio, the cost to this government, at the time when we're building up the massive deficit. And I want to draw to the attention of the public what is going on here.

We've been through the whole patronage business, but it seems to me that in very difficult economic times that for an individual minister to have a personal staff of five or six people and running at \$250,000 is extravagance beyond

what we can afford in this province.

I want to turn, Mr. Minister, to the general aspect of your department. And I think you will agree that the justice system is really a corner-stone of building a free and democratic society and the manner in which the Justice department conducts itself is important to its citizens.

And one needs only to take a look at the disaster of the activities of this government during this last session. This session could not be characterized other than a total disaster for the government. And I want to lead into some of the areas in how in fact the Justice department was implicated in some of the aspects which I find less than becoming of the Justice department.

I take a look at the aspects of the government, and we've been through these many times, but I want to lay the background. I can conclude in no other way than that the management of this House has been in a shambles, and the government has been totally preoccupied by its ill-fated privatization.

We find that here we have a Premier who broke his word in respect to SaskEnergy and the privatization of SaskPower. And I can only say that not only did the Premier give his commitment to the people of this province that he would not in fact privatize SaskPower — his Deputy Premier did — the resolutions of your party indicated that. And as a consequence, he ploughed ahead, and it seems to me that he's dragged in his whole caucus and all departments in this blind thrust and breach of faith. No government can operate, Mr. Minister, when the people of the province can no longer have a trust in that government.

(0830)

We take the Rafferty dam fiasco. Here is a government and a Department of Justice, and you have the government ploughing ahead without even meeting all of the criteria necessary in a multimillion-dollar project.

And then we come to what perhaps was one of the most scathing attacks that any government in the history of — certainly of Canada — the scathing indictment of the auditor, who indicated that not only was he not able to follow the law as he was directed. The criteria under which he worked is laid out in the auditor's legislation, and he was thwarted in following the law. And department after department he indicated refused to comply with the law and provide him with information that was required. The auditor, in his report, indicated that less than half of the money that is spent by the government has been audited by his officials.

Mr. Minister, that's where the Department of Justice comes in. You came into this House as Minister of Justice and, I think, acted as no other Justice minister has ever acted before in the history of this province. It was one of the most despicable, gutless performances that has ever been seen in this House. And you have read the editorials, and I'll not belabour them, Mr. Minister, but across this province editorials and writers, and even Dale Eisler, your friend, indicated in his article, Mr. Minister, because of the nature of your performance, Mr. Minister, that you

were no longer fit to hold down the Justice portfolio.

Now to be charitable with you, Mr. Minister, I could in fact indicate that you were following the orders of the Premier, and that may well have been the truth of the matter. When the auditor came down with this scathing indictment against this government, the waste and mismanagement, the lack of accountability, I think the Premier became scared — that's one scenario — and he commissioned you to go in and attack the integrity of the man that wrote the report and carried out the duties as assigned by the Legislative Assembly of this province.

The other possible scenario, Mr. Minister, is that you did it acting as Justice minister without the instructions of the Premier. Either case it's a serious indictment against the integrity of the Justice department, and I can only say, Mr. Minister, that this scurrilous attack, the unfounded attack against the auditor is not becoming of the Justice department.

And I ask you, in light of that, in light of the unfoundless, scurrilous attack on the auditor, in light of the overwhelming condemnation of your actions, it seems, Mr. Minister, that you owe an apology to the auditor, you owe an apology to this Assembly.

And I can only say, Mr. Minister, how possibly can the people of Saskatchewan have any confidence in you continuing to hold this office in light of the very serious breaches of priority within your department? And I can only say, Mr. Minister, that when the public has lost confidence in you, all matters of justice, relating to justice, is then in question. How can they, in light of what they say in your performance, how can the public any further have confidence in you being fair no matter what area of justice that you're dealing with?

How can they have confidence that RCMP investigations, if they don't suit your outlook, will not in fact be interfered with? How can they have confidence that in the Morris case, that it was handled independently and honestly? That's the problem that you have, Mr. Minister, and I can only say that these are not just the auditor that is characteristic of how you've run the department.

I read here of another supporter of yours, Mr. Paul Jackson, and he indicates here . . . this is another one. He worked for your Premier; this man worked for your Premier. Couldn't find them any more right wing than this fellow, and he says that:

Andrew is probably the least-liked and certainly the least-respected of any Justice minister. . .

Judges are tired of Andrew scolding them in a manner resembling a pompous 19th-century professor . . . Lawyers are still bitter he broke a tradition by refusing Ted Priel, president of the Law Society of Saskatchewan, a Queen's Counsel designation. Priel is the only law society president in living memory not to have been awarded a QC and the snub has been noted by lawyers coast-to-coast. Priel's sin in Andrew's eyes is he votes for a political party the Justice minister doesn't like.

Great commentary, Mr. Minister. And we can go on where you have been a party to not justice, but injustice. And we go to the affair of the SaskEnergy privatization. And here you have a Securities Commission set up, set up to regulate securities, rules laid out to protect the public. And what does the PC government do? Well it says here, "The Devine government shows its contempt."

And who was in bed, helping along this Premier, or either being dictated to by this Premier? And it goes on to say in respect to the SaskEnergy and the Securities Commission:

The first scuff came when the provincial government decided to sell shares in SaskEnergy, despite the fact that two out of three people in Saskatchewan don't like it.

And then they set up a commission, and it goes on to say:

Barber belongs to a business group that promotes privatization in favour of selling SaskEnergy.

How's that for a government thumbing its nose at the people? And it goes on:

Few Justice ministers in Saskatchewan have acted so unjustly.

And he's talking here in respect to the Lutz affair, the auditor, and he goes on to say in this article:

There's no evidence whatsoever to show that Lutz would sell his soul for a comfortable retirement. He was entitled to it, in any event.

But getting to SaskEnergy:

Then last week the Saskatchewan Securities Commission ordered SaskEnergy to stop its campaign promoting the proposed sale of shares in natural gas utility. Through advertisements, public meetings, and letters to every home in the province, SaskEnergy was touting the financial benefits of buying its shares before it had released a prospectus in the share issue. The government's response in this case was to approve an order allowing SaskEnergy to bypass the security laws and continue the campaign. The rest of us must play by the rules; Devine government makes then up as they go along. In short, it does as it damn well pleases.

And that's the situation here, Mr. Minister, that I want to draw your attention to. You're running a Justice department and you came in here and insulted and attacked an auditor because he gave a scathing indictment against your government. There can be no other reason. And if you're capable of doing that, then people are justified in having no confidence in the Justice department.

Then comes along SaskEnergy, the government clearly breaking the law with SaskEnergy. Does the Justice minister say to the Premier and to the minister in charge of privatization of SaskPower, stop, you can't do it? No, he

becomes a party to the new justice system — one justice for the PC government, they're above the law; and leaves them in place for the ordinary business community.

These are the indictments against you, Mr. Minister, and against your department. And as I say, one can surmise that it was not your intention to do it but that you were ordered by the Premier, either do it or get out. But nevertheless, Mr. Minister, you walked into this here Assembly and put on a display, the like of which has never been seen by a Justice minister before. I think you have undermined the justice system to the extent that it can no longer be trusted.

And we're going to get into some of the other areas where I think the credibility is the issue. And so I conclude these initial, short, brief remarks by asking you, Mr. Minister, in light of your past performance, how is it possible for the public to have confidence in the future in you dealing fairly with matters before your portfolio? That's the question.

Some Hon. Members: Hear, hear!

Mr. Koskie: — What they want, Mr. Minister, is someone that they can trust. They want not only Justice done, but they want justice appeared to be done. And that's critical and it's no laughing matter. Because it seems to me that a free society, the first erosion of a free society is when you start eroding the rights of citizens under its justice system. And the inexcusable act of attacking a long-time servant of this Assembly, and no one across this province supported that attack other than your Premier. You and the Premier stood alone, justifying this vicious attack on the auditor.

And then when it comes to SaskEnergy, you feel it incumbent upon you to change the rules to suit the government of its time, that you're above the law. Well if you can do that for your sole survival interests, then the people of Saskatchewan are asking, why can't it happen in other instances? How can we be assured of fair and equal justice with this minister and this government and this Premier?

And so I ask you, Mr. Minister, I'd like you to comment. Perhaps you want to take this opportunity to having reconsidered the actions that you took in this House — and I wish I didn't have to raise this: I do. The minister laughs. But I regret having to raise it. I wish that this government had some decency. I wish this government played fair with the people of Saskatchewan. Because if they did, I wouldn't be raising it. That's right. And the member from Wascana mutters in his beard because it's inaudible if he were speaking on his feet anyway.

Those are serious issues before this Assembly. And this government can snicker; they can laugh. But the people of Saskatchewan know what they're like. They know the they have one justice system for themselves and one for the rest of the people. They know they have one set of rules for their friends, and one set of rules for the others. That's the situation. They know that if they are attacked by an auditor, that they don't accept it and the Premier doesn't call a conference or a meeting of his cabinet ministers and says let's correct this and let's provide the

information.

(0845)

No, no, he doesn't do that. What he does is send in his Minister of Justice to attack the auditor. How low can you get? That's the question the people of Saskatchewan are asking.

And so what I want to ask you, Mr. Minister, in light of the evidence that you have put before this legislature, the conduct of the Justice department, I want to ask you in light of that, how can you expect the public to have any confidence in you in the future?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — The hon. member goes through a series of events that have been debated in this legislature over the last 100-and-so days, and I'm not about to get back into re-going through those particular issues that we faced. The hon. member makes mention to a couple of journalists. I suppose that those journalists, one can always take the good and the bad from those journalists, and we can get into a contest of who can pile the most number of press clippings on the table. I'm not sure that that does a great deal to the particular debate at this point in time, of these estimates.

The press have a right to print what they will print. That's the system that we live under and it's the best system. Some days they're favourable, some days they're not. Be that as it may, I think the hon. member does not do necessarily justice to the system to simply say that there is a system of justice for one group and a different system for another group.

Clearly the RCMP, when they are investigating, the RCMP investigate. And for the hon. member to somehow suggest that the RCMP approach cases in a different way depending on who the accused person might be, I don't think is particularly fair, and if he didn't suggest that, then that's right and proper. The prosecutions people in this province do not and have not been interfered with by myself or by any other attorneys general, and that has been the case, long-standing case in this province; that continues to be the case in this province.

Mr. Koskie: — Well that was quite a defence of your action. I thought you were going to be man enough to come into this legislature and say, I erred. I attacked a member of this Assembly or a servant of this Assembly, and I'm prepared to take a look at it, and in light of the evidence I was wrong. That's what I thought you might have done. But he gets up and says, oh there's no problem, we've been over that. Why discuss it again, I'm embarrassed, let's get off of this into something else.

Well let's stick with it for a little while. Let's stick with it a little while and maybe we can extract an apology or at least maybe you'll be decent enough to resign.

In SaskEnergy, Mr. Minister, how can you possibly defend . . . it says: "SaskEnergy drive creates quandary for security cops." And it goes on, and you know the rules:

The general idea is that you don't trade in security which means indirect marketing as well as direct until you file a prospectus.

It goes on, the article says:

We've been proceeding with it as a situation of incomplete disclosure. There shouldn't be any advertising or anything like that under our policy until the prospectus has been filed.

Mr. Minister, that's not something to be pushed aside. "Government's pitch to sell SaskEnergy stretches the law on marketing securities." I can go on, in other articles that was raised here in the province of Saskatchewan, and it's no laughing matter, Mr. Minister.

Government flouting rules.

By its actions Tuesday, (the) Saskatchewan government apparently thinks itself above the law and not inclined to play by the (same) rules it enforces on the private sector.

The provincial cabinet's decision to override the orders of the Saskatchewan Security Commission and pass an order in council to allow the continued promotion of SaskEnergy before a prospectus is issued is nothing short of contemptuous. It is a monumental slap in the face to every honest Saskatchewan business that has operated within the regulations and enforced by the securities commission.

It threatens the integrity of both the commission and the government.

Those are not my words, that's from the *Star-Phoenix* on May 24, '89. "Government lets SaskEnergy promote share issue," "SaskEnergy exemption from Saskatchewan's Securities Commission."

And then it goes on, and this is the crux of it: "Devine defends exception,"

SaskEnergy was notified last week by the Saskatchewan Securities Commission that a series of advertisements, public meetings and letters of customers goes too far in explaining details to the proposed share offering.

Then the Premier goes on to say:

"The only way you can talk about it and defend it in the face of security law is to pass a regulation that shows you have it put . . . or as quickly as possible . . . your prospectus out."

So he says, change the law. And what I'm asking you, Mr. Minister, surely you have a better explanation of the two very, very serious indictments against your department. One, the unmitigated attack on the auditor; and secondly, you being a party to a government and a party in conjunction with the Premier, to changing the law, putting the government above the law.

Those are serious allegations, Mr. Minister, and I think the people of Saskatchewan . . . what is your justification as Minister of Justice allowing the Premier, or dictating to you to change the law to make the government above the law and the rest of the people have to follow the law? Why don't you answer that question?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — On the question of SaskEnergy, let's look at it. There's two points, I think, raised by the hon. member, raised by the issue. Point number one is: does the government have the right to exempt a Crown corporation that is going to the public for shares, to exempt it from the Securities Commission? Clearly they have. That has been done in the past, and the best example is the Saskatchewan development fund under the previous government where the exemption was also done.

Now the rationale for that exemption is that you are dealing, quite frankly, with two questions here. You're dealing in that if it was a private sector company, you tend to look at the rules and the Securities Commission rules for the most part designed for that, because that's the most common occurrence that you would see happening.

What happens when you get into privatization, it tends for the most part — and I think the hon. member would acknowledge this — tends to get into the political forum much more than, let's say, a private sector company that is issuing shares and therefore having to file a prospectus and following the rules. Politics takes over in privatizations and that has been the case in Saskatchewan, as we have witnessed.

With regard to the question of prior to that exemption, clearly the Securities Commission made its cease and desist order suggesting that that . . . any of the promotion prior to the Act coming into play or a prospectus being filed, was outside what they saw as the rules. The Securities Commission, as the hon. member knows from his long, illustrious career in this institution, issues cease and desist orders in many cases for a variety of reasons, have in the past, and I'm sure will in the future.

As we see more and more public sector companies or publicly traded companies coming into existence in the province of Saskatchewan. So that's clearly been the issue with regard to SaskEnergy. If the hon. member wishes to get into the political argument of SaskEnergy, I suppose one could accommodate him, but I'm not sure that was his intention here this morning.

With regard to the question of the Provincial Auditor and the issue that we dealt with, the hon. member raises a point: I simply say that what I said in the House, I said in the House. Did I stand by that? I indicated before that I stood by it, and I continue to stand by that.

Mr. Koskie: — Very interesting, Mr. Minister, that you use the phraseology that you did, but I said before, I stand by it. I'd like you to stand up in this House and indicate what evidence you had and what justification that you had in respect to the most despicable conduct that we have seen in this House. You say you stand by it. Every individual

newspaper, every editorial, the House, your own members know. How can you stand in here and say, well I stand by what I said?

Mr. Minister, you had no evidence to attack the auditor other than that he gave a scathing report against your government. That's what it's about. And you stoop to those levels.

And we'll leave that because the public know very well what you and the Premier did. Rather than to address the problem in respect to the auditor, what the Minister of Justice did is to join with the Premier to attack the integrity of the auditor, rather than attacking the problem within government, of waste and incompetence and mismanagement. That's the issue there; no other issue.

Some Hon. Members: Hear, hear!

Mr. Koskie: — And that when it comes here to breaking the law in respect to the privatization of SaskPower, which the Premier and the Deputy Premier and your resolutions and your handbook indicate would never be privatized, there you broke faith with the people of Saskatchewan. But in order to put forward that unwanted privatization, you broke the law. As simple as that. You allowed the government in its privatization to flaunt the laws of this province. Now that is serious. And he stands up and says, well what happened here is that politics took over. That's what we're talking about. Justice department can't be run on politics. Justice department have to be run on integrity and fairness and the enforcing of laws, not the breaching of it.

How can you stand here and bold-facedly indicate, well it was just a case in SaskEnergy that I sat by because politics took over? That's the issue. Why did you allow politics to take over and dictate, rather than justice and enforcing the rules in fairness for all? That's the question I ask you.

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — The statement attributed to me by the hon. member from the Quill Lakes in not in fact what I said. I indicated in response to the question that there are, when you get into an issue of public participation, it becomes a government policy . . .

An Hon. Member: — Well follow the law, or change the law before you break them.

(0900)

Hon. Mr. Andrew: — The hon. member indicates, well follow the law. The passing of the regulation followed the law. And what the passing of the regulation did was to exempt the energy, the SaskEnergy, from the regulations of the Securities Commission. That's in fact what the regulation did.

When the hon. member was in government, they brought in a thing called the Saskatchewan development fund. And what the Saskatchewan development fund was was a process where the previous government went out to sell a fund much like a mutual fund, and in so doing they

exempted it from the regulations of the Securities Commission. In other words, you didn't have to follow the same rules as someone else going out to do that — identical, exactly the same as the previous government.

And that's where the exemption from the law took place. Exemptions by other governments is rather common as well in those types of issues. They are exempted from the Securities Commission. There was exemptions in B.C., there was exemptions in Alberta, there were exemptions in Ontario, no different than the way it was done with regard to SaskEnergy when they were exempted by regulation.

So this is not something that has taken place for the first time. It has been done in many jurisdictions by many different governments, many different political parties — including the hon. member's own political party when they were in government whereby they exempted, not unlike we did, the Sask development fund — as we proposed with regard to SaskEnergy, exempting it from the purview of the Securities commission.

So the hon. member can stand up and say that this is new and that this is wrong, but in so making that argument he has to, by implications, argue what they did when they were in government was equally as wrong.

Mr. Koskie: — Close to being rubbish, what you're saying. There's a better word for it.

But what you did here, Mr. Minister, in your own admission . . . I want to ask you, why do you have rules and regulations under the Securities Commission which require you to file a prospectus before you go out and start selling to the public the merits of an issue? Why do you have filing the prospectus?

Now if you foresaw that privatization of a Crown corporation is different, then why didn't you act judiciously and change the regulations rather than have it flouted around the province that you were breaking the law? That's what you were doing. Really what happens is just as soon as this government gets into a corner, it will do anything, whether it's legal or otherwise, to justify its position.

And that's the whole matter; that's what I'm raising here. And there are other issues that I want to raise in light of this. Any private company that's going to issue a security has to file a prospectus with the Securities commission. And for you to start going back to when we were there . . . I'll tell you Allan Blakeney didn't run a government this way. He didn't break the laws of the province in order to justify a position. He didn't attack the auditor because he gave a scathing report. He fixed it up, and gave the auditor the information. That's the difference.

When this government gets cornered, it's above the law and that's how it has been acting. And what I'm trying to get through to you is that's a dangerous precedent. Surely you will admit that the attack on a servant of this legislature, the like of which we have never seen, by yourself as Justice minister — unfounded — and then the breaching of your own security laws is an attitude that can't be tolerated in a Justice department. Won't you

agree that what's fair for the private sector has to be fair for the public sector? And can't you realize that actions which I have raised here today are serious undermining of any confidence that the people have in the justice system.

I mean, why would you have . . . I can read more editorials here. I can read articles where the press, which is unilaterally on your side, is blasting you, blasting you in every turn for rising about the law, snubbing its nose at the law. Well if you can do that when you're cornered in respect to the auditor, if you can do that when you get cornered because you didn't comply with the law with SaskEnergy, why can't you do it when you get cornered, say, by a citizen? That's the problem, is the confidence that has to be built up in the Justice department and which has been totally eroded in the last year and a half.

That's what I want you to address, and I want you to stand up and agree with that. That if a Justice department does not follow the rules fairly for all, that it has to be undermined by the confidence of the people of Saskatchewan. Can't you agree with that? And don't you agree that those two specific examples, and I'll give you others, are clear indications of snubbing the nose at the public of Saskatchewan, of taking any action whatsoever to defend an indefensible position of your government? That's what happened.

Hon. Mr. Andrew: — With regards to the SaskEnergy issue that the hon. member refers to, the SaskEnergy legislation was — I was going to say introduced into this House, but I guess it wasn't introduced into this House — certainly presented for first reading. In that SaskEnergy legislation, there was a clause exempting SaskEnergy from the regulations or certain regulations of the Securities Commission, using exactly the same wording as was contained in the Saskatchewan development fund introduced by the previous government, exactly the same wording that basically exempted that particular issue from the Securities Commission.

What happened in that particular case is when the legislation was introduced into this House, the hon. members stood in their place to deny the introduction of the Bill with first reading and walked out of this House for some 17 days. That's the reality of what happened there, and did not therefore allow that particular piece of legislation to: (a) be introduced into this House; or (b) be debated in this House. And that was the normal course that would have been taken.

Subsequent to that, there was an agreement between House leaders that the SaskEnergy legislation would not proceed with at this time, would be set over until the fall. In the meantime, the matter became the subject of some political debate in this province and continues to be the subject of some political debate in this province, somewhat different than an issue of the normal public share issue being done by a private company.

Now those are the facts and the reality of the particular case that the hon. member somewhat wishes to scurry around and say that, well, there's politics. Well certainly there's politics in the way this whole matter has come down — politics from both sides.

And as a result of that, the government moved, as they have a right to do, by regulation, exempting SaskEnergy from the Securities Commission, just as was proposed in the legislation.

So, Mr. Chairman, had the legislation followed the normal course of being introduced and being debated in this legislature, then the issue would have proceeded and the issue would have been subject to exemptions by the Securities commission, or from the Securities Commission, not a bit different than Saskatchewan development fund.

Now were the issues the same? Clearly the issues . . . I mean the public issue to be sold out to people — no, they were different, but they had basically the same concept. So for the hon. member to somehow glaze over that, I don't think he's doing justice to the debate as well.

Mr. Koskie: — Well talking about glazing over, you're the glazer of the glazers, I'll tell you that.

I want to summarize a bit in respect to this and go on with a couple of key examples of further infringement on the citizens of Saskatchewan and where they have lost confidence in respect to your administration as Minister of Justice.

I want to comment . . . he justifies the situation as blaming the opposition. He says, we introduced privatization of SaskPower and they walked out. A little bit different than what you did, Mr. Minister. The rules provided that in a situation, we could in fact ring the bells. We did, and the people of Saskatchewan responded — responded overwhelmingly.

Some Hon. Members: Hear, hear!

Mr. Koskie: — We followed the rules, Mr. Minister; you broke the rules. That's the difference. And more than that, what you have done is allow the Department of Justice to stoop to an all-time low to carry out the dictates of this Premier, a Premier whose word can no longer be trusted in this province, a Premier who said he wouldn't privatize SaskPower and SaskEnergy or any portion of it, and who broke his promise.

And you got into the mud with him when he got cornered by the people of this province, you got in there with two feet, and you broke the laws and allowed them to break the laws, as Justice minister.

As I said, this government has been running from crisis to crisis during this session. And this government can be characterized as one of waste and mismanagement, corruption, and it's characterized by the GigaText scandal, the non-disclosure to the people of this province of the waste and mismanagement in respect to it. We've seen thousands and hundreds of . . . millions of dollars squandered by the inadequacies of your government in researching and proceeding with the Rafferty dam before it had all the clearances. We've seen the auditor's report, which I indicated is a scathing attack on this government. And we've seen the obsession, not with the people's affairs, but with the affairs of privatization for your friends.

Mr. Minister, we can take a look at another area, and that's in respect to what we raised in question period. And we indicated at that time we had a copy from the Regina city police, dated March 15 and signed by the chief of police, Tom Savage. And that memo states that the deputy minister of Justice has revised the list of government agencies who are to be given access to information on the Canadian police identification centres of CPIC (Canadian police information centre) computer.

And I want to ask you, Mr. Minister, you here again are dealing on behalf of people of Saskatchewan. And here you did, without coming to the legislature, without any consultation, you opened up all of the files on many Saskatchewan people here, and you have complete information that's held by the Canadian police identification centre to such departments as the property management. And you continue to expand the departments which are given access to these confidential, what should be confidential police reports. What I'm saying to you is, you know, there's two aspects. There's the aspect of security, but there's also the aspect of dealing fairly with the people of Saskatchewan in respect to disclosure of files to all sorts of departments throughout government.

And what I want to ask you is, what criteria did you use in deciding, Mr. Minister, to broaden the scope of departments that this information would be provided to? What is the justification? What is the process? What is the fairness? How do you justify broadening it to include property management, for instance, getting all of the information that's possible from the files?

There are obviously some departments which we agree with, but you've expanded it to many departments which we feel is unjustified. And certainly what we're not aiming for here, Mr. Minister, is we're not aiming for a police state, we're aiming for security for people but certainly not having files thrown about from department to department at the whim and for the sole use of the government.

(0915)

I suppose it may be useful when you're hiring, because of your hiring practices. One of the key ingredients is that you have to be a Tory before you get a job with this government. That's one of the criteria. And I guess it doesn't matter whether individual citizens' rights and privileges are abused. Just open the books and let property management have full access.

So what I want to ask you, Mr. Minister, is what is the basis of the criteria that you used in expanding the information, and do you not agree that the individual's privacy is an issue that has to be balanced with making information public for the enforcement of justice? But certainly, above all, that if you're going to err, you should err on the side of the privacy of the citizens. I mean, certainly here in Saskatchewan, we've had a . . . we've been a leader in human rights under Tommy Douglas and other governments, and I would hate to see that eroded, Mr. Minister.

And I'd like to ask you that in respect to it, how do you go

about expanding it? What is the justification? How do you determine the balance between the privacy and the enforcement aspects by divulging this information?

Hon. Mr. Andrew: — What existed in this particular area and has existed for a long time was that there were no necessarily hard and fast agreements. And at the national level, the decision was taken some time ago to enter into agreements, rather than to have a loose agreement with regard to CPIC. As a result, the federal government, the federal Department of Justice and the provincial governments entered into agreements as to formal requirement of these type of arrangements.

First of all, they must . . . all these arrangements and all the people added to the list must comply with the Privacy Act, which is a federal piece of legislation. So the protection (a) becomes through the Privacy Act that it cannot be expanded beyond that. Item number two, is the hon. member can leave — and I hope he was not intending to — leave somehow the view that (a) department has access to CPIC and can simply type in on the computer and get that information. That is not in fact the case.

All information must come, must be simply given to or taken to the RCMP or the city of Saskatoon or city of Regina police, request the information and the information is obtained from those individuals. This is in fact, again, a further protection for it, simply designed to ensure that there is . . . that departments are not caught. Let's say in the case of property management, if they're buying something, that they're not buying something from a person that . . . perhaps that's not the best example. If they're hiring someone to go to work for the government, they might want to check out the past record of that particular individual.

Let's take as an example, the SPMC (Saskatchewan Property Management Corporation) have responsibility for the security of the legislative building, and so SPMC hire the people that will do the security work of the legislative buildings, and I'm sure the hon. member would agree that in so doing that hiring, you would want access to the CPIC to determine whether or not the individual being hired is and has proper qualifications and a proper background to in fact do that type of work. And that's what the SPMC would use that for. They have to go through the city of Regina or the RCMP, the city of Regina police or the RCMP to request the type of information they have, and those particular police forces are very cognizant of the privacy question the hon. member raises.

Mr. Koskie: — But again, you know, you don't really answer the main concern, and that is how do you determine when you're going to expand. What criteria do you use in expanding the information to further departments? As I indicated, the deputy minister of Justice has revised the list of government agencies who are to be given access to information on the Canadian police identification centre or CPIC computer. And one of these was the property management. Don't tell me that property management are in a big way doing the hiring for the government. I thought it would be the Public Service Commission.

And how do you decide? Because even with the amount of information that is provided, it varies. I mean the information purpose can be (b), or (a), (b). If you've seen the departmental notice and you get something like property management getting the full fledge of information, information type specified can be . . . Consumer and Corporate Affairs gets (1) and (2) information purpose (b). Highways gets a whole range of (1), (2), (3), (4), (5); information purpose (a) and (b). Parks, Recreation and Culture, they get the information all the way from (1) to (5) inclusive, information purpose (a) and (b). And Saskatchewan Government Insurance from (1) to (5) and information purposes (a) or (b). Saskatchewan workers' compensation gets all information type specified, (1) to (5) inclusive, (a) or (b). Saskatchewan Real Estate Commission gets (1) and (2) and (b). And it's coded down at the bottom as to (a) is investigation, law enforcement, or administration of a justice; (b) is screening applicants for licenses or employment; and information type is persons, criminal records, vehicles, drivers' licence, vehicle registration.

I guess just what I want to ask is what is the criteria when you expand it, for instance, to include the secret service police that you've set up over in property management corporation. What is the criteria used in allowing them additional information? Certainly they would not be in the hiring, or to a large extend they may be dealing with a number of contractors, but that's done I think through the departments because the property management funds it and then bills it back from the individual departments. Can you give me just a little bit more specific indication of why recently you had your deputy minister of Justice expand the availability of this information?

Hon. Mr. Andrew: — Well let me explain it this way. The Privacy Act was passed in Ottawa, federal law, 1982. With that, the Solicitor General's department sets the criteria for CPIC, any CPIC rules and regulations with regards to that. That's 1982.

The hon. member asks about the property management corporation. Prior to the formation of the property management corporation, prior to 1982, the department was handled by supply and services. Supply and services had access to the CPIC the same way as property management corporation does today. And that's primarily for the security of the legislative buildings.

With regard to the Department of Highways, that is used for the highway traffic officers, and I don't think the hon. member would disagree with that. In fact that has been in place some time prior to 1982. With regard to parks, parks is used for the various — I think they're called natural resources officers now, they used to be conservation officers or game wardens, and that's what the particular process would involve with that department. With regard to SGI, SGI has had that process for some time as well, certainly prior to 1982.

As I say, the matter was formalized with the Privacy Act. In 1982 the Solicitor General creates and sets the criteria, and we in other provinces comply with those criteria.

Mr. Koskie: — I wonder, as I was talking, Mr. Minister,

I'm talking about a balance of the privacy of the citizen and the access for the convenience of government departments, and there has to be a balance. I was wondering whether there's any public disclosure in respect to the use by the various departments. If you have a schedule . . . I don't expect that you're going to give me the names of the people that property management for instance requested information on, but what I want to know is, can you give a breakdown as to the departments that have used it, to what extent they have used it during the past year, each department, how often, and the purpose for the request. Can you give an accounting of that by department?

Hon. Mr. Andrew: — As I indicated, this was pursuant to the Privacy Act; all requests must go through the police. We wouldn't have the records. If the records were kept, it would be kept by the city police of Regina, the city police of Saskatoon, or the RCMP.

Mr. Koskie: — Why wouldn't each department have the number of requests and the information that they got? Why wouldn't the individual departments? You give them the right to access this information. Why wouldn't each individual department have a record of how many times they ask for information on individuals, and how many individuals, and how many was complied with? Surely they have that.

(0930)

Hon. Mr. Andrew: — Well let me give you an example. Let's say SGI was to, and have the right and have had the right for some time, to have access to this. They don't go through the Department of Justice to get approval; they go directly, let's say, to the RCMP. So we wouldn't have a list of the people going through the Department of Justice because they don't go through the Department of Justice to get that information.

Mr. Koskie: — Mr. Minister, you in fact give them the power. The deputy minister of Justice assigned the rights to departments. All I'm saying is part of your job is not only to access to departments information from the RCMP or city police or whatever, your job is to monitor whether there is abuses or not. And certainly if you give them the authority to go out and seek information, certainly it is incumbent upon you, Mr. Minister, to see and monitor it to see whether there is abuses.

And I would have thought that the first thing you would have done is to keep track of how often each department accessed the information and for what purpose, and whether there's any potential abuses, and an accounting of why they were doing it.

I ask you, would you consider doing that? Because I think again it's a question of balancing the privacy with information to carry out necessary inquiries.

Hon. Mr. Andrew: — Well let me give you an example of SGI and the whole area of suspension of people's driver's licences in the province of Saskatchewan. That information goes into CPIC.

So the hon. member asks how many transactions. Well

there would be thousands of transactions by the taking away of an individual's driver's licence or the checking to see whether an individual had a driver's licence. I mean that's a goodly part of the library of CPIC would be in the whole area of driver's licences, so certainly SGI through highway traffic, etc. would have thousands of entries into CPIC with regard to driver's licences.

Mr. Koskie: — Well, I'll leave it with you, but I'm telling you that it's not a problem for you to monitor. If you're giving out the powers to various departments, you should be monitoring them to guarantee that the citizen's privacy is not being abused.

I turn to another area that has been raised last year by my colleague from Saskatoon Centre, and that's in respect to the Canadian Security Intelligence Service which has got off to a less than a great start, Mr. Minister, and there are a number of areas where they got themselves into trouble, and I could indicate those but to save time, I think you're essentially aware of some of the embarrassments that CSIS (Canadian Security Intelligence Service) in its formation, and perhaps that's part of it growing up — I don't know that — but certainly there were a number of embarrassing incidents. But again, what I want to raise here in respect to the Canadian Security Intelligence Services is your refusal to release details of the agreement with CSIS.

Well why, acting as Justice minister for the province of Saskatchewan and for the people for Saskatchewan, why you won't come clean and at least indicate to the extent that the privacy of the citizens of Saskatchewan are being invaded. I got headlines here from the *Leader-Post*: "Andrew releases few details of agreement with CSIS." "Give CSIS phone books, NDP." "Andrew mum on details with CSIS pact." "CSIS access to personal files invades privacy." "Andrew defends pact with CSIS," but he won't indicate what the pact is.

I want to ask you, Mr. Minister, to realize that you're not only setting up a counterintelligence system here, a spy system, for security, but there has to always be a balance again of the individual privacy of a citizen. I want to ask you here again, will you detail to us the basic details of the pact that Saskatchewan has made with the federal agency, Central Intelligence Agency?

I read here . . . You would give us nothing, but I read in a *Leader-Post* again that the Saskatchewan agreement is similar to a draft made public by Manitoba — made public by Manitoba. Now if Manitoba can made public their agreement, why can't you? Why can't you tell the people of Saskatchewan, we have a spy intelligence group, and we're agreeing with it, and we're co-operating with it, and this is the pact, and here is the information that we're giving.

Manitoba made public. Made public by Manitoba. And it says:

If Saskatchewan agreement is similar to a draft made public in Manitoba, CSIS has access to hospital and medical care records including information on psychiatric disorders, sexually transmittable diseases, provincial employee files

showing supervisors remarks about work records, provincial telephone records showing origin, duration and destination of long distance telephone calls.

These are some of the points that one of the spokesman for the agency indicated.

And what I want to ask you, if Manitoba can make their pact public, why can't you indicate to the people of Saskatchewan, what information you're providing to the Central Intelligence Agency.

Hon. Mr. Andrew: — Well the hon. member, in his statements, would almost have one believe that the Government of Saskatchewan set up CSIS and set up some kind of devious spy ring that is moving around the province in a clandestine way and scouting on people. And I think that if that was his intention to lead the people to that view, then I don't think that's a proper way of doing it.

CSIS was set up in Ottawa as a national intelligence service. The purpose of that national intelligence service was to create a civilian force as separated from the RCMP. And that was primarily the purpose of it, and the purpose was to in so doing create an atmosphere of confidence that it wasn't the police doing it. And I think it emanated out of the whole area of barn burning in Quebec and stuff like that back in the '70s. So that's where it was formed.

The mechanism of control at the national level with regards to this is the area of appointment at the national level of three members to oversee and review the performance each year of CSIS. And those members to review that are prominent members of all three political parties at the national level — members from the NDP party, members of the Liberal Party, and members of the Conservative Party. And they are in fact the people that are used and are doing that to review that in fact there is a proper balance, on the one hand, for privacy, and on the other hand, to be able to have an adequate intelligence force in this country.

The hon. member might not agree with that, and if he doesn't, well that's fine, that's a debatable point. Others do believe there is an importance of having security and intelligence in this country, as all major developed countries have. And so the proper balance there is drawn from this particular review group made up of all three political parties. And I think if the hon. member was going through his clippings, he would see the statement being made by the NDP rep on that committee as to how the mechanism in fact works and that it is working adequately at this point in time.

Mr. Koskie: — Well I'm going to leave it. I just want to clearly indicate again in respect to the CPIC. You absolutely will take no responsibility in protecting the privacy of individuals, no accountability when it comes to this by . . . agency has access to the files on Saskatchewan citizens. Either you're embarrassed by the memorandum that you signed or you don't care about the privacy of citizens.

I give you an example of a university professor at the

Regina campus in the Human Justice, a Mr. Harding, who was not provided access to United States. And there is absolutely no way for this university professor to get down to the facts of why he was being denied. His suspicion is that it's the security intelligence service that has ranked him as a security risk, which denies him the right. And there's no reprieve.

I ask you, Mr. Minister, will you provide further details and make public what information you're providing, as was done in Manitoba? Are you prepared to do that?

Hon. Mr. Andrew: — Well I'm not sure that the committee or the system would be well served getting into the details of any given individual as to whether or not he has been denied access into the United States or not; has the denial of access been as a result of CSIS, or is it US officials — and I don't think that we serve any purpose getting into the individual case in this particular regard.

Mr. Koskie: — Well you stand up and you're Justice minister and you said it's not of concern; that a citizen may well be denied unjustifiably. And you won't even stand in here and indicate what information you provide. What are you hiding? I asked you, will you in fact file the memorandum of agreement with the Central Intelligence Agency, the information that you're providing?

You came up with a ridiculous answer in last year's estimates, indicating that it's legitimate privacy interest, the ordinary citizens are not jeopardized. Big deal. Who says? What evidence? How do we know? If Manitoba can make their memorandum public, why can't Saskatchewan? Ontario has gone on record indicating that Ontario government will only hand over legal information such as criminal records. What are you handing over, Mr. Minister? Why won't you make it public? Why shouldn't the people of Saskatchewan know what kind of pact you have? How would that interfere with the security if in fact you have control over what you hand over, but let us know exactly what you're handing over? That's what we're asking. What are you hiding from?

Hon. Mr. Andrew: — Let me again respond to the hon. member, where the individual that he raised . . .

An Hon. Member: — Now he's going to run at another individual.

Hon. Mr. Andrew: — No, but the issue was raised in the media. The individual has never requested, either from the department or from us, particular action or concern, or asked for our assistance in this regard, or raised that concern with us. And I simply make that observation.

I think the officials have indicated that we have received one inquiry over the last five years with regard to the question of CSIS.

Mr. Koskie: — I asked you the question, would you file the memorandum or would you give us the details in respect of it; and if not, why not?

Hon. Mr. Andrew: — I am advised by officials that when the agreement was entered into between the federal government and the provincial government, the fact that the agreement should not be released was at the request of the Solicitor General. We accepted that in agreement when it was signed some time ago, and we simply honour that agreement. If the federal government wished to release that information, fine and dandy, but it's at their request. It's subject to the agreement that we have between Saskatchewan and Ottawa, and we're simply honouring and recognizing that agreement.

Mr. Koskie: — I'm not going to belabour it because you're dodging it, because Manitoba obviously made it public according to reports, and one of the intelligence agency employees indicated the information that's provided. All I can say if you sign such an agreement, then you didn't protect the people's rights here in Saskatchewan of non-disclosure.

Just by way, I want to ask, what recourse have any citizens got in respect to the information that you provide, for instance, on citizens of Saskatchewan? What recourse have they? The freedom of information, they can get nothing out of the freedom of information in respect to the Canadian central intelligence. And I mean you have to be very, very careful dealing with citizens' lives. That's the point I'm making. What is the recourse that they have?

(0945)

You said you have only had one person come to see you. Well are you an agency that, people feel that they have been aggrieved, that you have a mechanism of inquiry on their behalf? Is that what you're saying to the citizens of Saskatchewan? I ask you that.

Hon. Mr. Andrew: — Well certainly if an individual had that concern and they were to come to the Department of Justice, either to me directly or to the department, then certainly we would look into their concern on their behalf and see whether or not there was abuse with regards to this.

As I indicated, that there is a committee in place. A member of the NDP is on that committee, and certainly the mechanism would be from us through both the CSIS and through to this particular body that would then have even more power than we to review whether or not there was some abuse here.

The hon. member would have us believe, I think, that all intelligence services in this country should be public, and that there should be no way by which there is intelligence into areas that I believe most people would think that there is a proper place, properly controlled, for an intelligence service in this country.

But certainly if an individual wants that, we would take up the concern for them and certainly also take it to that particular body, as I'm sure the hon. member could, where there is members of his political party on that group.

Mr. Koskie: — Well just outline . . . I want to get off of this because time's passing here. I want to get on to some

other issues. But I want you to clarify, if a person feels aggrieved, outline the mechanism in more detail as to what exactly that aggrieved person should follow in order to get his concerns aired.

Hon. Mr. Andrew: — Well certainly if they had that concern they could contact the minister. I would then defer it on to appropriate people in the Department of Justice to take that issue up for them. If they did not wish to do that, they could certainly take their issue to the three-member panel, the commission that oversees CSIS, of which there is a member from each of the PC, Liberal, and NDP on that particular panel, and certainly they could take their question of being aggrieved to either of those sources and put it into the system in that way.

Mr. Koskie: — Well I would have thought, Mr. Minister, that . . . it's like pulling teeth, getting information from you. You know, a new departure, we've got a Central Intelligence Agency now, new to Canada. We had it with the RCMP, and this is a separate intelligence agency. And I would have thought that you would have, in signing the agreement, I would have thought that you would have indicated the type of information that you're providing. And secondly, I think you owe it to the people of Saskatchewan to detail the procedure that they follow. And I would only ask the minister to make public in a public announcement or a press conference how people who may be aggrieved, what methods they can take.

I want to move onto another area briefly and that's sort of the basic assessment of the justice system, and I want you just to comment briefly areas where you feel that there has been some improvement in the justice system. I want you to indicate to me some of the problem areas that you see within the justice system, and I'd like you to just comment briefly on any new initiatives that you are taking in respect to addressing some of the problem areas, and for other reasons.

I want just a brief comment in respect to . . . an overview, Mr. Minister, a basic assessment of the justice system under those three headings, if you would, that is, areas you feel that there have been improvement over the past year or so, problem areas, and any new initiatives that you are anticipating.

Hon. Mr. Andrew: — I assume that the hon. member did not want a long list as we would get into here. Let me look at the areas of improvement first of all. I think the . . . if you look at the Justice department, you can break it down into three areas: 40 per cent of the budget goes to policing, primarily RCMP; 40 per cent to corrections; and the 20 per cent to cover all the other aspects of the justice system.

In the area of policing, I think the challenges we face there is, as we proceed to 1991, I think, as the hon. member is aware there was an agreement entered into, when about 1980, I think, with regard to the RCMP contract in Saskatchewan. That was an escalating contract whereby we pay a larger and larger share of the cost. And so clearly in the area of RCMP, which is 40 per cent of the budget, that is going to be a large issue.

With regard to the RCMP, I think the area that we hope to

move in there is into the area of more native constables working in the field with regard to the RCMP.

To then look at the police in general, we introduced into this session the police Act which we believe is a move in the right direction to bring that more up to date, put in a better mechanism certainly to deal with the question of the police investigating the police. We left that Bill on the table, or it is our intention to, and to consult fairly widely with the community with regard to that area.

In the area of corrections, the system obviously has experienced problems probably over the last 20, 25 years. It's a difficult area. There's general population . . . I suppose if you were out to ask them, are saying the courts should impose larger and more severe penalties, sentence more people to jail. Obviously if they do that, number one, it costs a whole lot more money, and number two, whether or not you've in fact accomplished a great deal in that area.

Let me say that the area that I would tend to identify now is the one needing the most improvement and the area that we have to explore, I think, in the greatest degree is that if you look at the criminal justice system, or the quasi-justice criminal justice system in Saskatchewan, the point that is most obvious and more evident is the fact that such a high proportion of the number of people in our correction centres are of native ancestry. And clearly we have to deal with that issue. That has to be dealt with here; it has to be dealt with in other provinces that have the same type of situation. I think that in dealing with that, we have to come to grips with two areas that I don't think enough attention has been put on. One is the whole area of crime prevention and that takes it clearly beyond the purview of the Justice department into the other areas and other departments of government — how best to you try to deal with the situation to prevent this from occurring as opposed to dealing with it once it does occur. And number two, in the whole area of rehabilitation, how you deal with that.

And I think in the area of rehabilitation and in the area of prevention in crime, we have to involve native people, native leaders, native groups far more than we have in the past. And so that's the area that I would hope to be exploring this fall and into next year in the system.

Now that's a beginning of a list. We can, I suppose, get into a large number of areas. I think mediation is an area in the courts that I happen to subscribe to. I think that often we hear the point raised about access to the court system is becoming more and more difficult for people because of the cost, etc., and maybe we look at alternative forms of delivering of that system through mediation. And I think that's a movement that's taking place in much of the western world, an area that I believe we have to be part of, if not leading in some directions on.

Mr. Koskie: — I just want to reiterate. I have a report here, the SADAC (Saskatchewan Alcohol and Drug Abuse Commission) research report, *Legal Offences in Saskatchewan: The Alcohol and Drug Connection*. And I think it sets out fairly well the problem that we have in which, to some extent, that you have identified. And I just want to read a small excerpt, Saskatchewan offenders,

and:

As shown in Figure 2, (it says) . . . of the 6,781 sentenced admissions to provincial correction facilities in 1985-86 (68 per cent) were under 30 years of age, 68% were unemployed; 88% had less than a Grade 12 education, 64% were Native, and 92% were male.

I think those statistics are shocking. It indicates that in the type of related offences that of the provinces, Saskatchewan, there have been some improvements over the years, but it indicates that among the provinces, only Prince Edward Island had a higher alcohol and drug related offence than Saskatchewan. Those are some of the statistics that have been brought forward in respect to the state of the justice system.

And I guess that leads me to the concern that you have, and that is that there's many young people that are incarcerated. There's unemployed, those that haven't finished their education, and many native people who are incarcerated.

That leads me to my concern with the direction that you have taken, Mr. Minister, and that is in respect to the funding, the funding of agencies that were assisting in some of these problems that have been cut off. I take the native court worker program. In 1983-84 there was \$853,000 paid out. In 1984-85 — this is from the former Justice minister — 836,140. A massive sum of money was paid out to the native court worker program. And still you talk about this problem and at the same time what you have done is dismantled the native court workers program. And I'm wondering, are you just mouthing words, or are you indeed serious when you identify the problems. Because here is an article in April 7, '89 from the *Leader-Post*.

Board wants program back. Regina Board of Police Commissioners is going to try a new tactic in its push to have the province reinstate the native courtworker program.

The program was ended in 1987 after the province government cut its operating funding.

Reinstitute the court-worker program, says city lawyer. The provincial government should bring back its court-worker program to help native people unfamiliar with the legal system in Saskatchewan, Mark Brayford, president of the Saskatchewan Criminal Defence Lawyers Association, has indicated. Saskatchewan lawyer Pab Chetty said the workers are needed to help organize case load for the accused.

And it goes on:

Ernest Sauve, Prince Albert parole officer, said the court workers are especially needed in Saskatchewan and particularly in the North.

And the list goes on. Now we were funding that to the extent of over three-quarters of a million dollars — \$836,000 — and you cut that program. I want to ask, did

you do an assessment on that program before it was cut? Many of the organizations are asking that it be reinstated. How can you be sincere in saying that you have the problem with the native people and at the same time you have slashed the native program?

(1000)

Hon. Mr. Andrew: — Certainly that issue has come up over the last, I think, three years in the estimates. The question of the native court worker program was reviewed. It was a decision that, given difficult fiscal situation and Department of Justice having to look for priorities as to how they would spend their dollars, opted to move away from that particular program and into other programs. And we can debate the wisdom of that. I'm sure you would disagree. We think it's a proper approach.

I think if the hon. member . . . and I'll simply be brief and leave it at this. The hon. member in looking at his earlier statement with regard to statistics, clearly the identified area that we have to approach and deal with is the whole question of drug and alcohol abuse, number one, and the whole question of the disproportionate number of natives involved in the system and how we (a) deal with those in a preventative way, and deal with them, secondly, in a rehabilitative way through the corrections services.

As I indicated, our recent discussions with the federation of Saskatchewan Indians is for perhaps some new and more unique approaches to that, and I hope that we will be able to formalize some of those later this year or early next year to deal with it in, I think, in a more meaningful way.

So you say you should have more effort at the court level; my view happens to be that we should have more emphasis prior to getting to court or in a rehabilitative sense in the correction centre.

Mr. Koskie: — Well I think that you probably need both, not just one, and it you're going to address the problem, that's what you should be doing.

And you said you cut it because of priorities. I look at the list of '84-85 approved budget for community-based services organization: native court worker \$836,140; John Howard Society, that's been cut or disbanded, 172,800; Saskatchewan Association on Human Rights, 17,500; Canadian Association of Provincial Court Judges, 4,000; Canadian Association of Chiefs of Police, 5,000; Canadian Law Information Council, 14,000, and the list goes on. The Public Legal Education Association (of Saskatchewan), 13,185 in 1983-84, cut in '84-85' Canadian Association for the Prevention of Crime, 2,500; uncommitted was 7,130. In total, there was over \$1 million provided to community-based service groups in assisting those in trouble.

The John Howard Society, primarily in respect to alcohol, native court workers helping the natives to adjust or to understand the white man's legal system, and that's been cut. I want to say that I disagree with those and many people substantiate that. But I want to ask you, you talk about getting more native people into the force, the law enforcement bodies. There is a move on now to have

RCMP detachments on reserves. I understand that there are three have been implemented. I was wondering whether you could confirm that and indicate whether further steps are going to be taken in respect to RCMP detachments on Indian reserves.

Hon. Mr. Andrew: — I'm advised that there are three RCMP detachments on the reserves now, and two more we're negotiating at this point in time, and I could confer with you privately to get into those as to who they are, but I would prefer not to get into it at this point in time as there is negotiations with perhaps three or four of them, but we believe there'll be two additional ones very soon.

Mr. Koskie: — I just want to get just a touch on corrections and the information that we were provided previously by your colleague, Minister of Finance, when he was minister of Justice. Is the statistics in respect to the Saskatchewan correctional facilities . . . sets out Regina centre, the capacity, the average count and Saskatoon centre, the capacity, and the average count in Prince Albert, goes through all of the training centres.

I wonder if you could provide that information because there has been some problems, and you might want just to comment in respect to the crowding in the correction institutions. There has been a series of problems in respect to that. You could provide that information at a later date, but I just want to ask you, what is the present condition in respect to the corrections? Does there tend to be overcrowding conditions?

Hon. Mr. Andrew: — I will undertake to provide the hon. member that information. In response to the overcrowding, we added 200 more cells or beds to the correction services, and that's alleviated some of the problems. So we're at this point in time in better shape than we were, let's say, two to three years ago. But we can provide the additional information. And I think the hon. member wants a statistical breakdown with regard to number of days stayed, etc., and we will undertake to give that to him.

Mr. Koskie: — Yes, similar to what I had before — the capacity and the average count for each centre. And also I want the monthly remand population by centre for the past fiscal year. We were provided that information before. It dealt with April to March for Regina, Saskatoon, Prince Albert, Pine Grove, I guess those four, and the total number of remands. The other information . . . would you provide that information also?

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

Mr. Koskie: — The other information that I would ask you to provide, and that was provided also in the previous year, and that is the expenditure in respect to the property management, the amount that is paid to property management. What I want down there is a breakdown of the expenditures. Some will be provided for court-houses, some will be provided for correction expansions. I'd like a detailed breakdown in respect to that. Would you provide that information?

Hon. Mr. Andrew: — Yes.

Mr. Koskie: — The minister says yes. In respect to the community corrections, which really are alternatives to incarceration, I wonder if you would indicate how many did you establish in the last year or two; if so, where; and are there any plans for future expansion?

Hon. Mr. Andrew: — I take it the hon. member is talking about community training residences? The Gabriel Dumont is the only one in the last two years that has been added.

Mr. Koskie: — I've got a few other areas that I want to, before I get into the specifics, and one area that I want to ask you, because you are talking about the consultation with the federal government, and I ask you whether or not there are any discussions undertaken with the federal government in respect to any amendments to the Young Offenders Act, and whether you have put forward any position vis-a-vis the modifications or amendments to the Young Offenders Act?

Hon. Mr. Andrew: — This has been a topic of Justice ministers with the federal Justice minister, and the two areas that I think is being looked at and I think we would have concern with, number one, is the fact that the maximum sentence under the Young Offenders Act, I believe, is three years. And many, including myself, believe that there should be at least some flexibility for that to be expanded in some very severe and heinous type crimes. That's number one.

And number two, perhaps the whole question of how you would come to deal with that is maybe some more flexibility perhaps in elevating the particular individual from the young offenders up to adult court. And those would be the two areas, and I don't think the hon. member would terribly disagree with that.

Mr. Koskie: — I want to also indicate in respect to the translation of statutes, as was required by the Supreme Court. I want to ask you what steps you have taken? I understand that you have a contract with New Brunswick. I'd like update as to where you have progressed in that, indicate what statutes are being translated, and the cost of that contract.

Hon. Mr. Andrew: — First of all, the hon. Member says the translation as required by the Supreme Court of Canada, as the hon. member knows, and I'll just simply correct him in this regard, there's no requirement for us to translate statutes. The legislation that we brought in, that the Supreme Court allowed us to, is to translate nothing if we didn't. We agreed with the federal government that we would do that. We have allocated \$400,000 to that in this budget year. There will be two PY's (person-years), along with the translation by the University of New Brunswick.

I indicated to the federal government that by March 31 of 1990 that we would have approximately 50 Bills translated. Most of those Bills will be in the area of Justice, The Provincial Court Act, that type of thing, because that seems to, at this point in time, be the area that they complain about, and that is that if you have the right to have a trial in French, then certainly the appropriate

legislation that you deal with in that particular trial should be in French as well.

Mr. Koskie: — I was wondering whether the minister has had any of the statutes translated by GigaText, the new edge of new technology here introduced into Saskatchewan; whether you have successfully had any statutes translated. Or are you going the standard way with the University of New Brunswick? Would you indicate whether you got any statutes translated by GigaText?

Hon. Mr. Andrew: — We have not entered into any agreements with GigaText to translate any statutes. Our view has always been they had to prove out their technology before we entered into any agreements.

Mr. Koskie: — Are you hopeful of getting some assistance through this investment of the GigaText high technology that was introduced here into Saskatchewan? Have you any prospects of this being of great benefit to the purpose that you are setting out to translate statutes?

Hon. Mr. Andrew: — Well I won't get into the specifics of that. With regards to computer assisted translation where you will become 85 to 90 per cent ability to do it by systems and then the individuals would complete the rest, I think is probably something that you will see in this country and other countries of the world. The question will be when.

Mr. Koskie: — You don't sound as encouraging about GigaText as I thought you might be, because there is, you know, 4 or \$5 million of taxpayers' money . . . In respect to the Giga Text, I want to get a few details in respect. You set forth an RCMP investigation. I'd like to get the details as to when the RCMP investigation was commenced, who initiated it? I'll start with those two questions, because if I ask more, you'll fudge.

Hon. Mr. Andrew: — October '88 at the request of the director of public prosecutions.

Mr. Koskie: — October what?

An Hon. Member: — '88.

(1015)

Mr. Koskie: — What is the exact date that you . . . you say in October. You must have a date that you actually turned it over to the RCMP and gave instructions for an investigation.

Hon. Mr. Andrew: — I don't have that information. I can try to undertake to get the exact date in October and then give it to the hon. member. We don't have that information here.

Mr. Koskie: — And would you indicate what precipitated the need for an RCMP investigation into the GigaText, and would you indicate what was the scope of the investigation.

Hon. Mr. Andrew: — What precipitated it was the stories in the . . . I think it was Montreal *Gazette* in October of

1988, that we believed that it was appropriate to refer that matter. The matter was referred to the RCMP with unlimited scope that they could investigate whatever they wanted to.

Mr. Koskie: — And in respect to the investigation, what was the breadth of the investigation that was carried out by the RCMP? Who in fact in this here scam was investigated?

Hon. Mr. Andrew: — Well I don't think the hon. member would expect that I would go through who the investigation involved. It was a *carte blanche* to the RCMP. I think the hon. member would agree with me that the RCMP would do a thorough investigation. They were not hamstrung in any way by us and they investigated and reported accordingly, as they should, and as the justice system works.

Mr. Koskie: — Did you set out any terms of reference in respect to the nature of the investigation requesting specifics of investigation?

Hon. Mr. Andrew: — As I indicated, the RCMP had access or went into the whole parameter of this, and they were not restricted in any way. They took, what, almost six, seven months to do it, so obviously they gave it a thorough investigation. They reported back. We took the further step of not only reviewing their recommendations but also referred it out to a private prosecutor, a private lawyer of some renown in this city, and so we ended up with three opinions exactly the same. So I think we, from that point of view, did more than what would be normal in this particular situation.

Mr. Koskie: — You found no criminal by the investigation, but what I ask you is this: there is no doubt that in the evidence of the court action in Montreal that either there was gross negligence on the part of the officials in government or, indeed, money was squandered. There's no doubt about it.

We've gone through the details in respect to the GigaText scandal, and we find paying \$2.9 million for outdated computers with no value. We have the leasing of an aircraft from another company owned by Guy Montpetit who headed up GigaText. We have the passage of loans to another member of the board of GigaText from Guy Montpetit. We have the expenditures of flights across the nation at taxpayers' money. We have all of this, Mr. Minister, and you say there's no criminal.

But all I say to you then is that it needs a thorough judicial inquiry as to who squandered the money and who's responsible. And you have been asked to account to the taxpayers of this province. We have asked you whether or not you would take civil action, as the Japanese business man is doing, to try to recoup and gain back some of the security that was purchased by Guy Montpetit, extravagance spending. I'll tell you, he lived like a millionaire on our taxpayers' money for about four or five months. And he has the assets and we have an outdated technology that isn't working, and that the government is going to try to cover up by selling it to themselves with WESTBRIDGE which they hold most of the shares.

But I want to ask you, Mr. Minister, are you prepared, first of all, to have a judicial inquiry into the expenditures and the waste that was taking place in respect and is documented by the court records in Montreal as to the waste in respect to this GigaText affair? And further, are you in fact prepared to take civil litigation in order to seize some of the properties of Guy Montpetit who used this money for the purchase of and for his own individual benefits?

Much of the money went into his private accounts. Much of it went into luxury boats and mansions and loans to people that he was working in conjunction with. This is no light matter, and again the whole justice system of this province and the credibility of your government is shrouded with a scar that will not leave very rapidly, Mr. Minister.

And I see that you're getting assistance now and I suggest that you not give the Deputy Premier's answers to this because we've had the Deputy Premier's answers before and we rejected those. We don't want those so we'll send him back; you give the answers.

I ask you whether you're prepared to call a judicial inquiry into this whole fiasco, this waste, this mismanagement, this incompetence of the Deputy Premier and the premier of this province, the waste of taxpayers' money? Will you call a judicial inquiry? And will you initiate civil litigation as the Japanese business man did in order to freeze the assets of the individual, the French Canadian business man from Montreal which took you to the cleaner, and the consequence being the taxpayers of this province?

Hon. Mr. Andrew: — Well the hon. member has to appreciate the function of the Department of Justice. Number one, the hon. member's made allegations there was criminal activity. That was thoroughly investigated by the RCMP and found not to be the case. So that part, which is under the Department of Justice, was in fact covered up, was covered appropriately, and more than appropriately by the department. So that's the RCMP function. And I think the hon. member, I even saw the hon. member being reported in the newspaper . . . (inaudible interjection) . . . I saw the hon. member being interviewed in the newspaper, saying in fact that he believed that the RCMP investigation had been properly done.

The other function of the Department of Justice is to provide legal advice to the other various departments, and we're in fact doing that.

Mr. Koskie: — Well have you provided them with any recommendation that a judicial inquiry should be called to account for the massive waste of money? And have you recommended to government that they initiate civil action to recover some of the assets?

Hon. Mr. Andrew: — I think the hon. member knows, number one, that in the proper course of the civil laws branch of the Department of Justice is not unlike any other lawyer when you provide advice. That advice is not public, and the hon. member recognizes that; I think would agree with that principle. If any action is taken, it

would be taken on the Crown side, not on the *per se* the government side, but certainly we would be prepared to provide and are providing and will provide any civil law advice appropriate.

Mr. Koskie: — I think you said it all when you said it was covered up.

Mr. Minister, I want to briefly turn to another area of high priority with your government, I think. Recently we have had considerable news in respect to the abortion issue. You had an opportunity in respect to the Quebec case to join in the action to the Supreme Court; you sought not to join in that action in respect to the Quebec case, I believe it was, in seeking a decision from the Supreme Court. I would have thought that it would have clearly given you an opportunity to set out before the people of Canada, indeed Saskatchewan, your position in respect to abortion and also where you seek to have the jurisdiction.

I ask you in respect to that, one, why did you not participate in it? And secondly, I ask you, what indeed is your government's position in respect to the abortion issue?

Hon. Mr. Andrew: — With regards to the Quebec case, I think you're referring to the Chantal Daigle case. That matter was on the question of the Quebec injunction and the Quebec charter. It boiled down quite frankly to, one, a very hastily arranged case that I think once it was called, three days later the matter was argued before the Supreme Court.

We were satisfied as were most provinces, that there were appropriate arguments being advanced on each side of the case and that: (a) we would not have the time, and; (b) we would, in this particular case was very specific with regards to the constitutional question of Quebec, number one, and the injunction issued by the Quebec superior court or Court of Appeal.

With regards to the question of abortion, we have indicated for some period of time that to have an appropriate abortion law in Canada, it is proper that you have a law that is the same in all provinces, in all jurisdictions. That was certainly the decision of the Supreme Court in the Morgentaler case that struck down the existing law and the way it was applied.

So certainly we believe that there should be an abortion law in this country. And one would hope that the federal parliament deals with that particular issue when they reconvene this fall or, at latest, next spring.

With regards to what that law should be, I suppose there is a mixed view amongst various members within our caucus as just exactly what the law should be. And I would be surprised if you could not and would not say exactly the same amongst your caucus, you know; perhaps you don't. But in my view there has to be a law in this country, and the only place that that law can be passed is the Parliament of Canada.

Mr. Koskie: — Further question with respect to this. It's a question that is being grappled with, as you said, by the federal government. And I think the Prime Minister

indicated that when parliament reconvenes, that they will be grappling with that particular issue of abortion.

I want to ask you whether or not you have made any representations to the federal government as to the position that Saskatchewan would hold and would hope that the federal government would adopt in respect to this here issue of abortion.

Hon. Mr. Andrew: — I think the representations that we have made have been primarily that the federal government must introduce a law, and that's the first and most important thing. As regards to the exact specifics of that law, I don't think I am in a position at this point in time to give you, if you like, an exact text of what we would see the new federal law to read.

I think the Premier has indicated in his letter, number one, that the federal government should have a law, and that law in some way must deal with the issue of the rights of the unborn. Now I'm not going to be any more specific than that. Clearly, the jurisdiction is the federal government, and the federal government must introduce laws in that regard.

Mr. Koskie: — That's fine. The federal government must introduce a law. That's what you're saying. And let's say that it's within the federal jurisdiction to do that. But what surprises me is you talk about this new co-operative federalism with Brian Mulroney and the consultation, and here we have one of the, I guess, one of the most divisive moral issues facing the federal parliament, and an issue where I would think that leadership would come from the Premier and from yourself in influencing the direction if there is to be a law.

(1030)

Are you indicating to us whether or not there will . . . would you indicate to us whether or not the federal government has asked for positions by the provinces, and particularly the premier who is in bed with the Prime Minister and supporting him in every possible way, whether it's national sales tax or otherwise . . . (inaudible interjection) . . . I've got a couple of boys chirping at the back, Mr. Chairman. Seldom chirp, but I must be hitting a soft spot.

Getting back to the question, Mr. Minister of Justice. Has the federal government requested positions from the provincial government in respect, before they legislate, in respect to the issue of abortion?

Hon. Mr. Andrew: — Well I think what the federal government — in all fairness to the member opposite — what the federal government has said is that legislation will be introduced and that there would be a free vote by members of parliament with regards to their position on that question — free vote by members at least from the Progressive Conservative Party and the Liberal Party. I don't know whether the members of the NDP have free votes, or whether they just simply come in with the stated party line.

But, clearly, that is the way this matter is going to unfold in parliament. I indicated to you that there was not within

our caucus necessarily unanimous position with regard to the question of abortion, and I would be surprised if that was not the case in most caucuses across this country. The government is going to introduce legislation. There is going to be a free vote on it in parliament, and I think that's an appropriate way to deal with the question of abortion.

Mr. Koskie: — Well have you been consulted by the federal government in respect to this issue, prior to their bringing in legislation? That's the question that I asked. Have they indicated to the potential options that they're looking at, and have you had those options for input in respect to the pending federal law?

Hon. Mr. Andrew: — There was prior to the 1986 election, I believe, a ministerial meeting with regard to the question of abortion. It wasn't so much . . . This is prior to the federal government introducing the various options approach that they took in parliament. I think that followed the last election, or it was right around the time of the last election. At that point in time the federal officials had a series of proposals that exist in various jurisdictions around the world as it related to abortion, when abortions might properly be done or appropriately be done or legally done, and when they might not be.

They reviewed the laws of France, of various European countries, of Australia and New Zealand, of United States, various proposals put forward. There's a number of proposals out there, not looking so much for any specifics, because certainly they didn't have any specific proposed law at the time of those meetings, but certainly looking at the view with regards to them.

And I would say to the hon. member, I think that in fairness if one was to honestly look at this particular question, that it tends to be the larger the city by which a member comes from, the more likely they are to have more liberal views on abortion. The smaller the locale that they live in or represent or if it's a rural area, perhaps the stronger views they have on protecting the unborn and the rights of the unborn. I make that observation just as a fair observation by a politician in this country. And I think that if you are to look at the views by members of parliament representing Toronto or Montreal or Vancouver, they seem to have far more liberal views on abortion than say a member representing rural Quebec, rural Ontario, rural Saskatchewan, rural Alberta.

Mr. Koskie: — Well I'm going to pass on from this subject, but I just want to reiterate, Mr. Minister, this is an important issue, and I think it's incumbent upon the Premier and yourself to be honest with the people of Saskatchewan. Either as leaders of your government you have a position and you're not prepared to state it because you want to be on both sides, or you're not fulfilling the duties and the potential here.

Certainly I would think that the federal government would be seeking every conceivable assistance in dealing with this here particular issue of abortion. And really what you're saying here is that we're going to sit on the sidelines. That's what you're saying — we're going to sit on the sidelines. The federal government's going to have it and they're going to have a free vote and so on, and

they're going to have options.

But I guess what you're saying is that you have not and will not be putting forward any submission to the federal government stating the Premier's and the government's overall wishes for the type of law, if there be a law that you would want in respect to the abortion issue. That seems to be what you're saying. You're saying, we don't want to touch it; we want to stay away from it. But we'll go out, you know, in elections and say well yes, we have positions.

And there are some members over there that say they have positions all right, but then when they have the opportunity to address it, both Tories federally and Tories provincially, what have they done? What have they done? And that's the dishonesty of the position of many of your members there. That's the position. They have an opportunity to go forward. Why . . . members that are espousing that they're pro-life, the member from Assiniboia and others, why aren't they espousing here publicly? Why aren't we dealing with resolutions if you have positions that you go to your voters with? Why won't you take a leadership? Surely the provinces will be listened to by the federal government.

I agree, it's not an easy issue. But sitting on your hands and saying that the federal government will decide it, they'll draft several options, and then it would be a free vote. Options, to get options you get them from seeking information. And I would have thought that Saskatchewan would have been to the forefront here. I thought Saskatchewan would have given some leadership in respect to it.

But obviously what you're doing is vacillating on the issue. You don't want to touch it, you don't want to discuss it. You want it to go away. But still you want to use it for your own political gains where it's expedient to do. But that's not leadership, Mr. Minister.

And again, I ask you, are you likely to be making any submission before the options are prepared by the federal government? Do you know their timetable as to when they're likely to bring forward the new abortion law, and whether or not you will in fact be putting forward your options, or this government's options and addressing the federal government, helping to guide them in this matter? What positive actions are you going to be taking, or are you going to sit on your hands as you have been saying up till this time you have done?

Hon. Mr. Andrew: — Well let me deal with the question of abortion. And the hon. member, while it might be the rule or the view of his particular political party that the party will dictate what the views of any individual in their caucus will be on abortion, I don't happen to believe that to be the case on this side of the House. And you don't have to be a member of Pro-Choice or of Pro-Life to join this political party. You don't have to be a member of Pro-Choice or Pro-Life to join the Liberal Party. And people, if they have a particular view on abortion, I believe they should have the right to state that view — not necessarily as a government or as a party's view . . .

An Hon. Member: — But you have to make a decision.

Hon. Mr. Andrew: — Well the member says, they have to make a decision. They made a decision. Their party makes a decision that their view is pro-choice; that they make the view that there would be no federal law, that there should be no law on abortion in effect. I don't agree with that personally. I believe there should be a law.

But the Government of Saskatchewan does not have a position, if you like, that everybody within this party and everybody in this caucus must have the same view, because they don't have the same view. That's a fact. And there's nothing wrong with that type of fact in this particular party and in this particular country. It's true of the Liberal Party; it's true of the Conservative Party in all jurisdictions of Canada. The only exception is the NDP Party.

Now if you were to ask the member from Saskatoon South on his position on abortion, I suspect it's not the same as yours.

An Hon. Member: — Yes it is.

Hon. Mr. Andrew: — Oh it is. The member from Regina South has indicated many times publicly, and maybe he's changed his view on it, that he in fact does not support abortions. And he acknowledges that he does not.

The member from Riversdale as I understand, has made public that he does not support abortions, personally. Now perhaps the member from Quill Lakes and the member from Saskatoon Centre, their views are different, and they believe that there should not be a law, that abortion on demand is the way it should be in this country. So be it, they have a right to be that way.

Now that seems to be within your own caucus, there's not a unanimous view. Therefore if the party votes and says well we're going to be pro-choice, that there should be no law, then that's what you state.

I don't believe on moral issues like abortion that has to be the case, and I believe that individuals should have the right to come forward in their caucus to advance what they believe is their view on the abortion question. And if they do not agree with the consensus of the majority that then they have to compromise their moral views, I don't think that's the case. I don't think that's the way it should be, Mr. Chairman, and it certainly is not the way it is in our caucus.

Mr. Koskie: — Well you say, first of all, you come to the conclusion that there should be a law. That's what you said. That's the position that yet you're saying — that there should be a law. That's what you said, and I'm not disputing that. But once having said that, what I'm saying is, that that has to be dealt with. And all I'm asking is, whether or not there is an input system with the federal government from the provincial governments? Where do they get all their information from, unless they contact provincial governments and their MPs and other groups in society? All I'm asking you is: have you been contacted in respect to a schedule as to when parliament's going to deal with it? Have you been asked whether or not you're prepared to put in a position paper for options? That's

what I'm asking, and I wish you would address that.

Hon. Mr. Andrew: — Well, first of all, what I indicated, I believe there should be a law. The view of the hon. member is that there should not be a law.

An Hon. Member: — I didn't say that.

Hon. Mr. Andrew: — Well that's the position of the NDP Party, is that there should not be a law; that the abortion should be on demand; that there should be no federal law. That's your view. Now I disagree with that view.

The federal government, in their previous attempt at finding and introducing a law, sought consensus, somehow believing that you could find a consensus on this issue. I don't believe you can find consensus on this issue. I don't believe it's an issue that you can find a common ground because it's a moral question. It's not a matter, I'll give a bit on this if you give a bit on that. Ultimately, the federal government must introduce a law. I have my personal views on that, as I'm sure the hon. member would have his personal views on that. They have to introduce a law. That law must be constitutional, it must be enforceable, and it is not going to satisfy all people.

Mr. Koskie: — That's what we're talking about, is that you didn't address the questions that I asked. I asked you whether you're aware of a timetable set by the federal government in respect to drafting the law, and whether or not your government has been asked to make any presentations in respect to the issue of abortion. That's all I ask.

Hon. Mr. Andrew: — There is no timetable been communicated to us other than what I read in the media that the Prime Minister says it's going to be on the agenda when parliament reconvenes this fall. The federal government has not asked for submissions from our government, or I believe any other government.

(1045)

Mr. Koskie: — Are you going to be making a presentation of the various options and ways in which parliament might look at dealing with this particular issue?

Hon. Mr. Andrew: — I understand the previous attempt was to draw a consensus. That approach is not going to be taken this time. The law is going to be . . . proposed law is going to be introduced. Certainly, one, I would like to see what that law is proposing before one would comment on whether it should be amended here, there, or the next place.

Mr. Koskie: — The point that I'm making is that before they draft the law, I would have thought that with your close association with the federal government, that a number of the premiers would be dealing with this particular issue with the hope of helping them to deal with the issue. And what you're saying, I guess, is that you don't want to get involved in it, you're not going to make positions, you don't know the timetable other than in the fall, and whatever options come forward, well I guess it rests on the federal government.

But all I'm saying to you is that it is a deep and dividing moral issue. I would have thought that there are various options, and I just thought that the Premier would have initiated and the you would have initiated a position, not necessarily a stated position of your government, but at least stating the options to deal with it. Because after all, it's going to be dealt with. Better that you have input into it than sitting on the sidelines, it seems to me. So that's the point that I'm making, and I just wish that you would attempt to do that on behalf of the people of Saskatchewan, and moreover, dealing with a very delicate issue.

I want to move on just to one other area, and it sort of comes back to, I guess, what I was talking about before, and that is sort of the loss of faith that the people of Saskatchewan are developing in respect to the Justice department. And I don't want to wrangle through all that I went before.

But I want to say, Mr. Minister, there is one area that leaves many people in Saskatchewan completely befuddled. And I go back to an issue that I think should have been clarified perhaps in more detail, and that is the Cabri Credit Union case, the Morris case, where an individual at the credit union who was taking some fees for handing over to a law firm . . . providing mortgages that they would process and in return would be paid a fee.

And I haven't looked up the specifics recently of the criminal charges that were laid, but I can tell you, you can walk across this province and not a single person can believe how a law firm can deal with an ordinary lay person, a law firm, and get into a situation where it takes two parties to tango to facilitate what action was taken; and out of the investigations, in spite of the chief justice in ruling in the Morris case, indicating that other charges should have been laid, that the only person to get tagged, to be sent to jail, is Morris.

And it's inconceivable for the public to believe that it's possible for lawyers to be dealing with it and to be, for instance, to be misled. First of all, we're all presumed to know the law, every one of us — not just the little credit union manager, but certainly those practising in law. And the consequences was that the credit union manager was sentenced, life in fact destroyed, that family, and nothing was done in respect to the other participants in respect to that affair other than what the law society did. And the law society took it upon themselves to discipline one of their members, the present member of parliament for the Swift Current area, Wilson, Mr. Wilson, and he was fined some \$10,000 by the law society in respect to those transactions.

But here we have the situation that the people of Saskatchewan cannot possibly believe how that could be. And I guess what I asked, Mr. Minister, perhaps it's too late, but could there not have been a transfer of that into an independent prosecutor to take another look at it or could there be a judicial inquiry to see whether justice was done, just to allay the suspicion of what went on in respect to that transaction. And perhaps we should have been raising it sooner. We raised it when it first broke — I remember that — but you want justice to take its course.

But I can tell you here today that people all over that Cabri area and in through the Swift Current area and throughout the province are dumbfounded as to how a credit union manager could get charged and sent to jail, and the other parties, being lawyers, scot-free.

And that shroud or cloud of — well, I don't know if the word is suspicion, but to the general public it is — that there is one law for the ordinary citizens and there's another for those more privileged. And that's what reigns out there, rightly or wrongly.

I'm not making accusations in respect to the handling of it, but it's very difficult to believe how it was possible to absolve lawyers who I guess essentially initiated the transaction, and in order to clarify their position, all they needed was a written documentation or a consent by the board. And I don't think they can excuse themselves by way of saying that they were informed that he had the authority to do that. But that is a problem area, and I'm wondering whether or not you share my views in respect to that, and whether or not there are any steps that could be taken in respect to the clarification and clearing up the shroud of suspicion that hangs over that case?

Hon. Mr. Andrew: — The hon. member makes two points. With regards to the question of abortion, I'll just make the following observation that there has to be a law, and the view of the majority of our caucus would be that there has to be some protection for the rights of the unborn.

With regards to the issue of *Queen v. Morris*, this matter has been raised in the House on several occasions over the last two to three years. The hon. member raises two points. One is the question of the discipline of the solicitors by the law society. Certainly the member of parliament from Swift Current-Maple Creek was disciplined by the law society. And as a practising member of the law society, the law society sought to discipline Mr. Justice Maurice, and we know the decision of the Supreme Court of Canada that that was not possible. Whether you agree or disagree with that, that's certainly the law as stated by the Supreme Court of Canada.

The question then becomes, and I suppose the central issue of this is the distinction between being able to charge and successfully prosecute the credit union manager and the decision not to prosecute the particular lawyers involved in the particular question and matter. I can only say, as I've said before, that the decision on that was taken by the director of public prosecutions and the prosecutions branch, and it was technical in nature as to how they arrived at that particular decision. Needless to say the decision was taken.

And the hon. member then raises the question, could — or I assume his question being — is could the Criminal Code be amended to avoid that type of situation in the future. Certainly it's something that you look at, but I think the hon. member knows and appreciates that amendments to the Criminal Code are not that easy and are done at the national level. The hon. member then says, should that matter have been referred out to a private prosecutor. Perhaps, in hindsight, that should

have been done.

Mr. Rolfes: — Thank you, Mr. Chairman. Mr. Chairman, I'd like to direct a question or two to the minister in regards to *The Queen v. Terry Hill*. I've notified the minister previously that I would be asking these questions. I've asked these questions in the estimates of Highways, but I was directed to ask them of the Minister of Justice.

Mr. Minister, I think that you are well aware that on July 6, 1998, the Forster family was virtually wiped out by an accident that took place on the intersection of Highway 41 and Highway 20. The Forster's daughter, Annella Hoffman, has been in contact with me to ask the ministers responsible a few questions on the accident that occurred.

As you know, the intersection is unobstructed. There should really be no need for any accident, although accidents do happen. But my understanding is that Terry Hill was proceeding east on Highway 41 in his half-ton truck and did not apply his brakes until about, I believe, 20 feet before the impact took place. My understanding also is that Terry Hill was fined \$100 for undue care and attention.

The Forster family, and particularly Annella Hoffman, really can't understand why further action wasn't taken against Terry Hill. And I would like to have the minister briefly explain to me what happens in cases like that and why further actions weren't taken.

Questions, for example, that the family have: was a breathalyser test taken? Were there any tests taken on Terry Hill as to whether or not he was under the influence of alcohol or drugs? And I would ask the minister if he can, in a few words, maybe give some explanation to the family as to what happened in this particular case.

Hon. Mr. Andrew: — I'll make the following — and I appreciate the hon. member having raised this with me prior to the estimates. And what I would undertake for the hon. member . . . As you can appreciate it has not been the practice nor would it be proper to make public all the investigations of each particular crime or violation of various provincial statutes, etc.

In this particular case, the family or the hon. member would be . . . I would undertake to allow the hon. member to meet with the director of public prosecutions and go through details of the particular evidence that was there, and satisfy himself, or not, whether the appropriate process was followed by the department. I mean, suffice it to say this, that once in this particular case, which is an unfortunate fatal accident, very sad, once the evidence is garnered by the police, the police then take that evidence to the prosecutor. The prosecutor reviews the evidence and along with the police, decide what charges should be laid. I don't want to get into the details of the evidence; I say, that the hon. member can meet and confidentially go through the questions and through the evidence with the director of public prosecutions.

There can be a variety of situations where (a) there was a breathalyser test and the reading was below 0.08; that's

one example. There could have been a case where a test was taken but it was not taken properly and therefore the evidence could not be led. And I don't want to lead any impression that I'm talking about this particular case, as the hon. member can appreciate. Once that is there, then professional prosecutors sit down and say, this charge should go or this charge should go.

So I wonder — and I'm not trying to stand off the hon. member; I will certainly undertake to provide the hon. member on a confidential basis as much information on this particular file as I can properly do, and will undertake to do that for.

Mr. Rolfes: — Mr. Minister, I appreciate the invitation. And I'm not familiar with the legal procedures and confidentiality of information, but would be it proper for the minister to indicate whether or not breathalyser tests were taken in regards to either drugs or alcohol; and if not, would you note why not they were taken? This is really what the family is interested in, in those two questions.

Hon. Mr. Andrew: — It is not proper for me to discuss the police file in public. And that's all I'm saying to the hon. member. I can, on a confidential basis — and that's been done in the past — either through a lawyer to lawyer, or in this particular case, to you. We can certainly review the file with you as long as it's a confidential basis.

(1100)

The problem with leading . . . here's what a particular file said, there's no end to where you stop or start on that type of thing. And that's been a fairly time-honoured rule across this country, and I certainly don't want to violate it here. I don't think the hon. member is asking me to violate it. He simply wants to get the evidence or the facts so that he can provide some comfort to the family, and we certainly would be prepared to accommodate him in that regard.

Mr. Rolfes: — So the minister can't tell me as to whether or not blood tests were taken or breathalyser tests were taken. Is that confidential information?

Hon. Mr. Andrew: — I can't discuss the evidence. But let me say in a broader sense, in these types of cases that would be pretty standard police routine to do that type of investigation.

Mr. Rolfes: — Thank you, Mr. Minister.

Mr. Pringle: — Thank you very much, Mr. Chairman. It's my understanding, Mr. Minister, we're going to just stay for a few minutes, is that okay? Thank you. I wanted to address a few comments in the area of human rights and the Human Rights Commission, if don't mind, and I'll make a few comments and then I've got two or three questions I'd like to ask you.

I guess, first of all, though, I would say that sitting here this morning, Mr. Minister, I noticed what I would call several contradictions in your responses — at least, that's how I would view it- and inconsistencies. You talk about being concerned about native people over-represented in

jails, in Saskatchewan jails, and course, so am I. You talk about wanting to work with native leaders to sort this out and resolve this issue, and then we see you phasing out the native court worker program, and you didn't justify why you did that this morning other than say you had other priorities.

And your government cut support last year to native family support programs and to other preventative services. Another inconsistency. You talk about your concern about the rising drug and alcohol abuse, and that's a valid concern as well. Then we can examine your policies, the policies of your government, which in fact have placed more stress on families.

And the list is very long in terms of your unemployment policies, your failed privatization policies, and so on; families having to leave the province in record numbers. So you don't seem to make the connection that your policies are contributing to stress on families and increased abuse and substance abuse, but physical abuse as well.

You talk about more education, public education being required, and of course that's important as well, but then we saw . . . my colleague from Quill Lakes, the list of cuts you made to PLEA and other organizations over the years that in fact play that very role.

So I guess that's one observation that I made this morning, was the inconsistency between what you say and what in fact your government does in terms of its policies. One can only conclude that you're not really serious about dealing with the issues that you say you are, because your policies don't reflect that kind of seriousness.

Before I begin my comments on the human rights in this province and the Human Rights Commission, I would like to put on record as the critic for human rights that I think that the Human Rights Commission staff has done an excellent job under very difficult circumstances over the last year, circumstances of high case loads, of low budget to work with. My colleague from Regina Lakeview talked about the cuts over the last couple of years to the Human Rights Commission.

And I think another major stress for the commission this year has been the persistent need to challenge your government, particularly relating to the Murray Chambers case in Social Services. And I commend the commission on being persistent in challenging your government in that very discriminatory policy which proves, it proves the importance in value of a strong Human Rights Commission in the province of Saskatchewan as an important watch-dog organization. And I hope that it's preserved in that way.

Mr. Minister, your government's record, the Premier's record, the Premier's government's record in human rights is so dismal, it's hard to know where to begin. And it's because of the violations and attacks in human rights that — particular by key people like the Premier himself and the Minister of Social Services — that I need to put some of those on the record this morning.

In 1979, as you will know, when the Human Rights Code

was introduced, it was not perfect, but Saskatchewan was recognized at that time as a leader in human rights, the human rights field. Saskatchewan has a proud heritage of social justice and caring and co-operation and sharing and fighting for economic and social and political justice. So in 1979 we were a leader in the human rights field, and it was recognized, we were recognized as such.

In 1989, 10 short years later, seven of those by your government, we've badly fallen behind most of the other provinces in the human rights field. As this government takes us back to . . . the attitudes of this government takes us back to some of the 16th century English poor law days. That's some of the attitudes that are being reflected by particularly your Premier and your Minister of Social Services. And the attack on the fundamental human rights, by particularly those two individuals, almost seems by design, and that's the scary part. That's why a number of people are concerned about your record.

The attitude of this PC government in human rights is like the one of your government 50 years ago — badly outdated. Your legacy is one of insensitivity, lacking in compassion, and we see this in ways that children and families are starving and the increase in poverty in the province, which I view as the ultimate violation in human rights.

Your intolerance, and we saw this in terms of closure, the way you attempt to muzzle and bully people — that is your government. Well you, in terms of the Provincial Auditor, sir, the arrogance, again related to your tax on the provincial lottery, as my colleague from Quill Lakes pointed out this morning, and intimidation against, for example, people who might feel the need to speak out against some of the policies of your government.

And I think one of your other traits, again, and I relate this to human rights very directly, is the untrustworthiness of this government, the litany of broken promises around privatization or health care or the size of the deficit forecast or the taxes. The string of broken promises goes on and on. And as I said, the Premier, the key political figure in this province, is at the forefront of this, and that's why I'm so concerned about it.

Mr. Minister, I would go further to say, that not only is your legacy one of intolerance and insensitivity, but that your government has actively promoted divisions in the province. You pit urban people against rural people. You pit business people against labour. You pit those with money against those who are poor. And there are many examples of this; I won't go into them now. You promote discrimination. Some of your ministers have promoted discrimination and racism, and I will give some of these examples. I will back up that . . . That's a serious statement, I recognize it, and I will back it up.

And let's start with the Premier. "Premier, making racist comments," October of '87 when he compared native people to the Japanese, saying that they should stay in school, stay sober, and stay at work. Now he made those comments at the very time that native leaders were meeting in this very city with business leaders from Regina, from Saskatchewan, and around Canada to look at ways to enhance economic development for native

people. So at the same time as this conference, he made that racist statement.

The Premier also made the comment in '87, again related to the native community, the whole question of aids and "hell on wheels, if it ever got into the native community." Now again, that's a racist comment. It's made by the Premier of the province, and it's beyond comprehension that a Tommy Douglas or an Allan Blakeney would ever make that kind of a comment.

The Premier of the province should be constructive. He should be positive. He should be tolerant. He should be promoting understanding, and he should be supporting the richness of our culture, our multicultural background. And these comments convey a fundamental lack of respect for the aboriginal people.

This is the so-called family man, the family Premier. Well we know that the Premier's only concerned about certain families, Mr. Minister. But there are other examples. The racist note to my colleague from Cumberland. Now I don't know who sent it, but given the pattern of discriminatory and racist comments by members on that side, I firmly believe that it was someone on the side of the government, and I'm not going to get into that.

The minister of Tourism a couple of years ago equated Chief Sitting Bull in some advertising on tourism to the American gangster Al Capone. What was worse is that she didn't even realize that this was a racist comparison. The Minister of Parks, Recreation, and Culture, this minister that's responsible for culture, and I emphasize that, was falsely blaming northern native people for overfishing northern lakes and threatening to clamp down on them when in fact it wasn't northern natives at all. This minister, this Minister of Culture, who made the reference to the Queen City, remarks as very discriminatory, about a month ago in this Assembly.

Other cabinet minister's racist remarks relating to sun dance in terms of the drought and referring to the North as a buckskin curtain and those kinds . . . Those are racist comments and these are made by people who have honourable in front of their name, which is quite ironic. These are shameful comments. It's a shameful record in human rights. These are hateful comments. Not only racist, they're hateful. They're discriminatory, and these are blatant attacks on other people.

The lack of sensitivity's shown in other ways. And what I'm trying to do, Mr. Minister, is develop a pattern, because there's a scary pattern of violations in human rights, not only of attitudes of this government, but reflected in policies, and I'll mention two or three of those. But the Pippin case, there's no question that this government abrogated its responsibilities on that case by not responding like other governments have to show some leadership in the whole field of race relations.

This government, despite the fact that it sees a Canadian government setting up a race relations committee, it sees the province of Nova Scotia and Ontario and Manitoba, the Yukon, the cities of P.A., Saskatoon, and Regina trying to deal with the issue of racism, this government stands by and basically not only says it's not a problem, but in fact,

gets involved and engages in racist comments by key front-benchers. Now the Minister of Justice, to my knowledge, has not done that, and I commend him for that, and I wouldn't expect that he would.

We know, Mr. Minister, and you know, that in a recent Canadian study over 50 per cent of the survey respondents believed that racial intolerance is growing in Canada, and 66 per cent expect that racial problems will result from that. We know that the suicide rate for native people is almost eight times as high as the national average. So clearly we've got a problem, and it can be seen clearly, but your government has not seen fit to provide any leadership in this area. And that concerns many people in the human rights field very deeply.

Your welfare record is an example of a policy decision that reflects your attitudes of discrimination. And there are other policy decisions that you've made that in fact translate those attitudes into public policy in Saskatchewan. Welfare reform is a good example where we see people having to beg for food, and children going hungry, going hungry in school again in another couple of weeks. As I said earlier, that's the ultimate violation in human rights.

Now the Minister of Social Services, the minister who is responsible for poverty, signs a declaration, re-signs recommitting Saskatchewan to the declaration on human rights, the UN declaration, in December of 1988, and then is responsible for children starving — that's the minister that signed the declaration.

(1115)

And we know, human rights groups, social justice groups know that this province is violating at least five or six sections of that agreement that the member from Melville recently signed, recommitting Saskatchewan to that declaration. And I say that's a major contradiction, and it wasn't even that ethical, it wasn't even ethical for them to sign that.

There are other ways that your attitudes translate into policies. Cuts to the Gabriel Dumont Institute, 20 per cent cut last year. Cuts to the native family worker projects, in Saskatoon alone last year \$43,000 was cut. Cuts to provincial friendship centres last year almost to the tune of \$60,000. Severe cuts to John Howard Society, mainly as an act of revenge, I would submit, to the previous provincial ombudsman who expressed his concerns about the crisis in the child care system which the Minister of Social Services has still not dealt with.

And then of course the native court worker program, as I referred to, again the inconsistency; concern about, on the one hand, the over-representation of native people in jail, and then you cut one of the very programs that was necessary and, I understand, very successful. And you haven't said that it wasn't.

Your legal aid fees, I'm curious as to why the Minister of Justice has not stood up and insisted that people who required good legal aid services, good legal counsel, were able to get it. And I know, as people call my office, that there are people falling in the cracks, despite what

the Minister of Social Services says.

There are inequities in the criminal justice system, we know that. And I thought that the Minister of Justice would be committed to everyone having full and equal representation before the law. So I'm disappointed that under your tenure that you allowed that program, that native court worker program, to be cut . . . (inaudible interjection) . . .

Well we've had other acts of discrimination, and I'll hurry along here. The jokes about the women's washroom here, the attacks by the Minister of Finance on my colleague from Saskatoon Centre about the couch. The Minister of Social Services saying that poverty doesn't exist in the province, in the face of overwhelming evidence. The Minister of social Services blaming people who are poor for his failed economic policies. These are related to human rights and these are undemocratic actions by your government, and they're part of an overall pattern that concern many people, Mr. Minister.

And of course the response by the Minister of Social Services, because he's been the leader in these remarks, is to say to people who are poor, don't be so lazy, or grow bigger gardens, or that poverty doesn't exist. And I say that's a . . .

An Hon. Member: — Cruel.

Mr. Pringle: — Cruel, well it's cruel, it's certainly cruel, but it's a tremendous violation in human rights and just common decency and sensitivity.

The minister who's charged with protecting children, allows them to go hungry, allows them to get abused and neglected in Bosco as we saw last week, but he always blames somebody else.

You know the Minister of Social Services again welcomed the \$1.3 billion cut in the federal UIC (Unemployment Insurance Commission) program because he says it kicks people off the UIC ski team, it takes people out of their hammocks. He once characterized legal aid lawyers as scumbags working for scumbags.

I mean, those are . . . that is why people are upset and concerned about the fact that this government knows no bounds in terms of who it will attack and, Mr. Minister, I think people expect . . . (inaudible interjection) . . . Well, the member from Wascana, I'm disappointed he's not concerned about these kinds of attacks on ordinary Saskatchewan citizens.

These aren't my comments. These are objective, well-known comments, well-known public comments. I would say, Mr. Minister, that the Saskatchewan people expect their political leaders to be tolerant and compassionate.

Some Hon. Members: — Hear, hear!

Mr. Pringle: — They expect their political leaders to be fair and to be accountable and to fight for social justice for everyone.

I won't list . . . you know, the member from Wascana thinks that it's just us. I'll list some of the groups who are concerned about your human rights record. The United Church of Canada in their last brief to you says: "A society is judged, not by how contented its wealthy class is, but by how the poorest and most helpless are treated."

Well for some reason they felt the need to say that to this government and of course . . . so I'm indicating that that's, I'm taking this that that's a sign that they had some concerns about your policies.

But it's not just the United Church, it's social justice groups — Saskatchewan coalition against racism, people first, social justice network, SASW (Saskatchewan Association of Social Workers), Saskatchewan Association of Human Rights, concerned lawyers, injured workers' association, welfare rights groups, newspaper editorials, to name only a few. They're also concerned about your record.

I find it interesting that the Minister of Social Services, who often likes to quote the scriptures, forgot the passage that you should love your neighbour as yourself. Well the minister wouldn't think of starving himself as he has many thousands of children and men and women in the province of Saskatchewan. There are many other examples, Mr. Minister, that I could go into, but those are the human rights violations.

But in terms of the Human Rights Commission itself, we've seen consistently a little increase this year which is catch-up. I mean any increase, given the way it was '74, '75, '76, is simply catch-up. But the report says, the human rights report says that we cannot stretch the resources any further. I understand that last year the Human Rights Commission staff took a 10 per cent pay cut just so they wouldn't have to lay anybody off. And actually I'm not sure if that's true and I'd like you to confirm that for me if you won't mind.

But what the commission has lost is their investigative capacity — 14 months now to complete and investigation. I'm certainly not blaming the staff; they're doing a tremendous job in difficult circumstances, but they've been hampered in their ability to promote equality programs and to deal with issues like the high drop-out rate of native youngsters from school.

I do want to commend the minister for the general step you took in the right direction of the three amendments. And I don't want to be all negative here. I think that you did take some steps in the right direction and I commend you for that.

But the concern I have is that it was again a bit of window-dressing in that you didn't do the job thoroughly. You neglected many other areas that required upgrading in the code, as seen in many other provinces. You had no thorough review, you ignored the importance of . . . you ignored a number of recommendations of the Human Rights Commission itself. There was no public input, no all-party study of those.

And incidentally, I might tell you, that five or six disabled

groups called me at that period of time and they indicated that while they supported the amendment, it was a step in the right direction; that there was a little bit of hypocrisy going on here in that many disabled people were still lacking jobs and educational opportunities; that many of them or a good percentage of them are still very poor and many of them going hungry, that the low assistance and wage rates paid to disabled people are discriminatory; and that there is still lack of access information to buildings. And so while they saw it as a step in the right direction, they certainly felt that it was somewhat tokenary, and we'll believe your commitment to rights for disabled people when you start funding programs sufficiently, like the Voice of the Handicapped, and others that you've cut.

So, Mr. Minister, just to move to a couple of concluding comments here. What I would say is that all of us have a responsibility, and I'm sure that you would agree with this, to eliminate discrimination and racism wherever we see it. We all have a responsibility to promote economic, social, and political freedom. That's part of the proud history of this province of Saskatchewan.

We all have the right to attain a secure and full life, which means that we must have . . . we must support equal opportunities for all people, not just our corporate friends. We must democratize our social and economic institutions, and we must value, preserve, and promote human rights and freedoms in the province. That's a responsibility that all of us have to do.

And I would ask you to — I would beg with you — to ask your Premier, particularly, and your Minister of Social Services, who have been the leaders in discriminatory comments, whether it's offending women, as the Minister of Social Services does, or people who are foreign to Saskatchewan, or people who have different life-styles from him, or native people to ask them to demonstrate some positive leadership and to be tolerant and help build rather than to divide different groups.

And, Mr. Minister, I have essentially, I guess, three questions that I'd like to ask you. One is whether or not you agree with the request or the recommendation on page 1 of the review, I know you're familiar with the issue as to . . . and I guess exemplified by the Murray Chambers case, as to whether or not you personally do support the idea of the Human Rights Commission being accountable to the legislature as a whole — and I would tell you that I certainly do — accountable to the Assembly as a whole, similar to the Provincial Auditor and to the Ombudsman. So apart from yourself, which isn't meant as a reflection on you, but just the independence that the commission suggests is necessary, given the fact that they've had to deal with the Chambers case this year.

The second question is if you have any plans to reopen your northern office. I've had a number of calls and concerns expressed by individuals and groups, human rights groups, and some of my colleagues, that the commission staff is not able to get up to the North enough to meet the needs there and that the closest office is Saskatoon; and wonder whether there's any rethinking of reopening the northern office.

And the third question is whether you will show some leadership, as other jurisdictions in the province are doing, but certainly your colleague provinces and the federal government, in setting up either a race relations committee or something to deal with the growing problem of racism.

And I guess a forth one, because I don't feel that you've answered this this morning, is why specifically would you have cut the native court worker program?

Hon. Mr. Andrew: — Well the member has raised some 25 questions and some of them relating to human rights and some of them not relating to human rights, and I will not rush in to deal with those.

With regards to the Human Rights Code and I'll try to respond directly to the human rights questions as it relates specifically to Human Rights Code, etc. This House passed, I believe on July 17, amendments to the Human Rights Code that were supported by all parties, and the member then stands up and stars to raise some questions with regards to, you should have done this or you should have done that. So I will resist getting into the long series of issues that he raised, some relating to human rights, some related to Justice, some not even relating to the Department of Justice, and I will avoid the temptation of that.

With regards to the four questions. Number one, with regard to responsibility to the legislature as a whole, as is the case let's say with the Ombudsman, he wanted to know my personal view. I believe that was the question. That's an area that has been looked at by both your government when the NDP were in power and our party when we were in power, and the decision has not yet been taken to extend the human rights that far. In the whole area of cabinet government, it's not so much the opinion of what the particular cabinet minister says as to the decision that cabinet takes. And certainly I would support, at this point in time, the decision taken by cabinet. That's certainly something that could be reviewed and probably will be reviewed.

(1130)

With regard to the northern office, clearly that's an area I think that is worth looking at, although I would say to the hon. member that there tends to be more complaints with regard to racial problems in southern Saskatchewan, particularly in the major cities, than there are in northern Saskatchewan. I only say that in the sense of the issues that come forward. And therefore the bulk of the work is not even in fact done in smaller centres; it tends to be mostly concentrated in Saskatoon and Regina, perhaps Prince Albert. And those are the three most common areas that you find, and therefore I guess Human Rights Commission is going to deploy themselves where they see their biggest case load. And I think you wouldn't disagree with that.

With regard to the question of race relations, that's a very large issue and I think it has to be dealt with in a number of ways. The hon. member raised the question of Pippin, and I recall being on a television show one day with Roland Crowe and there was some call for a judicial

inquiry into that whole question, and I indicated that, you know, there's one going on now in Manitoba, one going in New Brunswick — I believe it's New Brunswick, maybe it's Nova Scotia — and whether it was wise to duplicate that. He agreed with me on that as well.

The whole area of race relations, the whole area of the native question deserves a great deal of work in this province and other provinces, and I don't think it's so much specifics that you can set up a race relations committee and solve your problem. I think it has to be addressed on many fronts. And I'll close there with the native court worker program.

As I indicated that very often in the justice system we tend to concentrate on the guilt or innocence of the individual and therefore concentrate on the delivery of the court service itself, very often to the exclusion of both rehabilitation, which comes afterwards, or prevention of crime, which comes ahead of it. I happen to be of the view that those two areas deserve more attention than perhaps they have in the past and are just as important as the delivery of the court service itself.

What we found was that even with the native court worker program, there was just as many crimes being committed, in fact, it was escalating, same way as there was when there was no service; number one, there's just as many convictions being registered. There wasn't really a material change in it, and therefore, I believe, it's more appropriate, I believe, it's appropriate to deploy the funds into those other areas than simply into the court area where your court has a responsibility it seems to me.

The justices in the court have a responsibility to determine that this particular individual understands what he is being presented before the court; there's a right to legal aide; certainly, the legal aide lawyer has an obligation to explain those rights as well.

So that's a rather brief answer. And I will stop at that and we can go into details if you want further.

Ms. Smart: — Mr. Minister, I want to ask you about the half-way house that's being built on the corner of 4th Avenue and I believe it's Queen Street; anyway, the 500 block of 4th Avenue North in Saskatoon Centre constituency. And I specifically want to know how many people will be living in that house in terms of parolees, and how many staff? And can you describe the facility itself? It's now under construction. Can you describe the facility in terms of what services it will be offering through the building?

The reason for that question is because I've been in touch with the holding company in Vancouver who are building it and they said they would build it according to the description that the government gave to them as to what sort of facilities it would include, whether it would include rumpus rooms and other things. So can you describe what's going into that facility, as well as how many people will be in there?

Hon. Mr. Andrew: — I'm advised that the number of staff and the number of inmates will be exactly the same as the one that was next door that used to be the half-way house.

It's going to be newer and more modern, and it certainly comes up to all standards, including fire standards. And there was some question whether the other one did, and therefore there was improvements being made, and that's the reason for the change.

Ms. Smart: — Is there any plans with that property next door where the current facility is? What are your plans for that?

Hon. Mr. Andrew: — It was a building that we were leasing. We have no control over what the owner of that property does with it.

Ms. Smart: — How much money in your budget is going to go to the property management corporation to pay the lease on that new building that's now under construction?

Hon. Mr. Andrew: — I'm advised it's about ... it's approximately, the cost of this would be approximately \$60,000 a year, and that's up from before for the all in operations of this.

Ms. Smart: — That includes the operations. What is the cost of the lease for the building, because I understand the government's not buying the building, the government is going to lease it from the holding company that's building it. What's the cost of the lease?

Hon. Mr. Andrew: — I'm advised that the cost of the lease is 3,800 square feet; the lease cost is \$60,000; it was done by tender and that was the lowest tender.

Ms. Smart: — Sixty thousand dollars for the year, did you say?

Hon. Mr. Andrew: — All in costs, yes.

Ms. Smart: — That's shocking, Mr. Minister. That's a lot of money to be paying out every year for a lease on a piece of property.

Mr. Koskie: — I just have another couple of questions to direct to you, Mr. Minister. In Saskatoon we had a former Crown prosecutor, T.D.R. (Bob) Caldwell, and your government took it upon itself to dismiss this individual. And as a consequence of his wrongful dismissal ... at least he commenced an action against the government for wrongful dismissal. I wonder if the minister could indicated whether that matter has been disposed of and what was the amount of the severance to be paid by the taxpayers of this province through this wrongful dismissal?

Hon. Mr. Andrew: — Mr. Caldwell was dismissed. He brought wrongful dismissal action against the government. The compensation was 235,700 as you will find in the Public Accounts of this year. That was a negotiated settlement. The matter was referred out to outside counsel by us because it was a colleague, I suppose, of the people in the Department of Justice and that was the proposal recommended, that settlement be made in that regard.

Mr. Koskie: — Yes, that's part of what's going on. Outstanding individuals have been unilaterally fired by

this government, and this is an example. There's no doubt that Bob Caldwell was a highly respected prosecutor, had a reputation in Saskatoon and throughout the province. I don't think it can be denied. But it didn't fit into your plans, politically or otherwise. I don't know what the reason . . . I am going to ask you: for what reason did the government take the action to dismiss Mr. Caldwell, and as a consequence, have to pay out, and my report here is \$260,474.62 as reported in the *Star-Phoenix*, I believe? For what reason did you dispose of him? Because apparently he's good enough now to turn around and to work with the federal Justice department, but wasn't good enough here. A highly regarded individual that turns around, gets a job with the federal Justice department, and you fire him and at the cost to the taxpayers of this province of \$260,000 as a legal settlement. What rationale is that, what basis did you take actions to dismiss this highly regarded prosecutor?

Hon. Mr. Andrew: — Well, this matter has come up, I think, two years ago in the House. Let me respond the following way: that there was a decision to down-size the prosecutor's office in Saskatoon. It was a decision that Mr. Caldwell qualified for early retirement. I believe, but he opted not to take it. We thought that was the easiest way out. I would hope the hon. member would not be suggesting somehow that it was politically motivated; that it was done for political reasons. Mr. Caldwell of course, as the hon. member I'm sure knows, is a very close friend of the former Minister of Justice, Mr. Ray Hnatyshyn.

Mr. Koskie: — Well I'm not interested whose friend he is. I'm interested in the action of this government, which has been vicious towards established senior civil servants and prosecutors across this province at a drastic cost to the taxpayers of this province — \$260,000. Well that doesn't mean much to you, Mr. Minister — get rid of him — but it costs the taxpayers.

And the same with Mr. Boychuk. You had him at the head of PURC (public utilities review commission), and you destroyed . . . you got rid of PURC, one of the election promises in 1982. And then oh well, we'll settle with him and we'll pay him up until the end of 1987, I believe, and then he'll be . . . March 31 rather of 1989, and continue to pay him full salary even though you had removed him from the position because you destroyed PURC, got rid of it. Surely to heavens . . . from that standpoint of the taxpayers, that Mr. Boychuk, who was the chief justice of the provincial court at one time, or was in line for it, I guess, when he took on the PURC. But you left him there, no job. All you did is just taxpayers' money again, paid him some \$150,000 as a severance package. And what he did is sat in his office or at home and receive payment, as he indicates, up until his retirement age of 55. Well that might be very good for Mr. Boychuk, but I'll tell you, it's not very good for the taxpayers.

Those are only two instances and the list goes on. I want to ask you also in respect to the automatic enforcement of maintenance orders, and I see the information sheet that was put out, and it says by ensuring that persons responsible for paying maintenance order under a court order do so, the program will remove the stress and financial burden of enforcing maintenance order from the

dependent child or spouse.

I have an example, and I wrote to you. Here's a lady that arrears were very substantial. It went to a provincial court judge and then it went to Queen's Bench. Total cost to her was \$300-and-some for the initial application, and then for the final application was over \$798 — \$1,000. There were arrears of over \$3,500.

She tried to use this program and wasn't able to benefit from it. In fact, the irony of it is that you have a program here which you say that you will help to enforce outstanding orders, and this lady had to fight it on her own. Her husband brought the action to vary the order, and he was covered by legal aid. And he was in default . . . they consolidated and set it at \$3,500.

So is this just some more fudge or is it just fluff? Or is it working or is it actually benefitting dependent children and spouses?

(1145)

Hon. Mr. Andrew: — Well for the hon. member to say that the program doesn't work, we expect this year there'll be 617 people helped. We will expend over \$300,000 on this. To date this year we have collected — that's from January to July of '89 — we have collected in excess of \$5 million for these people. And for the hon. member to stand up and say that it's not working I think is exaggerating.

An Hon. Member: — It didn't work in this instance.

Hon. Mr. Andrew: — So he says, does it work in every case? Well the hon. member, as a lawyer, knows that in certain cases where the husband or the ex-husband is on the move, it's very, very difficult. He moves to Alberta and then he moves some place else, then there's some problems.

The hon. member wrote a letter to me suggesting that not only did you not try to enforce the judgement but we should have paid for the legal fees. And I think the reading of it and the policy is that it covers, once there is an order, we then proceed to try to collect the order. And we've done a very good job in that quite frankly, but you don't do the particular legal fees or the variations or amendments of orders, and that's what the hon. member is asking for.

Mr. Koskie: — Well it's about similar to many of the other areas of your department. I'm not going to pursue it, but it obviously didn't work for he and she's had an order. There was over \$3,500 in arrears, and there was not enforcement. And he wasn't on the run because he was seeking applications before the court to vary the order. So don't give me that type of walk-around with respect to how well it's working.

I want to ask you also in respect to the Code inquiry, and you may or may not have been responsible for legal counsel retained by the Government of Saskatchewan, but I want to ask you whether or not your department retained a solicitor, legal counsel, a person by the name of Joseph Brumlick, B-r-u-m and then "lick" — Brumlick.

What I want to know whether your department was responsible for assigning or seeking out legal counsel to attend the Code inquiry, whether or not you could indicate what amount was paid, and whether you would also indicate whether or not this counsel attended the Code inquiry and what dates on which he attended the Code inquiries.

Supplementary Estimates 1989
Consolidated Fund Budgetary Expenditure
Justice
Ordinary Expenditure — Vote 3

Items 1 to 12 inclusive agreed to.

Hon. Mr. Andrew: — The particular lawyer was in fact retained by the Department of Justice. All the Bills are not in yet, and I will undertake to send that information to the hon. member if that is acceptable to him. It should be in fairly shortly. And the dates when he attended — I will provide that information as well, and the witnesses that he cross-examined.

Vote 3 agreed to.

The committee reported progress.

The Assembly recessed until 1 p.m.

Item 1 agreed to.

Items 2 to 8 inclusive agreed to.

Item 9

Mr. Koskie: — In item 8 I note there in the registration of land titles that there's a significant increase in staff, and it reflected accordingly the expenditures for personal services. But also other expenses is from 500,000 approximately, to a million, and I just want to know why the other expenses have doubled in respect to . . . that's actually item number 9.

Hon. Mr. McLeod: — Mr. Chairman, I'll answer the question on behalf of the Minister of Justice who just stepped out for a second. The answer, I'm informed, is related to automation in the land titles offices and feasibility studies related to that automation.

Mr. Koskie: — I'll accept that as a very limited answer from a very limited minister. Let's go on to the next item.

Item 9 agreed to.

Items 10 to 15 agreed to.

Item 16

Mr. Koskie: — I want to ask there, in respect to correction administration, there's a slight increase in the personnel, but expenses have been cut in half from 400,800 to roughly 200,800. I just want to ask you to give me an explanation of the slash in the other expenses in respect to administration.

Hon. Mr. Andrew: — The sizeable part was transferred to community operations, and you'll find community operations has increased and those personnel have been shifted over to community operations because of the change in the Transition House administration.

Item 16 agreed to.

Items 17 to 36 inclusive agreed to.

Item 37 — Statutory.

Vote 3 agreed to.

CORRIGENDUM

Page 3921 of *Hansard* No. 97C Monday, August 14, 1989, 7 p.m., middle of the right-hand column, should read: Adjourned Debates, Second Readings, Bill No. 80 — An Act to amend The Department of Justice Act.

We apologize for this error.

[NOTE: The online version has been corrected.]